

Public Document Pack

Date of meeting Tuesday, 27th February, 2018
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 14)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - KEELE SCIENCE PARK, PHASE 3 (HOME FARM), KEELE. KEELE UNIVERSITY. 17/00934/OUT** (Pages 15 - 26)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - SITE AT JUNCTION OF WEST AVENUE AND LINLEY ROAD, TALKE. ROBERT COATES PLANT SALES LTD. 17/00897/FUL** (Pages 27 - 36)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE. TAYLOR WIMPEY (NORTH MIDLANDS). 18/00002/FUL** (Pages 37 - 42)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT -LAND AT CHEMICAL LANE, TUNSTALL, STOKE-ON-TRENT. LAND RECOVERY LIMITED. SOTCC ref 62057/FUL (NuIBC ref 348/251)** (Pages 43 - 46)

8 APPLICATION FOR MINOR DEVELOPMENT - SITE OF FORMER WRINEHILL GARAGE, MAIN ROAD, BETLEY, NEW ROAD DEVELOPMENTS LTD. 17/00968/FUL (Pages 47 - 56)

9 APPLICATION FOR MINOR DEVELOPMENT - FORMER GARAGES, QUEENSWAY, WESTLANDS. ASPIRE HOUSING. 17/00982/FUL (Pages 57 - 62)

10 APPLICATION FOR MINOR DEVELOPMENT - THE LODGE, RED HALL LANE HALMEREND. MRS W LEAR. 17/00912/FUL (Pages 63 - 70)

11 APPEAL DECISION - 5 BOGGS COTTAGES, KEELE ROAD, KEELE (Pages 71 - 72)

12 TREE PRESERVATION ORDER - BROADMEADOW COURT. TPO 189 (Pages 73 - 76)

13 URGENT BUSINESS

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

14 DISCLOSURE OF EXEMPT INFORMATION

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

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PLANNING COMMITTEE

Tuesday, 2nd January, 2018
Time of Commencement: 6.30 pm

Present:- Councillor Chris Spence – in the Chair

Councillors Burgess, S Hambleton, Holland, Matthews, Northcott, Owen, Panter, Reddish, Simpson, Sweeney, S Tagg, G White, G Williams, J Williams and Wright

Officers Becky Allen - Landscape Manager, Guy Benson, Geoff Durham - Member Training and Development Officer, Elaine Moulton and Trevor Vernon -Solicitor

Apologies Councillor(s) Fear, Heesom and Proctor

1. APOLOGIES

Apologies were received from Councillors Fear, Heesom and Proctor.

2. DECLARATIONS OF INTEREST

Councillor Ken Owen declared an interest in Tree Preservation Order 186. 8 Barford Road.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 6 December, 2017 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - GRAVEL BANK, MUCKLESTONE ROAD, LOGGERHEADS. MULLER PROPERTY GROUP . 17/00787/OUT

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

- (i) The development would have an urbanising effect on the open countryside and would have a significant adverse impact on the character and appearance of the area.
- (ii) The adverse impacts of the development, namely the harm to the character and appearance of the countryside and the high level of the use of the private car, significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012).
- (iii) In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing

- educational provision in the area, the development fails to make an appropriate contribution towards education provision.
- (iv) 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.
 - (v) In the absence of a secured planning obligation the development fails to make appropriate contributions towards travel plan monitoring and preparation which is required to provide a sustainable development.
 - (vi) In the absence of a secured planning obligation the development fails to secure the long term maintenance and management of the required public open space upon the site.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT END OF GATEWAY AVENUE, BALDWIN'S GATE. KIER LIVING LTD. 13/00426/OUT

Resolved: That the developer be advised that the Council, as the Local Planning Authority is willing to agree to variations to the Unilateral Undertaking to extend protection from liability to future mortgagees.

6. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF SHELTON BOULEVARD, FORGE LANE, ETRURIA, STOKE-ON-TRENT. STOKE-ON-TRENT REGENERATION LTD. 348/250

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

7. APPLICATION FOR MINOR DEVELOPMENT - LAND EAST OF CONEYGREAVE FARM AND SOUTH OF NEWCASTLE ROAD, WHITMORE. HIGH SPEED TWO (HS2) LIMITED. 17/00908/COU

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

- (i) Prior to setting up of the compound provision of visibility splays, by defined cutting back of hedgerows on either side of the access
- (ii) Prior submission, approval and implementation of a Construction Vehicle Management Plan (CVMP) incorporating where relevant the People, Vehicle and Plant Management Plan. Such CVMP to include the provision and use of wheel washing facilities.
- (iii) Prior to first use of the site compound the access between the edge of the carriageway and the existing gate shall be surfaced in a bound matter
- (iv) Existing field gate to only open away from highway during the duration of the works
- (v) Submission for approval prior to the setting up of the

compound of details of any tree works required to gain access from the A53 to the compound and of tree protection / stand-off works to prevent damage of the trees along the access track

- (vi) Reinstatement of site to existing condition, with the exception of the work referred to in condition (iii) above.
- (vii) External lighting controls as per submission
- (viii) Standoff of 1.5 metres between centre line of hedgerow along eastern side of compound.

8. APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH-EAST OF HOLLYCROFT FARM, LORDSLEY LANE, ASHLEY. MRS J DERRICOTT. 17/00926/FUL

Resolved: That the variation of condition 2 of 15/00814/FUL (listing revised plans) be permitted subject to the imposition of all other conditions attached to that permission that remain relevant at this time.

9. APPLICATION FOR OTHER DEVELOPMENT - LONDON ROAD BOWLING CLUB, LONDON ROAD, NEWCASTLE. LONDON ROAD BOWLING CLUB. 17/00808/FUL

Resolved: (A) That the application be permitted subject to the undermentioned conditions:

- (i) Car park shall be provided in accordance with the approved plan and shall thereafter be retained for the approved use only for the life of the development.
- (ii) The access improvements, traffic calming and passing place shall be implemented in accordance with the approved plans within 3 months of the date of the decision and thereafter be retained for the life of the development.
- (iii) The emergency parking / turning space shall be signed and marked out in accordance with the approved plan within 3 months of the date of the decision and shall thereafter be retained for the approved use only for the life of the development.
- (iv) Any external lighting will require the prior approval of the Local Planning Authority.

(B) That the Local Planning Authority write to the Bowling Club to encourage them to maintain the arrangements that the Jewish Community have to use the access and parking facilities of the Club.

10. APPLICATION FOR OTHER DEVELOPMENT - 3 STATION DRIVE, KEELE. MR & MRS BENNETT. 17/00775/FUL

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

- (i) Time limit relating to the commencement of development
- (ii) Approved Plans
- (iii) Sample of materials
- (iv) Removal of permitted development rights for outbuildings.

11. **TREE PRESERVATION ORDER - 8 BARFORD ROAD, NEWCASTLE . TPO 186**

Resolved: That Tree Preservation Order No.126 (2017), 8 Barford Road, Newcastle be confirmed as made and the owners of the site be informed accordingly.

12. **TREE PRESERVATION ORDER - 47 LIVERPOOL ROAD EAST. TPO 187**

Resolved: That Tree Preservation Order No187 (2017), 47 Liverpool Road East be confirmed as made and owners of the site be informed accordingly.

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

Resolved: (i) That the report be noted.
(ii) That the Head of Planning continue to provide such a report on a half yearly basis to the Planning Committee.

14. **DRAFT KEELE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT**

Resolved: (i) That the submitted document be approved for public consultation purposes
(ii) That a further report be received by the Planning Committee on the outcome of the public consultation, before adoption of the SPD is considered.

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

Resolved: That the information be received.

16. **OPEN ENFORCEMENT CASES**

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

17. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR CHRIS SPENCE
Chair

Meeting concluded at 7.50 pm

PLANNING COMMITTEE

Thursday, 1st February, 2018
Time of Commencement: 6.30 pm

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, S Hambleton, Heesom, Northcott, Owen, Panter, Reddish, Spence, Sweeney, S Tagg, G Williams, J Williams, Winfield and Wright

Officers Geoff Durham - Member Training and Development Officer, Rachel Killeen, Elaine Moulton, Peter Stepien and Trevor Vernon -Solicitor

Apologies Councillor(s) Simpson and G White

5. APOLOGIES

Apologies were received from Councillors' Simpson and White.

6. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

7. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 3 January, 2018 be agreed as a correct record.

8. APPLICATION FOR MAJOR DEVELOPMENT - SCHOOL OF MEDICINE, KEELE UNIVERSITY. KEELE UNIVERSITY. 17/00899/FUL

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

- (i) A condition varying condition 2 in the manner now sought by the applicant to substitute amended plans relating to landscaping proposals to include a revised swale bed.
- (ii) All other conditions associated to permission 15/00583/FUL as varied by 16/00164/FUL and 16/00306/FUL that continue to apply.

9. APPLICATION FOR MAJOR DEVELOPMENT - THE HAWTHORNS, KEELE VILLAGE AND BARNES, KEELE CAMPUS, KEELE. KEELE SEDDON LTD. 17/00953/FUL

Resolved: (A) That, subject to the applicant entering into a planning obligation by 1st March 2018 that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/01004/FUL, PERMIT the variation of condition

2 to list the revised plans and the variation of conditions 4, 20 and 22 of 15/01004/FUL so that they read as follows:

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

20. In accordance with the Phase I and Phase II Site Investigations, a further investigation and risk assessment post demolition shall be submitted and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the remainder of the development. The report of the findings shall include:
 - a. A survey of the extent, scale and nature of any contamination;
 - b. An assessment of the potential risks to:
 - o Human health;
 - o Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - o Adjoining land;
 - o Ground and surface waters;
 - o Ecological systems; and,
 - o Archaeological sites.
 - c. An appraisal of remedial options, and proposal of the preferred option(s).

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

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

and subject to the imposition of all other conditions attached to planning permission 15/01004/FUL

(B) Should the matters referred to in (A) 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 obligations, there would be insufficient provision for additional secondary education places to meet the need for such places generated by the development, account would not be able to be taken of a change in market conditions, a development that could have made required contributions (to primary school places and affordable housing) would not do so, and appropriate long term arrangements would not have been made for the public open space within the development; or, if he considers it

appropriate, to extend the period of time within which such obligations can be secured.

10. 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 it be agreed that all parties should enter by 8th March 2018 into an Agreement under Section 111 of the Local Government Act 1972, which requires that a draft S106 Agreement (in the terms as per the resolution of Planning Committee on 7th November), annexed to the S111 Agreement, is entered into once the transfer of the site has taken place.
 - (B) Should the above Agreement 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.

11. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF MEADOW WAY, BALDWIN'S GATE. BELLWAY HOMES LTD (WEST MIDLANDS) . 16/01101/FUL

- Resolved:**
- (1) That officers to now write to the appellant to confirm that the obligations referred to in the recommendation that was provided to the Planning Committee on 15th August are required by the Local Planning Authority, with the exception of the financial contribution to the provision of off-site affordable housing which shall, whilst still representing 9% of the housing and required, be recalculated.
 - (2) That in preparing the Council's Statement of Case, officers include reference to these above requirements;
 - (3) That in agreeing the required Statement of Common Ground officers take into account this resolution.
 - (4) That should the appellant seek before the appeal is determined to enter into a Section 106 agreement with the Council containing such obligations, officers have the appropriate authority to enter into such an agreement.

12. APPLICATION FOR MINOR DEVELOPMENT - 58, ABBOTS WAY, WESTLANDS. MRS MARGARET COUPE. 17/00906/FUL

Councillor Holland spoke on this application.

- Resolved:** (a) That, subject to the applicant entering into a Section 106 obligation by 28th February 2017 to secure a public open space contribution of £5,579 towards improvements to Rydal Way or Lilleshall Road play areas,

the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Landscaping conditions
- (iv) Provision of access and parking
- (v) Construction method statement
- (vi) Construction hours
- (vii) Materials
- (viii) Boundary treatments
- (ix) Finished level of garage

- (b) Should the planning obligation as referred to at (a) not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such a matter being secured the development would fail to secure the provision of improvements to a play area or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

13. APPLICATION FOR MINOR DEVELOPMENT - STONE QUARRY BARN, HIGH STREET, ALSAGERS BANK. MR S EVANS. 17/00750/FUL

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

- (i) Time limit relating to the commencement of development
- (ii) Approved Plans
- (iii) Prior approval of any external lighting
- (iv) Prior approval of jumps or similar features
- (v) Prior approval of details for the storage and disposal of waste
- (vi) Non-commercial use only
- (vii) Prior Approval of Tree Protection Plan
- (viii) Prior Approval of an Arboricultural Method Statement
- (ix) Prior Approval of Landscaping Scheme to include tree and hedgerow planting and replacement trees

14. APPLICATION FOR MINOR DEVELOPMENT - FIELD RISE, ACTON LANE, ACTON. MR CRAIG JONES. 17/00790/FUL

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials to be submitted
- (iv) Removal of Permitted Development Rights – Class A, B, C & E
- (v) Submission of a construction method statement

- (vi) Occupation after access, parking and turning areas are constructed
- (vii) Trees shown as retained to be retained and protected during construction
- (viii) Dimensioned Tree Protection Plan
- (ix) Arboricultural Method Statement
- (x) Schedule of works to retained trees
- (xi) Hours of construction limited to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays
- (xii) Prior approval and implementation of mitigation measures to address the loss of bat roosts within the existing building

15. **APPLICATION FOR OTHER DEVELOPMENT - 11 GALLOWS TREE LANE, NEWCASTLE. MR W ALMASHTA. 17/00886/FUL**

Revised recommendation proposed by Councillor Tagg and seconded by Councillor Sweeney.

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

- (i) Time limit
- (ii) Approved plans
- (iii) Prior approval of materials
- (iv) The building shall be used for purposes incidental to the enjoyment of the main dwelling house and shall at no time be converted to additional bedroom accommodation without the prior approval of the Local Planning Authority.
- (v) Erection of a strong boundary treatment on the rear boundary of the site adjacent to Monaco Place.

16. **APPLICATION FOR OTHER DEVELOPMENT - 34 BRAMPTON ROAD, MAY BANK. MR BARROW. 17/00976/FUL**

Members were advised that this application has been withdrawn.

17. **APPLICATION FOR OTHER DEVELOPMENT - OLD PEEL FARM, NANTWICH ROAD, AUDLEY. MR PETER ADAMS. 17/00842/FUL**

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

- (i) Time limit
- (ii) Approved plans
- (iii) Before the proposed development is brought into use, the existing access on Peel Hollow shall be reconstructed and completed to a standard that provides a minimum width of 8 metres for the first 12 metres rear of the carriageway edge and shall be surfaced in a hard bound material.
- (iv) Before the proposed development is brought into use, the access drive shall be constructed with surface water drainage interceptors which shall be sited across the access immediately to the rear of the highway boundary.
- (v) Prior to first use of the development the parking and

turning area indicated on the submitted Site Plan, shall be completed and surfaced in a bound material with the individual parking bays clearly delineated which shall thereafter be retained for parking only for the life of the development.

- (vi) Prior to first use of the development a booking management plan shall be submitted to and approved in writing by the local planning authority to ensure that a maximum of 3 horse boxes/trailers per hour are present at the site at any given time. The approved plan shall thereafter be adhered to throughout the life of the development.
- (vii) Before the proposed development is brought into use the two passing bays on the access road shall be completed and available for use.
- (viii) Any gates shall be located a minimum of 10 metres rear of the carriageway edge and shall open away from the highway
- (ix) Warning signs erected on the Public Right of Way to avoid conflict between users of the footpath and horses/riders and the post and rail fence shall not obstruct access along the route of the public footpath

18. APPEAL DECISION - 3 DALES GREEN ROAD, ROOKERY, KIDSGROVE

Resolved: That the decision be noted.

19. TREE PRESERVATION ORDER - LAND AT MANDALAY, TOWER ROAD, ASHLEY HEATH. TPO 188

Resolved: That Tree Preservation Order No 188, Land at Mandalay, Tower Road, Ashley Heath be confirmed and that the owners of the site be informed accordingly.

20. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 8.00 pm

**KEELE SCIENCE PARK, PHASE 3 (HOME FARM), KEELE
KEELE UNIVERSITY**

17/00934/OUT

The application is for outline planning permission for development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods. All matters are reserved for subsequent approval except for details of access to the site (which has already been provided the estate road layout having been formed).

The site is part of that allocated on the Proposals Map of the Local Plan for employment/higher education – led development (Proposal E8) and it also lies within an Area of Landscape Maintenance.

Part of the site lies within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The 13 week period for the determination of this application expires on 20th February 2018 but the applicant has agreed to an extension of the statutory period to the 2nd March 2018.

RECOMMENDATION

Permit subject to conditions relating to the following matters:

- 1. Time periods for the submission of applications for approval of reserved matters and commencement of development, to recognise the need for greater periods of time than would normally apply**
- 2. Approval of details of layout, scale, external appearance of buildings and the landscaping of the site**
- 3. Development mix and amount**
- 4. Details of site-wide security measures**
- 5. Restriction on uses**
- 6. Detailed surface water drainage scheme**
- 7. Submission of an updated structural landscape plan**
- 8. For each individual plot, details of means of enclosure, areas for parking, turning and servicing of vehicles, internal road layout and construction, surfacing materials and arrangements for disposal of foul drainage**
- 9. Construction management plan**
- 10. Details of air cooling/air extraction equipment**
- 11. External lighting scheme**
- 12. Surface water drainage scheme for each plot**
- 13. Details of design measures in residential units relating to internal noise levels**
- 14. Details of parking, turning and servicing within the site curtilage of each plot**
- 15. Details of means of connecting development sites to network of footpaths/cycleways**
- 16. Design of buildings in accordance with the submitted Design Guidance**
- 17. Further surveys for bats, reptiles and great crested newts prior to the development of any plots unless otherwise agreed,**

Reason for Recommendation

The principle of the proposed uses is considered acceptable and there would be no adverse impact upon the Registered Historic Parkland and Garden, and the Keele Hall Conservation Area. The updated Transport Statement concludes that the proposed development would not have any unacceptable impacts on traffic and transport conditions and it is not considered that an objection could be raised on highway safety grounds. The proposed design approach is considered appropriate and there would be no unacceptably adverse visual impacts.

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

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

Key Issues

The application is for outline planning permission for development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods. All matters are reserved for subsequent approval except for details of access to the site (which has already been provided the estate road layout having been formed).

The site is part of that allocated on the Proposals Map of the Local Plan for employment/higher education-led development (Proposal E8). Part of the application site lies within the Grade 2 Registered Parkland and Garden of Special Historic Interest at Keele Hall. The site also lies within an Area of Landscape Maintenance as indicated on the Local Plan Proposals Map.

A hybrid planning permission was granted for this site in 2006 (Ref. 05/01146/OUT). Outline permission was established for the principle of the proposed uses and full permission was granted for various engineering works that included the creation by cut and fill of levelled plots, some hard and soft landscaping and the creation of the road network serving these plots. Those works were all undertaken but the outline planning permission is no longer capable of being enjoyed, the period of time within which applications for the approval of the reserved matters of the outline planning permission having now expired. This application therefore in effect seeks to reinstate the outline planning permission.

Since the original planning permission for this site, full planning permission has been granted for the development of Plot 2 (The MCIL Centre Ref. 17/00193/FUL), Plot 5 (IC5 Ref. 11/00058/FUL) and Plots 9 and part of 10 (Cauldwells Ref. 15/00542/FUL). Development of Plot 5 has been completed and the development on Plot 9 and part of 10 is currently under construction. Those plots are not included in the application site.

An Ecological Appraisal has been submitted in support of the application which concludes that subject to further surveys for bats, reptiles and great crested newts prior to the development of any plots, there are no significant ecological constraints to the development. The drainage infrastructure for the site was put in place following the grant of the previous planning permission. A Flood Risk Assessment that accompanies this application proposes additional attenuation and flow control within individual plots and the Lead Local Flood Authority raises no objections to the proposal subject to a condition requiring submission of a detailed surface water drainage scheme.

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

- The principle of the proposed development
- Impact on the Registered Historic Park and Keele Hall Conservation Area
- Highways impact
- The acceptability of the design of the proposed development
- Landscape Impact
- Time limit for implementation of the permission

Principle of the development

The principle of development of the kind and scale currently proposed was established under the previous consent (Ref. 05/01146/OUT). Since that time, the main change in planning policy is the introduction of the National Planning Policy Framework (NPPF) which was published in 2012. The NPPF advocates the building of a strong competitive economy and states that the Government is

committed to ensuring that the planning system does everything it can to support sustainable economic growth. The NPPF indicates that due weight should be given to relevant policies in pre-existing development plans (such as the Core Spatial Strategy (CSS) and the Newcastle Local Plan (NLP)) according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The application site lies within the University campus which is excluded from the Green Belt within the rural area. Core Spatial Strategy (CSS) Policy ASP6 states that investment in Keele University and Science Park will be fostered to help strengthen the local knowledge and skills base and facilitate the growth and competitiveness of high value business development, thereby increasing local job opportunities in these sectors. CSS Policy SP1 indicates that one of the spatial principles of targeted regeneration is that Keele University and Science Park will continue to be the focus for high value business growth in a range of knowledge based industries. Policy SP2 indicates that one of the spatial principles of economic development is harnessing the creative and knowledge assets of North Staffordshire to develop high value business growth, in particular investment in Keele University and Keele Science Park. Saved Policy E8 of the Newcastle-under-Lyme Local Plan (NLP) states that development will be permitted on this site and land adjoining so long as it is limited to one or more of the following uses:

- i) Academic functions
- ii) Staff and student residences
- iii) Employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure for use of students, staff, conference delegates and their visitors and in the case of leisure facilities the wider community.
- iv) Class B1 uses directly related to the university's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods.

These policies are considered to be consistent with the NPPF and therefore should be afforded considerable weight.

The description of the proposed development being applied for in terms of uses is exactly as referred to in Policy E8. The site is allocated in the Local Plan for the uses proposed.

The proposal has long been recognised as providing significant economic development benefits of enabling expansion of high technological jobs and growth of the University Campus from the viewpoint of its high standing as an academic institution and economic driver in the West Midlands Region. It is critically important that appropriate expansion of the University be permitted unless the application raises evidence of demonstrable harm to issues of acknowledgement importance which outweigh the significant employment benefits of the proposals and which cannot be addressed by the use of planning conditions and obligations.

The proposal includes a conference/training hotel. Whilst the Local Plan allocation for this site does not specifically refer to a hotel, it includes employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff, conference delegates and their visitors and in the case of leisure facilities, for the wider community. It is considered that the provision of a conference/training hotel does fall within the terms of Policy E8.

The NPPF defines a hotel as a 'main town centre use' and states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It states that 'main town centre uses' should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre site be considered. This is an out of centre site and no sequential test assessment has been submitted.

The Local Plan, dating from 2003, refers to the acceptability of the provision on this site of leisure facilities for the wider community. The provision of such development on this site would help develop further the role being played by the developments at Keele and their crucial significance as a driver for change in the North Staffordshire economy. The NPPF advocates the building of a strong competitive economy and therefore, Policy E8 is considered to be consistent with the Framework in

this regard. In relation to the previous application it was accepted that there is a need for a hotel as part of the proposed development of the University and its training/conference business, and a strong case can be made as to the employment benefits of this element of the proposal. If such development was achieved on this site it would develop further the role being played by the developments at Keele and their crucial significance as a driver for change in the North Staffordshire economy. On this basis your Officer does not consider objection should be raised to this aspect of the scheme.

The proposed uses include staff and student residences. 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 on the Rural Area 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.

Saved Policy NLP H1 indicates that planning permission will only be given where one of a number of circumstances are satisfied including if the site is within the urban area of Newcastle or Kidsgrove or within one of the 'village envelopes'. This site does not satisfy any of the requirements listed.

As indicated above this site is not within the urban area or a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in the Development Plan. However the CSS Policy SP1 goes on to say that investment in Keele University and Science Park will be fostered to help strengthen the local knowledge and skills base and facilitate the growth and competitiveness of high value business development, thereby increasing local job opportunities in these sectors.

The site is covered by NLP Policy E8 and that policy indicates that development will be permitted so long as it is limited to one or more of the uses specified within it. Such uses include staff and student residences and therefore the proposal accords with the requirements of this policy. Since 2006 the decision has been made to close Hawthorns and partially replace that accommodation at Barnes, and that development is under construction, and Three planning consents were granted last year for significant numbers of student bed-spaces at various locations across the Campus - involving the redevelopment at a higher density of three of the Halls – Barnes, Lindsay, Horwood (Refs. 16/01014/FUL, 16/01015/FUL and 16/01016/FUL). Given the aspirations of the University to grow, these developments and the granting of those consents does not undermine the case for further additional student accommodation in this location.

CSS Policy SP2 lists Spatial Principles of Economic Development and includes investment in Keele University and Keele Science Park.

This site is in a relatively sustainable location. Newcastle Town Centre is approximately 3km from the site and although the route back from the Town Centre to the site is up hill, it is considered that at least some students would be able to walk to the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, and beyond. There is, at least during term time, a very high frequency bus service connecting Keele with Newcastle bus station, the hospital, the railway station and the City Centre. Importantly the dwellings are to be developed within the University Campus providing the students with accommodation very close to their place of study and the associated shops and services that the Campus offers. It is considered therefore that the site provides a particularly sustainable location for student and staff accommodation.

Overall it is considered that the proposal accords with the aims and objectives of the NPPF and should be supported in principle.

Members may wish to note that in addition to the limits of any condition that may be granted in response to this application, there are Section 106 agreements dating from 1997 and 2002 which may

provide additional controls on the use. Further information is being obtained on these and will be reported to the Committee

Impact on the Registered Historic Park and Keele Hall Conservation Area

The land is on the western edge of the Park and is not within an area that has been formally planted or designed. The development will not physically impact on the historical elements of the Park.

The very far south-western corner of the site is adjacent to the Keele Hall Conservation Area. Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

No development is proposed within the boundary of the Conservation Area and the vast majority of the Conservation Area is not visible from the site.

Staffordshire Gardens and Parks Trust has referred to the importance of ensuring that the height of any new buildings submitted as future reserved matters is controlled to ensure they do not exceed the crest of the perimeter belt of trees on the ridge surrounding the Registered Park and Garden and thus do not intrude into views within the Historic Park. It is likely that some of the buildings will exceed the height of the trees on the ridge but the topography and tree cover would provide screening of much of the buildings and given the extensive development that has already taken place at the University, it is not considered that buildings of such a height would impact significantly upon the Historic Park. It is not considered therefore that it would be reasonable or necessary to impose a condition limiting the height of buildings to not exceed the height of the trees.

In relation to the previous application it was concluded that the impact upon the Historic Park and the Keele Hall Conservation Area would not be significant enough to justify a refusal and there has been no change in circumstances since that permission, to justify a different conclusion now.

Highways impact

The access to the site and the internal road layout has been completed. A condition of the original planning permission required various measures including traffic calming through the Westlands, an improved roundabout at Gallowstree Lane/A525/Cemetery Road, toucan crossings on the A525 and the implementation of bus stops and infrastructure within the Science Park. All those required works have been completed.

The application is accompanied by a Transport Statement (TS) which reviews and updates the Transport Assessment submitted with the original application. The review takes account of developments already undertaken at the site and compares current and previous levels of predicted traffic growth. New capacity assessments for the main junctions and those that were close to or at capacity in the forecast year (2023) of the original Assessment have been assessed. Public transport connectivity has been reviewed as has the impact of the traffic calming measures installed through the Westlands, along Gallowstree Lane and Sneyd Avenue. The updated Statement concludes that the proposed development will not have any unacceptable impacts on prevailing traffic and transport conditions.

The Highway Authority raises no objections to the proposal. They summarise the conclusions of the TS and refer to the fact that in the 2005 Transport Assessment (TA), Staffordshire County Council agreed to fund improvements to the A525/A531 junction which has existing issues. It is stated that a scheme is yet to be delivered and recommends that the County Council continue to monitor the junction.

The previous planning consent was subject to a condition that specified the level of the various uses on the site and this condition was considered necessary because of the different traffic generation implications of alternative development scenarios. The TA compared two scenarios, both with hotel/conference facilities but one with some B1 and some academic and other uses and the other

with all remaining land devoted to B1 use. The proposal was for the former but the TA indicated that the latter proposals were likely to generate some 25-30% more traffic at peak times than the proposal which the application was for. Given that the works to the A525/A531 junction have not yet been carried out, it is considered necessary to impose a condition limiting the development mix. Further advice from the Highway Authority is being sought on this matter and will be reported to Members once received.

The acceptability of the design of the proposed development

Although the application is an outline submission and all matters except for access are reserved for subsequent approval, a Design and Planning Framework has been submitted. It states that the original planning application for the site provided a development strategy which was defined by design criteria applied to specific zones and a set of design criteria were provided for each. The objective of the design guide was to facilitate high quality, attractive and sustainable development on the site. Rather than create a single, unified character to the entire development area, it was identified as a primary design objective that the character of the proposed development should vary across the site to reflect the spatial relationship that each part of the site has with its surroundings and to create a rich and diverse character. The overall site was divided into three distinct development zones. This new application seeks to utilise the same zonal design strategy but although upper and lower limits of height were given for each zone in the previous application, there is no similar information in this application. There is no longer a requirement to state upper and lower limits of height in submitting an outline application where scale is a reserved matter. The Planning Authority would have control over the height of buildings through the submission of reserved matters applications and therefore it is not considered necessary to attach a condition limiting height at this stage.

A summary of the characteristics of each zone is as follows:

Zone A - an area of generally level land to the north of the site. To reflect Zone A's more direct relationship with the adjoining Medical Research Facility, Innovation Centres and the University Campus in general, should be developed in a more overtly urban manner with strong linear routes which set up views and vistas through and beyond the development.

Zone B – lies centrally to the overall site area and generally slopes in both an east/west and north/south direction. Due to its more direct connection to the surrounding natural landscape Zone B has been identified as having the potential to act as a transition zone between the formality of Zone A and the more naturalistic context of the remainder of the site.

Zone C – lies to the southern edge of the development area. This area is where the built environment interacts most obviously with the open landscape and therefore this area will be developed to ensure that buildings are more integrated spatially and aesthetically into this context and will be expressed in both layout and form in a relatively informal manner.

This design approach is considered acceptable.

Landscape Impact

The application is accompanied by a Visual Impact Appraisal which concludes that, upon completion, the site will generally be screened by the existing mature woodland which surrounds the site and that there will be no unacceptably adverse visual impacts. In relation to the previous application, it was concluded that there would be no demonstrable harm to the landscape arising from the development and it is not considered that there has been any material change in circumstances to justify a different conclusion now. As indicated above details of requirements of an earlier Section 106 which included some off site planting are being obtained and will be reported to the meeting.

Time limit for submission of reserved matters pursuant to the permission (and implementation)

The previous consent was subject to a condition requiring application for the approval of any of the reserved matters to be made within 10 years and the reason stated for the condition was to allow for the incremental development of this large mixed use site and to ensure that the permission reflects the expected time span of the proposed development. Although some of the plots have now been

developed, this remains a large site, divided into development plots, and therefore it is considered necessary to apply a longer time limit than that normally applied to planning permissions (i.e. 3 years). However, given that the engineering works including the creation of levelled plots and the creation of the road network serving these plots has been completed, it is considered that a shorter period of 7 years (for submission of any applications for approval of the reserved matters) would now be reasonable, enabling the outline planning permission to be reviewed at that time and the taking into account any change in circumstances – should such submissions not have been made by then.

APPENDIX

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

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

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

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy E8:	Keele University and Keele Science Park
Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Considerations
Policy N19:	Landscape Maintenance Areas
Policy B8:	Other Buildings of Historic or Architectural Interest
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

Relevant Planning History of application site and adjoining land

05/01146/OUT Outline planning permission for development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods; and full planning permission for works including formation of development plateaux, roads, footpaths, cycleways and other infrastructure – Approved December 2006 following completion of Section 106 agreement.

10/00631/REM Approval of siting, design and external appearance of a conference, training and leisure hotel on plot 1a (outline permission for which was granted under reference

05/01146/OUT), the means of access to its site from the road network and the internal landscaping of its site – Refused in 2011 and subsequent appeal allowed later that year (permission now lapsed)

- 11/00058/FUL Full planning permission on plot 5 for the construction of three-storey business accommodation to be known as Innovation Centre 5 (IC5) with the provision of workshops on the ground floor and offices on the first and second floors, with associated parking and landscaping – Approved April 2011
- 11/00655/FUL Variation of condition 2 of planning permission 11/00058/FUL for the construction of three-storey business accommodation to be known as Innovation Centre 5 (IC5) with the provision of workshops on the ground floor and offices on the first and second floors, with associated parking and landscaping so as to permit amendments to proposed elevations of Wing B and Wing C – Approved February 2012
- 15/00190/FUL Variation of Condition 2 of planning permission 11/00058/FUL for the construction of a three storey business accommodation (IC5) involving amended elevations to those previously approved – Approved 2015
- 15/00542/FUL Construction of a building on plot 9 and part of plot 10 for use as a treatment, assessment and research facility for children with autism with associated car parking and landscaping – Approved 2015
- 17/00012/FUL Creation of temporary car park and associated works – Approved 2017
- 17/00193/FUL Erection of a building to be used as an Innovation and Leadership Facility (MCIL) on plot 2 – Approved 2017

Views of Consultees

The **Highway Authority** has no objections although they do make various observations.

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

The **Landscape Development Section** has no objections in principle subject to the landscape structure of the original permission, including all green corridors, being retained. Permission should be subject to submission of an updated structural landscape plan.

The **Conservation Officer** has no observations to make.

Historic England makes no comment.

Staffordshire Gardens and Parks Trust notes that the application is a resubmission of a lapsed outline planning proposal for which much of the site infrastructure has already been installed, and therefore makes no comment on the principle of the proposed development. The importance of ensuring that the height of any new buildings submitted as future reserved matters is controlled to ensure they do not exceed the crest of the perimeter belt of trees on the ridge surrounding the Registered Park and Garden and thus do not intrude into views within the historic park.

The **Conservation Advisory Working Party** considers that the amendments are not particularly an improvement on the scheme but has no objections.

Staffordshire County Council Rural County (Environmental Advice) raises no historic environment concerns.

The **Lead Local Flood Authority** has no objections subject to a condition requiring the submission and approval of a detailed surface water drainage scheme.

The **Crime Prevention Design Advisor** states that there is little if any mention of matters of site security within the application documents. The site could be vulnerable outside of working hours and there should be some site-wide security provision in the form of a monitored CCTV system. Security should be fully embedded within subsequent reserved matters applications and layouts should facilitate natural surveillance, provide defensible space where possible, restrict access where appropriate and deny criminal opportunities where they can be foreseen. In addition, the external building materials will need to provide an appropriate level of intruder resistance.

Staffordshire County Council as the Mineral and Waste Planning Authority makes no comments on this application.

No comments have been received from **Keele Parish Council**.

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted. The application is accompanied by a Flood Risk assessment, an Ecological Appraisal, a Phase 1 Desk Study, a Visual Impact Appraisal, a Transport Assessment and a Design and Planning Framework. These documents are available for inspection at the Guildhall and via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00934/OUT>

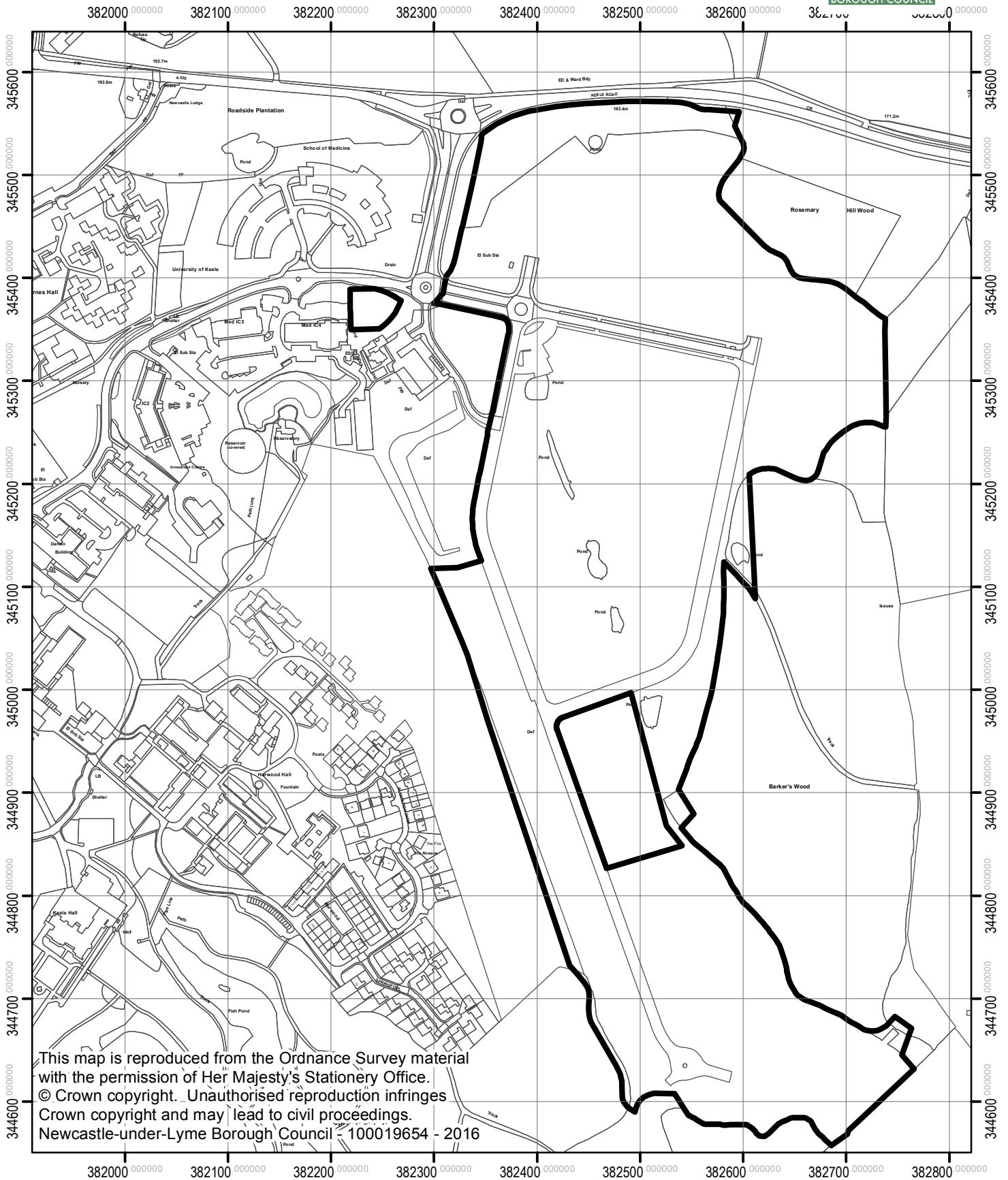
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

9th February 2018

17/00934/OUT
Keele Science Park, Phase 3 (Home Farm)
Keele



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**SITE AT JUNCTION OF WEST AVENUE AND LINLEY ROAD, TALKE
ROBERT COATES PLANT SALES LTD**

17/00897/FUL

The application is for full planning permission for a proposed showroom for construction and civil engineering plant sales including an external display area, parts trade counter, repair workshop, preparation bay, office, storage and ancillary spaces, and external hardstanding, vehicle wash and parking for staff and customers. The site extends to some 1.3 hectares.

The application site lies on the edge of the Nelson Industrial Estate within the Kidsgrove Urban Area on the Local Development Framework Proposals Map.

The site fronts onto both West Avenue and Linley Road, the A5011. Vehicular access is onto West Avenue.

The 13 week period for the determination of this application expires on the 14th March 2018.

RECOMMENDATION

Permit subject to conditions regarding the following:

- **Time limit**
- **Approved plans**
- **Materials**
- **Boundary treatments/ security fencing**
- **Finished ground levels of external display area**
- **submission, approval and implementation of a landscaping scheme**
- **Tree protection measures for all trees on or adjoining the site**
- **Provision of access, parking, servicing and turning areas**
- **Details of weatherproof cycle parking**
- **Gates to open away from the highway**
- **Construction Method Statement**
- **Construction hours**
- **Hours of Operation (movement and operation of heavy plant and machinery)**
- **External lighting details**
- **Noise assessment**
- **Land contamination**

Reason for Recommendation

The principle of the development is considered acceptable and subject to conditions it is not considered that there would be any significant adverse impact on the visual amenity of the area, the residential amenity of neighbouring occupiers, or significant highway safety implications.

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

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

Key Issues

The application seeks planning permission for a proposed showroom for construction and civil engineering plant sales including an external display area, parts trade counter, repair workshop, preparation bay, office, storage and ancillary spaces, external hardstanding, vehicle wash and parking for staff and customers.

The application site lies on the edge of the Nelson Industrial Estate within the Kidsgrove Urban Area on the Local Development Framework Proposals Map.

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

- Is the principle of development acceptable?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?, and
- Would the proposed development have any adverse impact upon highway safety?

Is the principle of development acceptable?

The site was previously in use as warehousing and distribution with associated offices but the buildings on the site have now been demolished under a demolition works notification 17/00153/DEM.

The proposed development consists of a number of elements, which include a showroom for plant and machinery but also the servicing and repair of new and used construction and civil engineering plant and machinery.

The business currently operates from a smaller site located within the vicinity of the application site at the junction of Congleton Road and Newcastle Road, Butt Lane. The application sets out that the business has identified a need for business expansion and the improvement of the facilities will contribute heavily to this expansion.

The business currently has 6 employees and it is anticipated that the development will support a total of 16 employees, so there 10 additional employment opportunities.

The application also indicates that the workshop element of the proposed development leads to the greater proportion of employment numbers which require skilled tradespeople - this is what is termed a B1/ B2 activity (as defined in the Use Classes Order).

Policy E11 of the NLP seeks to protect good quality business and general industrial land and buildings. The loss of such land, where this would limit the range and quality of sites and premises available, should be resisted.

The showroom element is a sales use but does not fall within the A1 (retail) Use Class. A car showroom is a sui-generis use and it is considered that the showroom in this instance would be sui-generis i.e. a use in its own right. Car showrooms are not listed as a "main town centre use" as defined in Annex 2 of the NPPF although retailing is. However an objection in principle to a non-town centre location is unlikely to be sustained. The requirements of a construction plant and machinery showroom do not lend itself to a town centre location, and furthermore the retail/sales element is only one part of the use and arguably unable to be separated from those other repair and maintenance elements. Therefore it is not considered necessary for this application to be supported by a sequential assessment.

The proposed development would bring back into use a vacant site on the edge of Nelson Industrial Estate. The B1 and B2 elements of the proposal would accord with policy E11 of the Local Plan. A showroom for construction equipment and machinery is only a partial element of the proposed development and it is not considered that it would unduly conflict with the principles of policy E11 and it would result in employment opportunities.

The site benefits from good links to the A34 and the A500 and wider links to the M6 motorway and it is considered to be in a sustainable location. Given the previous use of the site and subject to the detail of the scheme being acceptable it is considered that the proposal is acceptable in principle.

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

Paragraph 56 of the NPPF indicates that *“The Government attaches great importance to the design of the built environment. 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 Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD provides design guidance on employment development and policy E1 of the SPD states that “Business development should be designed to respond to and exploit key features or characteristics of the site and the local context.”

Other matters covered by the SPD include that buildings should address the street, it should be easy for a visitor to find their way around and to create a positive impression on arrival and boundary treatments should form an integral part of the design of proposals for business development.

The submitted Design and Access Statement (D&AS) has a section on design which identifies that there are three key zones which influence the design of the scheme. The workshop elements have been sited towards the rear with the customer facing and retail elements being sited towards the front and side that face Linley Road and West Avenue.

The building is of a traditional appearance for a modern commercial building with brickwork and metal cladding, glazing and a standing seam metal roofing system.

The massing of the building is taller at the rear with a lower eaves height to the Linley Road frontage to limit the visual impact. The building is also significantly set back from the frontage and on a lower level than the Linley Road frontage.

The site frontage previously had a high level of tree coverage which provided natural screening of the site and industrial estate. These trees have been removed which have opened up views of the site frontage and of the industrial estate from public vantage points. An intrinsic part of the scheme is a proposed external sales area on the Linley Road frontage. This area is proposed to be used for the display of construction equipment and the proposed design includes associated security fencing and equipment.

No consent was required to remove these trees.

A landscaping plan has now been submitted (at the request of your officers) which is considered necessary to mitigate the loss of the trees and to ensure that the proposed development benefits from some level of screening, whilst also achieving an attractive road frontage.

Whilst the submitted landscaping plan goes some way to providing an attractive frontage the external display area still dominates. Your officers consider that a reduction to the size of the external display area is necessary and further landscaping is required before it can be considered acceptable. The landscaping of the site frontage to Linley Road (the entry point into Butt Lane/Talke from the northwest on this road corridor) is a key consideration and once an acceptable scheme is submitted it is considered necessary that landscaping scheme is carried out prior to the occupation and operation of the site. This could all be secured by a condition.

Therefore, subject to appropriate conditions it is considered that the proposed development would not significantly harm the character and appearance of the area.

Would there be any adverse impact on residential amenity?

The site had been operating as a B8 Storage and Distribution site and whilst it has been vacant it is accepted that the site is on the edge of an established industrial estate.

The site is opposite a number of residential properties located on a side road but they front the southern side of Linley Road and others properties on Walton Way which have rear gardens that are adjacent to Linley Road.

Trees on the Linley Road frontage which provided a landscape buffer between the site and the adjacent residential properties have been removed and a number of objections from the occupiers

have been received. The objections identify that the removal of the trees have opened up the industrial estate and the associated activities which would result in odour, noise and light pollution'

The proposed building would be used as a workshop for servicing and repair work which is a B2 activity and so potential noise impacts will arise. However, the building has been designed so that these activities would be located at the rear of the building and site. This is approximately 100 metres from the nearest residential properties.

The Environmental Health Division (EHD) raises no objections but they do recommend conditions that would limit the noise impact and the impact on nearby residential amenity levels. In particular EHD recommend that the movement and operation of heavy plant and machinery on site shall only take place between the hours of 7.30am and 18.30 Monday to Friday and 8.30am to 1.30pm on a Saturday with no activity beyond these hours or on a Sunday or a Public Holiday.

Other conditions advised by EHD would minimise the impact of the development on nearby residential amenity levels which are considered acceptable.

The removal of the trees is unfortunate but the Local Planning Authority had no control of this because the trees were not covered by a Tree Preservation Order and the site does not lie in a Conservation Area. With respect to the trees that were removed EHD have advised that the trees on this site were not intended to provide any mitigation against noise or dust from activities unlike those on the Prince Minerals site on the opposite side of West Avenue, and the nature of the intended use is very different from that on the Prince Minerals site which involves the filling of silos from bulk tankers, the distribution of materials from silos and the handling of dusty materials in bunkers.

A landscaping scheme which includes replacement planting, would provide some limited level of screening and mitigate the impact on nearby residential properties to a sufficient degree to reasonably address the objections received.

Subject to conditions, it is not considered that an objection could be sustained on the grounds of impact on residential amenity.

Would the proposed development have any adverse impact upon 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.

Representations have been received on this issue.

The proposed development provides 26 spaces for customers and employees. The staff parking would be to the rear and the customer car parking would be to the side by the access off West Avenue.

The site layout ensures space for manoeuvring of vehicles and machinery around the site and to the external display area.

The applicant has submitted a Transport Statement (TS) for the application. The TS details that previous use of the site was a wholesale distribution depot and that the previous land use had the potential to generate more vehicle trips than the proposed development.

The Highways Authority has raised no objections and it is considered that the proposed access, parking and manoeuvring within the site is acceptable and the proposed development is unlikely to lead to significant highway safety problems.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

17/00153/DEM Application for prior approval of proposed demolition of former warehouse and a two storey office block Permitted

Views of Consultees

The **Highway Authority** raises no objections subject to conditions which secure the access, parking, servicing and turning areas, submission and approval of secure weatherproof parking for cycles and a Construction Method Statement & gates shall open away from the highway.

The **Landscape Development Section** indicates that they object to the removal of all of the trees to the frontage with Linley Road. Whilst these trees were all poorly managed and not in good condition they provided an important visual screen to the West Avenue industrial area. The tree loss has significantly changed the character of the site, to the detriment of the A5011 road corridor which is a major gateway to Talke and Kidsgrove. This is exacerbated by the previous loss of trees and shrubs from the frontage of the adjacent vehicle storage site to the east leaving the north side of the road open as far as the Lawson car sales, although replacement buffer planting is proposed here. No attempt has been made to incorporate existing trees into the scheme or to provide replacements to mitigate their loss. Would request that the scheme is redesigned to replace the trees that have been removed.

The **Environmental Health Division** raises no objections subject to conditions which control construction hours, hours of operation for movement and operation of heavy plant and machinery, artificial lighting and the submission and approval of a noise assessment, along with contaminated land conditions.

The **Waste Management Section** has no comments to make on this application.

The **Staffordshire County Council Flood Risk Team** advises that the proposed development is to use the existing surface water drainage system and because there will be no significant change to the impermeable area there should be little change to the surface water runoff generated by the site.

Kidsgrove Town Council raises no objections but expects that the views of neighbours are given full consideration to ensure the development has no detrimental impact on the wellbeing of residents. That would include adequate screening to minimise the loss of visual amenity. The Council has grave concerns about the recent removal of trees at the edge of the site and asks that this is investigated and that planning history is checked to ensure that existing facilities such as floodlighting are subject to the appropriate controls.

The **Environment Agency** raises no objections.

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.

A summary of the comments of the **Crime Prevention Design Advisor** are as follows:

- Security will need to be an important consideration for the applicant given the value of the plant, spares, equipment and tools likely to be stored on site in addition to any IT equipment. The removal of the previous screening vegetation will be advantageous in this regard,
- The site will be reasonably well secured by fencing. Weld mesh fence types that the applicant should give consideration to that offer greater resistance to penetration (cropping) and climbing as well as providing excellent through visibility,
- The proposed materials provide an appropriate level of intruder-resistance,
- Security measures and guidance are proposed which includes CCTV details.

Representations

Twelve letters of representation have been received, including two ward councillors, making the following comments and concerns;

- The proposal would contribute to the road surface on West Avenue becoming worse and the development should contribute financially to its upkeep,
- Hours of operation should be restricted,
- Lighting and levels of luminance should be restricted,
- It would result in an increase in the volume of traffic,
- The existing road infrastructure is not adequate,
- Environmental damage through the loss of trees –odour, noise and light pollution from the industrial estate,
- The loss of the trees harms the visual amenity of the area,
- Replacement tree planting should be proposed to mitigate the loss of trees, and
- Quality of life should be preserved for residents,

Ruth Smeeth Member of Parliament for Stoke-on-Trent North and Kidsgrove has commented on the application requesting that the considerations of residents be taken into account when discussing this application, especially in regards to the provision of appropriate screening to protect the surrounding houses.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Noise Assessment,
- Phase 1 contaminated land report,
- Flood risk assessment,
- Tree report,
- Design and Access Statement, and

- Transport Statement.

The applicant has also provided a written response to a representation made by a ward councillor.

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00897/FUL>

Background papers

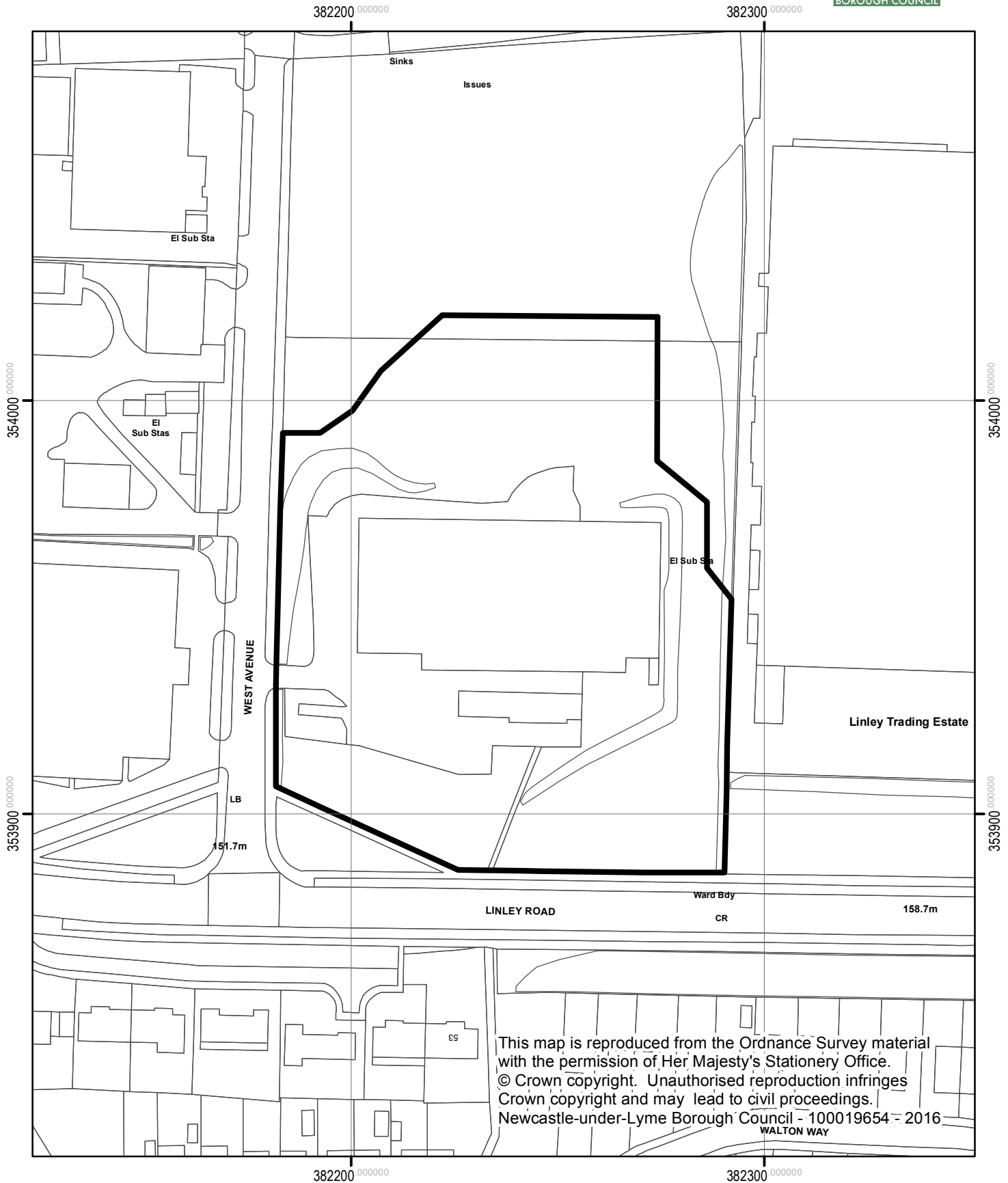
Planning files referred to
Planning Documents referred to

Date report prepared

12th February 2018

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17/00897/FUL
Site Junction of West Avenue
and A5011 Linley Road
Kidsgrove



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**LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND
NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE
TAYLOR WIMPEY (NORTH MIDLANDS)**

18/00002/FUL

The application seeks to vary condition 2 of planning permission 14/00562/REM which granted reserved matters for the erection of residential development of 171 dwellings, area of community woodland, public open space and formation of new accesses. Condition 2 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for amendments to the house type and garage position for Plot 39.

The site is within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The statutory 13 week determination period for the application expires on the 16th April 2018.

RECOMMENDATION

PERMIT subject to the following conditions:

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. Any other conditions of 14/00562/REM that continue to apply to the development**

Reason for recommendation

The application raises no issues of impact on residential amenity or highway safety and the amendments proposed to the house type and the siting of the garage would have no adverse impact on the character and appearance of the area.

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

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

KEY ISSUES

The application seeks to vary condition 2 of planning permission 14/00562/REM which lists the approved drawings, to allow for amendments to the house type and garage position for Plot 39.

In considering an application to vary a condition, the authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application.

Although the Landscape Development Section has requested further details regarding the gradient and treatment of the slope between the proposed garage and public footpath link, given that the garage is moving further away from the footpath link than in the approved scheme, it is not considered that this raises any concerns. It is not considered that the changes proposed would have any material impact on issues of residential amenity or highway safety and therefore the sole issue for consideration now is whether the proposed amendments would have any adverse impact on the character and appearance of the area.

The application seeks permission for a substitution of house types for Plot 39. The dwelling would be changed from a 'Shelford' to a 'Lydford' and the garage would be repositioned from the western boundary of the plot to the eastern boundary. The amendment is required due to ground levels which mean that it would not be possible to construct the garage in accordance with the approved plans without the use of large retaining structures. Both housetypes are 4-bed dwellings and the Lydford is

found elsewhere on the site. It is not considered that the changes proposed would have any adverse impact on the character and appearance of the area.

APPENDIX

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

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

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

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

Nil

Other material considerations include:

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

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

Supplementary Planning Guidance/Documents

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

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

Relevant Planning History

11/00645/OUT	Residential development of 176 dwellings, area of community woodland, public open space and formation of new accesses	Refused
12/00127/OUT	Residential development of 172 dwellings, an area of community woodland, public open space and the formation of new accesses	Approved
14/00562/REM	Reserved matters relating to internal access arrangements, layout, scale, and landscaping in respect of a residential development of 171 dwellings	Approved
14/00562/NMA	Application for non-material amendment to approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 171 dwellings, area of community woodland, public open space and formation of new accesses to allow for re-planning of plots 24-35 and revision to the garage and parking spaces to plot 36	Approved
15/00916/REM	Revised application for the approval of reserved matters for plots 149-153 relating to 12/00127/OUT for residential development of 127 dwellings, area of community woodland, public open space and formation of new accesses	Approved
17/00553/FUL	Variation of condition 2 (alterations of boundary layout showing the perimeter fence between plots 134-153 as 1800mm high close board) of reserved matters approval 14/00562/REM	Approved

Views of Consultees

The **Highway Authority** raises no objections subject to the garage being retained for parking and the access and parking being constructed in accordance with the approved plans.

The **Landscape Development Section** has requested confirmation of the gradient and treatment of the slope between the proposed garage and public footpath link.

The **Environmental Health Division** has no comments to make on the application.

No comments have been received from **Kidsgrove Town Council** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

One letter of representation has been received stating that access to Church Street is access only but is not observed or enforced and this development will increase illegal usage.

Whilst the objections are noted, the principle of the development and access has been established and such matters are not for consideration under this current proposal.

Applicant/agent's submission

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00005/FUL>

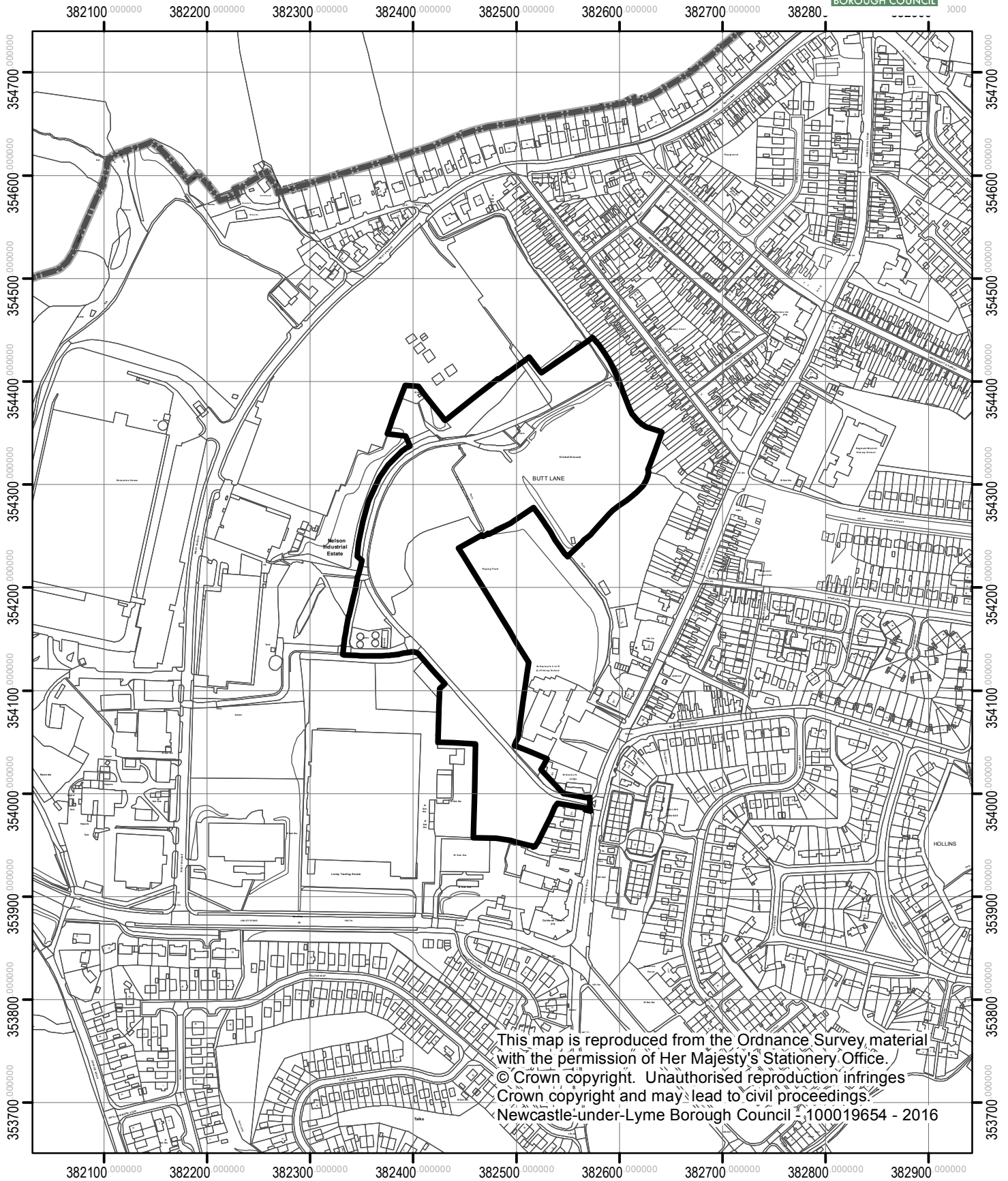
Background Papers

Planning File
Development Plan

Date report prepared

9th February 2018

18/00002/FUL
Land south of West Avenue
west of Church Street and Congleton Road
and North of Linley Road
Butt Lane



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LAND AT CHEMICAL LANE, TUNSTALL, STOKE-ON-TRENT

LAND RECOVERY LIMITED

SOTCC ref 62057/FUL (NuIBC ref 348/251)

The Borough Council has been consulted by the City Council on an application for full planning permission for the redevelopment of Former Esso Depot including change of use to accept waste ballast, stone and hardcore (including those contaminated with hazardous substances) for the purpose of recycling, erection of a recycling facility including waste containment and transfer buildings, construction of a rail freight terminal to provide general storage and distribution facilities, recyclable materials transfer and general storage and distribution facilities, associated gantry crane, offices, parking, landscaping, vehicular access and retrospective permission for the erection of 3m high security fencing and the use of outside storage areas for the purpose of recycling

The site is located within the Stoke-on-Trent Inner Urban Core Area as indicated on the Local Development Framework Proposals Map. The site is also within the Ceramic Valley Enterprise Zone, forming part of the Highgate / Ravensdale site.

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 28th February 2018.

RECOMMENDATION

That the City Council be informed that the Borough Council has no objections to the proposed development subject to any appropriate conditions that the City Council deem necessary, with particular regard to the visual impact and the colour of the crane, highways matters, flooding, noise, air quality and artificial lighting.

Reason for Recommendation

The proposed development, including the crane, should not significantly harm views from within the Borough. Furthermore, the supporting information indicates that the development will not affect the interests of the Borough by virtue of highway impacts, flood risk, noise, air quality and artificial lighting.

Key Issues

As indicated above, the Borough Council has been consulted by the City Council on an application for full planning permission for the redevelopment of the former Esso Depot and the construction of a rail freight terminal to provide recyclable materials transfer as described above.

The application is a resubmission following the withdrawal of a previous planning application SOTCC ref 61315/FUL (NuIBC ref 348/243) upon which the Borough's Planning Committee decided its views on the 10th October 2017.

The Borough Council made the following comments on the previous application;

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

The Borough Council has once again been asked for its views on this revised proposal – the City Council being the Planning Authority. The Planning Committee is the part of the Borough Council which decides what comments are to be put to the City Council in response to such consultations. The boundary between the Borough and the City lies on the western side of the application site, on the other (western) side of the West Coast Main railway line.

The scheme primarily remains the same as the previous proposal but further details of the operations of the Rail Freight Hub have been submitted and the scheme now includes a gantry crane that would straddle railway sidings.

The Borough Council's Environmental Health Division have already commented directly to the City Council upon this application and they now raise no objections following the information which now supports the resubmitted application addressing their previous concerns regarding noise, air and artificial light impacts.

In the circumstances it would appear appropriate for the Borough Council in its comments to focus upon the new element – the crane.

Impact on the visual amenity

The proposed crane is a substantial structure that would have an approximate height of 24 metres and a width of approximately 28 metres.

The application site is set within an industrial setting but due to the topography of the area and the size of the crane it will be clearly visible from surrounding vantage points from within the Borough.

It is not considered that any screening would mitigate the visual impact because of its scale.

Notwithstanding the point that the crane would be visible from vantage points within the Borough it is set within an heavy industrial setting. Therefore it is not considered that the proposed development would significantly harm views from within the Borough.

The colour of the proposed crane is not known and it is considered that an appropriate colour should be secured via condition and the City Council should be advised of this.

APPENDIX

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

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

Policy SP1 - Spatial Principles of Targeted Regeneration
Policy SP2 - Spatial Principles of Economic Development
Policy SP3 – Spatial Principles of Movement and Access
Policy ASP3 - Stoke-on-Trent Outer Urban Core Area Spatial Policy

Other Material Considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Relevant Planning History

The site has in the past been granted permission for employment, and more recently in 2014 planning permission was granted for the change of use of part of the site to accept waste ballast, stone and hardcore for the purposes of recycling to produce aggregates and concrete products. The Borough Council was not consulted on that particular application.

The application is a resubmission of a previous planning application that was withdrawn, SOTCC ref 61315/FUL (NuIBC ref 348/243) that came before the Planning Committee on the 10th October 2017.

Applicants Submission

The application is supported by a number of documents including:-

- Transport Statement
- Planning Statement
- Flood Risk Assessment
- Heritage Impact Assessment
- Noise Impact Assessment

All these documents, and other application documents, are available to view on Stoke City Council's website <https://planning.stoke.gov.uk/online-applications> using the City Council reference 62057/FUL. The website also shows the comments of the Environmental Health Division.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

6th February 2018

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SITE OF FORMER WRINEHILL GARAGE, MAIN ROAD, BETLEY
NEW ROAD DEVELOPMENTS LTD

17/00968/FUL

The Application is for full planning permission for the erection of 9 dwellings with associated car parking and landscaping.

The application site, which extends to 0.19 hectares, is within the Green Belt and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposal Map. There is a Grade II* Listed Building (The Summer House) in close proximity to the north-west of the site.

The 8 week determination period expired on the 29th January 2018 but the applicant has agreed to an extension of the statutory period to the 2nd March 2018.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by 16th March 2018 to secure a public open space contribution of £11,158 towards improvements to surfacing at Betley Village Hall or at another suitable local facility managed by the Parish Council,

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Approved plans**
- 3. Construction Environmental Management Plan**
- 4. Noise levels**
- 5. Artificial lighting**
- 6. Contaminated land**
- 7. Landscaping scheme**
- 8. Revised access details**
- 9. Provision of internal site road, parking and turning areas**
- 10. Details of surfacing for private driveway, parking and turning areas**
- 11. Details of means of surface water drainage for the private driveway, parking and turning areas**
- 12. Details of secure weatherproof parking for cycles**
- 13. Vehicular access to remain un gated**
- 14. Gates on pedestrian accesses onto Main Road to open inwards away from the highway**
- 15. Materials and window details**
- 16. Boundary treatments**

B) Should the planning obligation as referred to at A) not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such a matter being secured the development would fail to secure the provision of improvements to a play area or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

Reason for Recommendation

The development comprises inappropriate development within the Green Belt. Very special circumstances are considered to exist given the existence of an extant planning permission for 7 dwellings and the lack of substantial harm to the openness of the Green Belt when the proposed scheme is prepared to that which has been permitted and the development that was on site prior to that. In granting permission for both the scheme for 7 dwellings on this site and the residential development on the site of the former Blue Bell Public House directly opposite this site, the Council has accepted that this is a suitable location for residential development and on this basis, it is not considered that objection could be raised to the principle of two additional dwellings on the site. The proposal would have no adverse impact on either the setting of the Listed Building or the character of the area.

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

Amended plans have been sought and received and the proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for the erection of 9 dwellings with associated car parking and landscaping.

The application site, which extends to 0.19 hectares, is within the Green Belt and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposal Map. There is a Grade II* Listed Building (The Summer House) in close proximity to the north-west of the site.

The site has the benefit of planning permission for 7 dwellings (Ref. 06/00984/FUL). That development has materially commenced and therefore it remains extant and capable of implementation.

Vehicular access is in the same location as in the approved scheme and it is not considered that there are any issues of impact on residential amenity. Therefore, the main issues in the consideration of the application are:

- Is the proposal appropriate development within the Green Belt?
- Is the principle of residential development on the site acceptable?
- Is the proposed development acceptable in terms of its impact on the nearby Listed Building and on the form and character of the area?
- What financial contributions, if any, are required?
- Should it be concluded that the development is inappropriate development in Green Belt terms, do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

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

The NPPF further outlines in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. There are a number of exceptions to this but none are considered relevant in this instance so it is concluded that the development comprises inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Is the principle of residential development on the site acceptable?

As stated above, there is an extant planning permission for 7 dwellings on this site and therefore it is only the principle of the two additional dwellings that can be considered now.

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. Although this site comprises previously developed land, it lies within the Rural Area of the Borough, outside of any defined village envelope. However, in approving both the scheme for 7 dwellings on this site and the residential development on the site of the former Blue Bell Public House directly opposite this site (Ref. 13/00065/FUL), the Council has accepted that this is a suitable location for residential development. On this basis, it is not considered that objection could be raised to the principle of two additional dwellings on the site.

Is the proposed development acceptable in terms of its impact on the nearby Listed Building and on the form and character of the area?

To the north of the site is a Grade II* Listed Building, the Summer House. NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

The NPPF places great importance on the requirement for good design, which is a key aspect of sustainable development. CSS Policy CSP1 broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy RE5 of the Urban Design SPD requires new development in the rural area to respond to the typical forms of buildings in the village or locality. In doing so, designers should take into account and respond to, amongst other things, height of buildings and the pattern of building forms that helps to create the character of a settlement, for instance whether there is a consistency or variety.

The proposed development of 9 dwellings includes a range of property types but primarily comprises 2-bed dwellings. The dwellings would be sited along the site frontage onto Main Road and would be predominantly 2 storeys with the exception of a 3-storey apartment block and a dormer bungalow.

Regarding the scheme as originally proposed, concerns were raised by the Conservation Officer, the Conservation Advisory Working Party (CAWP) and Betley, Balterley & Wrinehill Parish Council with respect to the detailed design of the 3-storey block and in particular, the French windows and Juliette balconies. It was considered that the design would compete with the nearby Listed Building and would not be appropriate in this rural area. Amended plans have been submitted which simplify the design of the apartment block and the Conservation Officer raises no objections to the revised proposal.

There is a mix of dwelling styles in the area and it is considered that the scale and design of the proposed properties would be appropriate to this location and would have no adverse impact on either the setting of the Listed Building or the character of the area.

What financial contributions, if any, are required?

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. However, given that no contribution was required for the extant planning permission for 7 dwellings, it is considered that a contribution can only be sought for the 2 additional 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 a contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section has indicated that the contribution in this case would be applied to improvements to surfacing at Betley Village Hall or at another suitable local facility managed by the

Parish Council so 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.

Betley Village Hall is approximately 1100m from the application site and the contribution being sought is considered to meet the statutory tests. 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.

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

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

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 proposal.

The Planning Statement asserts that very special circumstances exist in this case for the following reasons:

- The site already has the benefit of an extant planning approval of 7 dwellings.
- The proposed development will remove an unsightly derelict site which has blighted the area for some years.
- The redevelopment will not conflict with the five purposes of the Green Belt.
- The development will not affect the openness and character of the Green Belt negatively.

It is the case that the site has extant planning permission for a development comprising 7 dwellings. The applicant's agent has provided volume calculations for both the extant development and the current proposal and the volume of the proposed scheme would be 63% of that of the approved scheme. Therefore, although two additional dwellings are proposed in comparison with the extant scheme, there would be less impact on the openness of the Green Belt.

Given the existence of the extant permission for 7 dwellings and the lack of substantial harm to the openness of the Green Belt, 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 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 CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

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

Policy S3: Development in the Green Belt
Policy H1: Residential development: sustainable location and protection of the countryside
Policy H3: Residential development - priority to brownfield sites
Policy T16: Development - general parking requirements
Policy N17: Landscape character – general considerations
Policy N18: Area of Active Landscape Conservation
Policy B5: Control of Development Affecting the Setting of a Listed Building

Other material considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

09/00267/FUL	Erection of 7 dwellings and associated landscaping and car parking	Refused
08/00631/FUL	Reconfiguration of parking and gardens to the rear of the properties permitted under application reference 06/00984/FUL and additional 8 parking spaces	Approved
07/00705/FUL	Single storey residential dwelling	Refused
06/00984/FUL	7 residential units	Approved
06/00744/FUL	7 residential units and 150sqm retail unit with apartments over	Refused
03/00086/FUL	Redevelopment of site including removal of all existing buildings and structures and rebuilding to form two buildings comprising office accommodation, retail shop and living accommodation providing 2 houses and 3 flats; and 1 pair of semi-detached dwellings	Approved
01/00961/FUL	Redevelopment of site and refurbishment of existing to provide residential, B1 office and retail development	Refused

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding a Construction Environmental Management Plan, noise levels, artificial lighting and contaminated land.

The **Education Authority** states that the development is scheduled to provide 9 dwellings and as the threshold for calculating education contributions is 11 dwellings or more or a site greater than 0.2 hectares, no education contribution is requested.

The **Highway Authority** has no objections subject to conditions regarding revised access details, provision of internal site road, parking and turning areas, details of surfacing materials and surface water drainage for drives, parking and turning areas, details of secure weatherproof parking for cycles, access to remain ungated, gates on pedestrian accesses to open inwards and submission of a Construction Method Statement.

Historic England has no comments to make on the application.

The **Conservation Officer** has no objections.

The **Conservation Advisory Working Party** considers that a scheme in this location should be visually subordinate to the Summer House. It does not object to the layout and relatively modest houses but objects to the detailed design of the 3 storey element of the scheme which is visually too complicated with the Juliette balconies and larger window openings, and competes with the important Grade II* Listed Building. If the window details can be simplified and the materials reflect the traditional vernacular of the village, the scheme will be acceptable. It recommends that the Conservation officer ensures the materials and the boundary treatments are appropriate.

The **Landscape Development Section** has no objections subject to a condition requiring submission of landscaping proposals. A S106 contribution is requested 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. This gives a total contribution of £5,579 per dwelling and would be used for improvements to surfacing at Betley Village Hall or at another suitable local facility managed by the Parish Council.

Betley, Balterley & Wrinehill Parish Council has no objections with the exception of the design and detailing of the 3-storey apartment block. The west elevation to New Road of the 3-storey block needs to be modified to avoid competing visually with the Summer House. A more traditional elevation without the Juliet balconies and French windows and similar to the west elevation of the Summer House would be more appropriate to the setting. The materials should be similar to and in keeping with the traditional materials used in the village on similar properties and the views of the Conservation Officer are strongly supported. The proposal is in accordance with the emerging Neighbourhood Plan in meeting identified housing needs in the Parish and the development should be completed within a reasonable period of time not exceeding 5 years. The Section 106 sum needs to be transferred to the Parish Council to spend on landscape improvements in the immediate area and elsewhere in the Parish as appropriate. The Local Planning Authority needs to ensure that adequate provision is made to accommodate necessary works traffic without creating a road hazard.

The comments of Staffordshire County Council as the **Mineral and Waste Planning Authority** are awaited.

Representations

One letter of representation has been received stating that the writers are pleased to hear that the site is to be developed as it has become increasingly overgrown and littered over the years. Concern is raised regarding the increase in traffic and impact on visibility from their drive due to parking.

Applicant/agent's submission

Application forms and plans have been submitted along with a Design and Access Statement, a Planning Statement and a Heritage Assessment. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00968/FUL>

Background Papers

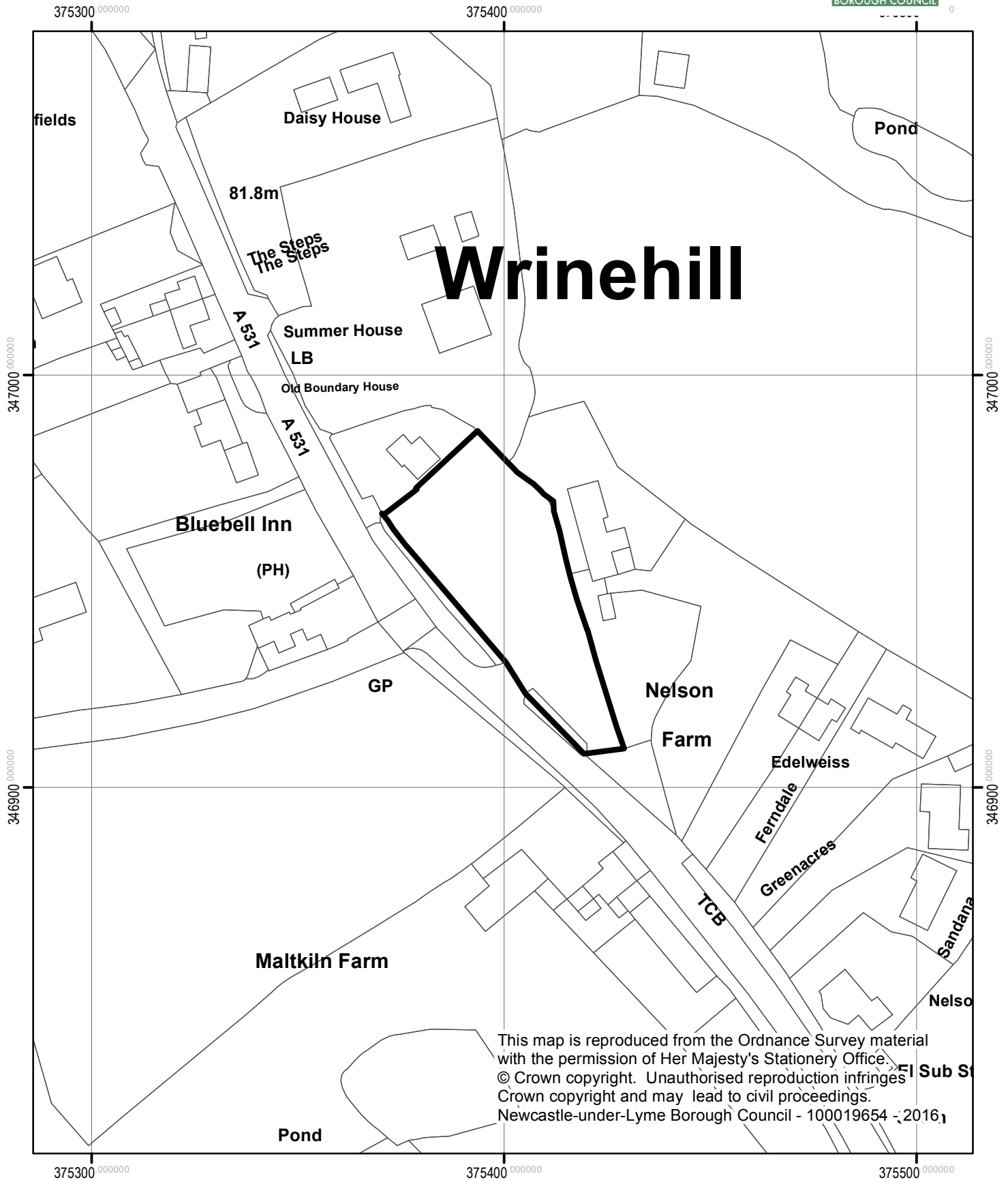
Planning files referred to
Planning Documents referred to

Date report prepared

7th February 2018

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17/00968/FUL
Site Of Former
Wrinehill Garage
Main Road
Wrinehill



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**FORMER GARAGES QUEENSWAY, WESTLANDS
ASPIRE HOUSING**

17/00982/FUL

The application is for the variation of condition 2 to amend drawing 5345-002 of planning permission 15/00308/FUL for demolition of existing domestic garages and the construction of 4No, 2 bedroom semi-detached houses.

Condition 2 lists approved drawings and the variation sought is to substitute amended plans showing an increase in the number of bedrooms at each property from 2 to 3 and amendments to rear facing windows.

The site lies within the Urban Neighbourhood of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The application has been called in to the Planning Committee by two Councillors due to public concerns relating to highway safety and loss of amenity.

The 8 week period for the determination of this application expires on 13th February 2018.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. Time Limit.**
- 2. Approved plans.**
- 3. Prior approval of facing materials.**
- 4. Implementation of parking, access, turning and surfacing works prior to occupation**
- 5. Prior approval and implementation of boundary treatments.**
- 6. Prior approval and implementation of landscaping**
- 7. Restriction of construction hours.**
- 8. Contaminated land conditions**

Reason for Recommendation

There is no significant harm arising from the proposed changes applied for either with respect to the appearance or protecting the highway safety interests of the area.

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 a sustainable form of development where no changes have been necessary to negotiate with the applicant.

Key Issues

Development involving the demolition of existing domestic garages and construction of four two bedroom, semi-detached houses, reference 15/00308/FUL was allowed on appeal following the refusal of planning permission on the grounds that the layout and appearance of the proposed dwellings would be harmful to the character of the area contrary to policy. This application seeks to vary condition 2 of that permission to substitute amended plans which revise the internal layout of the permitted dwellings through the introduction of a third bedroom. In addition amendments are proposed to the rear first floor windows. In all other respects the proposal is unaltered from that approved.

In the determination of an application to vary conditions of a planning permission consideration must only be given to the variation sought - a reconsideration of the application

in any other respect cannot be undertaken. As such the main issues for consideration in the determination of this application are:

1. Whether the changes to the elevations of the dwellings would have an adverse impact on the character and appearance of the area?
2. Do the proposed amendments result in issues regarding residential amenity?
3. Is the proposal acceptable in highway safety terms?

1. Would the changes have an adverse impact on the character and appearance of the area?

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres.

As described above, the proposal seeks approval for the amendment of the rear first floor windows of all of the proposed dwellings. In the approved scheme the two windows at first floor are sited very close together, in the proposed scheme they are further apart, with a greater amount of brick work between.

As the windows are at the rear they are not visible within the street scene. The windows do not materially change the appearance of the dwellings from that permitted and overall no harm to the character of the area will arise from the proposed change.

2. Do the proposed amendments result in issues regarding residential amenity?

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

In the approved scheme the first floor windows both serve the second bedroom and given that they are sited close together it could be argued that they form one, large principal window. In the proposed scheme one of the windows serves the second bedroom and as such would be defined as a principal window, the second is to serve a bathroom, a non-principal room.

The proposals therefore do not result in the introduction of a principal window in a position where one hasn't already been approved, and as the proposed dwellings have not been sited any closer to existing properties than the existing scheme the impact on residential amenity will not be materially different to the approved scheme. As the approved scheme was considered acceptable with regard to amenity so is the proposal.

3. Is the proposal acceptable in highway safety terms?

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on transport grounds where the impact of development is severe. In 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.

Saved policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The car parking standards set out in the Appendix to the Local Plan state that 2 or 3 bedroom properties should provide a maximum of 2 off road parking spaces. As such the proposed use generates the same parking requirement as the permitted development and as the maximum parking standards have been achieved the proposal accords with policy.

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy H4	Housing Development and Retention of Parking Facilities
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements

Other Material Considerations

National Planning Policy Framework (March 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 SPD

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

Planning History

Application 15/00308/FUL for demolition of existing domestic garages and construction of 4No, 2 bed semi-detached houses was refused due to concerns that the development would have an adverse impact on the form and character of the area but was subsequently allowed on appeal.

Views of Consultees

Landscape Development Section has no objections subject to conditions requiring:-

1. the construction of the development to follow the tree protection information provided within the submitted Tree Survey and Arboricultural Impact Survey.
2. approval of a landscaping scheme.

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

1. Access, parking, serving and turning have been provided in accordance with the submitted plan drawings.

The **Environmental Health Division** has no comments to make on the application.

Representations

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

- The style of architecture, scale of the dwellings and density of the development is not in keeping with the area.
- Bungalows would be more appropriate for the site and would address a need in the area.
- The removal of garages and the introduction of 4, three bedroom houses will exacerbate existing parking problems.
- The access to the site is inadequate and increased traffic from the development will also lead to highway safety problems.
- The proposal will lead to a loss of privacy.
- The increase in number of occupants will result in more noise pollution
- There is no need for the type of housing proposed and low rise bungalows would be better.
- Concerns about noise, pollution and dust problems arising (including asbestos from the garages) from the demolition and construction.
- Emergency vehicles will have access problems.
- Impacts on wildlife such as owls and bats.

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00982/FUL>

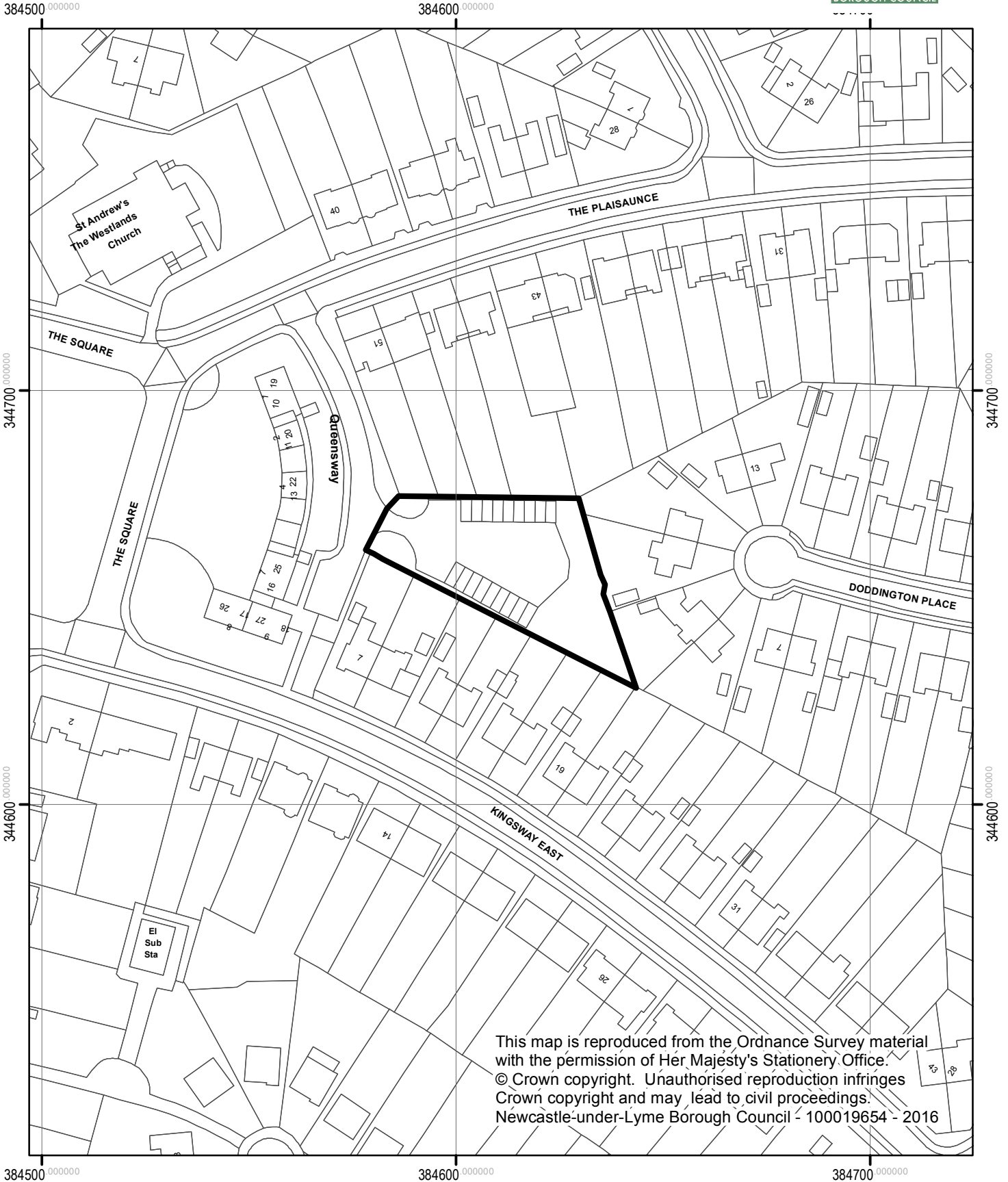
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

8th February 2018.

18/00002/FUL
Land south of west Avenue
west of Church Street and Congleton Road
and North of Linley Road
Butt Lane



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Newcastle-under-Lyme Borough Council - 100019654 - 2016

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THE LODGE, RED HALL LANE, HALMEREND
WENDY LEAR

17/00912/FUL

The application is for full planning permission to develop the site for the siting of 5 no. touring caravans for leisure/tourism purposes and the erection of a prefabricated building measuring 7 metres by 10 metres by 4.4 metres in height for the storage of site maintenance equipment.

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

Red Hall Lane is a private road which connects to Shraleley Brook Road

The 8 week determination period expired on the 23rd January 2018.

RECOMMENDATION

REFUSAL on the grounds that

- 1) The development is an inappropriate form of development in the Green Belt and the very special circumstances required to justify approval of such development do not exist in this case; and**
- 2) In a number of respects the application does not provide the information that Local Plan policy C17 on camping and caravan facilities says that applications for such development should provide to enable their proper assessment.**

Reason for Recommendation

The use of the land as a caravan site is not appropriate development within the Green Belt. That use would conflict with a purpose of the Green Belt which is to safeguard the countryside from encroachment and it would reduce the openness of the Green Belt at least for part of the time (ie when the touring caravans are present). Furthermore the appropriateness of the proposed new building for the use – in terms of its size (70 sq.m) and height (4m) - has not been demonstrated and it would also not preserve the openness of the Green Belt and conflict with the same purpose of including land within the Green Belt. There is a lack of required detail in the application although potentially subject to appropriate siting of the caravans and landscaping the proposal may not materially harm the character and appearance of the area and there are no highway safety concerns. The benefits arising from tourism and leisure schemes towards the local rural economy are acknowledged, but policy also seeks to protect the countryside from encroachment, and insofar as they could apply to any caravan site development such benefits cannot constitute very special circumstances. In conclusion there are not considered to be the very special circumstances required to justify approval of the proposal given that it represents inappropriate development in Green Belt terms.

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 so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application site is located within the open countryside on land designated within the North Staffordshire Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map. Access to the site is obtained directly off Red Hall Lane where there is an existing vehicle access point. There is also a public footpath which crosses the site from east to west from Red Hall Lane but is not materially impacted upon. The key issues in the determination of the development are:

1. Is the proposal appropriate development within the Green Belt and, if not, are there any very special circumstances evident to justify approval of planning permission?
2. Green Belt matters aside, is the use of the land as a caravan site otherwise broadly acceptable bearing in mind rural area policy?
3. Is the impact on the character and appearance of the area inclusive of wider landscape impact acceptable?
4. Are there any highway safety concerns which weigh against the proposal?

1. Is the proposal appropriate development within the Green Belt?

The National Planning Policy Framework (the Framework) contains the most up to date advice regarding Green Belt policy. Paragraph 79 of the Framework details that "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

The Framework advises when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 87 details as with previous Green Belt policy, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 goes on to state that the construction of new buildings is inappropriate development and then lists several exceptions. One of the exceptions listed is the construction of buildings for the provision of appropriate facilities for outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Certain other forms of development are also listed as not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt including engineering operations. The use of land is not included in this list.

Given the location of that part of the site where the caravans would be parked, the proposal would conflict with a purpose of the Green Belt which is to safeguard the countryside from encroachment and it would reduce openness at least for part of the time (i.e. when the touring caravans are present).

Certain permitted development rights exist to use land as a caravan site (ie planning consent is not required) but the proposal needs consent. There is already an established recreational caravanning area immediately to the north-east of the application site, but within the ownership of the applicant and that, as a Certified site, for up to 5 caravan pitches, that is "permitted development". It has pedestrian access, to and from, a fishing pool and an associated visitor car park. On the existing caravan site is a former pumphouse – which is presently not used by customers other than a chemical toilet waste disposal point - but could possibly (if redundant as a pumphouse) be converted to toilets or a washroom facility if required for the existing certificated caravan site, and could presumably form the same function in relation to the extended site. The site it would appear has a long established recreational use.

The storage building applied for is to house caravan maintenance and landscaping apparatus including a small tractor needed for the upkeep of a 1 hectare area of land which includes a stocked fishing pool. The appropriateness of the proposed building for the use – in terms of its size (70 sq.m) and height (4m) - has not been demonstrated and it would also not preserve the openness of the Green Belt and conflict with the same purpose of including land within the Green Belt. A small timber shed has been recently erected close to the fishing pool without the benefit of planning consent and the applicant plans to remove it should the new building be permitted it.

Certain elements of the scheme such as the provision of electrical hookup points might be viewed as appropriate development. It would not be unreasonable to assume that some form of hardsurfaced track to the locations of the 5 caravan pitches would be required (to avoid caravans and the vehicles towing them getting bogged down. Taken as a whole the development should be regarded as inappropriate development within the Green Belt

2. Green Belt matters aside, is the use of the land as a caravan site otherwise broadly acceptable bearing in mind broad rural area policy and the Local Plan policy on camping and caravan developments?

Policy ASP6 of the Core Spatial Strategy supports forms of rural enterprise which are sensitive, sustainable and a positive contribution towards the local landscape. Paragraph 28 of the Framework also sets out encouragement to sustainable tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. That latter aspect is considered further below

The proposal is a form of small scale rural enterprise which offers local economic benefit to the rural area in line with relevant policy advice.

In a number of respects the application does not provide the information that policy C17 on camping and caravan facilities says that such applications should provide. Conditions could control occupancy in a manner that limits use of the site to the stated recreational caravan touring purpose.

3. Is the impact on the character and appearance of the area inclusive of the wider landscape acceptable?

Policy CSP1 of the Core Spatial Strategy advises new development should be designed to respect the character of the area inclusive of the wider landscape. Saved Local Plan Policy N21 supports proposals that will improve the quality of the landscape.

The application site is mowed grassland and open containing a centrally located fishing pool. The site lies adjacent and partly encroaching into an area of woodland with some trees and hedgerow around the edge. It is a very open location to the south, but it is in a shallow valley. A public right of way passes through the site. This would both need to be protected but it also provides public access across the site and users of the right of way would have close views of the site, even if planting of trees and shrubs were included.

The 5 caravan pitches with appropriate surrounding planting would not have any significant wider landscape impact. The touring caravans would also be likely to present at intermittent times of the calendar year, although with modern standards of insulation there is, it would appear, no closed season for touring caravans. The proposed building would be a permanent feature. Its position at the corner of the site is the most sensible place to accommodate the building. Overall the overall impact of the development might not be materially harmful to the appearance of the rural area, but there is a lack of detail in the proposals contrary to Local Plan policy C17.

4. Are there any highway safety concerns which weigh against the proposal?

The Highway Authority have no objections to the scheme taking into account the impact on the local road network. They have asked for formalised parking and turning areas to be agreed by condition but the applicants are keen to retain the site in its semi-natural appearance and there is ample space within the site boundary to manoeuvre and park touring caravans clear of Red Hall Lane without detriment to public safety. Overall there are no significant highway safety concerns evident.

5. Are there any very special circumstances to warrant the approval of planning permission?

The decision maker is required to consider, in the case of inappropriate development within the Green Belt the harm to the Green Belt (to which substantial weight should be given) and any other harm and to consider whether such harm is clearly outweighed by other considerations. Whilst with respect to visual and highway safety impacts there is no identifiable harm arising from recreational caravan for the amount of pitches proposed, this is not unusual or special and could be oft repeated within the Green Belt. Similarly the benefits to tourism and the local economy cannot reasonably be considered to be other considerations of any significant weight in the assessment of whether very special circumstances exist. That the site is already in recreational use (and that there are already a limited number of caravans immediately adjacent is a consideration but not one of any significant weight. The conclusion reached is that the required very special circumstances do not exist in this case, and therefore refusal is recommended.

6. Other matters

In acknowledgement of the public objections to the scheme there are not considered to be any significant harm to flora or fauna implications arising from the proposal or any other material consideration arising to inform a planning decision on this case. If planning permission approval is given for the above development a Caravan Site Licence will still need to be applied for in order to operate and run the site. In order to be licenced the site will need to meet conditions in the Model Standards 2008 for Caravan Sites in England: Caravan Sites and Control of Development Act 1960, as well as the controls of the Environment Agency. There is no reason to consider that with such controls there would inevitably be adverse impact on ecological assets.

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 SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy C17: Camping and Caravan Sites
Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Consideration
Policy N21: Area of Landscape Restoration
Policy T16: Development – General Parking Requirements
Policy T18: Development – Serving Requirements

Other material considerations include:

[Caravan Sites and Control of Development Act 1960](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

16/01017/PLD	Application for a lawful development certificate for proposed access	Permitted 2017
12/00042/COU	Change of use of land to caravan storage compound <i>An appeal was subsequently dismissed</i>	Refused 2012
06/01199/FUL	Retention of the formation of a fishing pond, conversion of barn, use of fishing pond and provision of a car park for commercial tourist/leisure purposes	Permitted 2006
06/00151/FUL	Retention of the formation of a fishing pond, conversion of barn, use of fishing pond and provision of a car park for commercial tourist/leisure purposes	Refused 2006
N5868	Construction of pump house and sump and laying of underground water pipe and electricity cable	Permitted 1978

Views of Consultees

The **Public Rights of Way Officer** comments that the application does not recognise the existence of Public Footpath No 60 Audley Parish which crosses the site from east to west from Red Hall Lane. It

does not appear that the application directly affects the public footpath however the attention of the applicant should be drawn to the existence of it and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the footpath does need diverting as part of these proposals, the applicant would need to apply

Audley Parish Council object to this development on the grounds of overdevelopment resulting in light pollution and noise pollution, which will cause additional harm to the green belt and nature reserve nearby.

The **Highway Authority** has no objections subject to details of the siting of the caravans including parking and turning within the curtilage of the site being submitted to and approved in writing by the Planning Authority. The parking and turning areas shall thereafter be provided in accordance with the approved details and thereafter retained for the life of the development.

The **County Minerals Planning Authority** have until the 28th February to provide comment.

National Grid refers to the presence of a high pressure pipeline within proximity of the site and notes the separate consents which must be obtained because of that.

Environmental Health Division has no objections.

Housing strategy have no objections but note that if planning permission approval is given for the above development a Caravan Site Licence will still need to be applied for in order to operate and run the site. In order to be licenced the site will need to meet conditions in the Model Standards 2008 for Caravan Sites in England: Caravan Sites and Control of Development Act 1960.

Representations

3 letters of objection have been received raising some of the following concerns:-

- The proposal is close to a nature reserve (Bateswood Country Park) and would reduce its attractiveness to ramblers and visitors.
- Damage to the appearance of the landscape and local heritage.
- The application documents do not detail how caravan waste will be dealt with.
- The new building is inappropriate development in the green belt and harmful to the countryside
- Red Hall Lane and Shraleay Brook Road are not suitable for additional traffic where there are existing traffic problems and highway safety issues will result (also taking into account the potholed nature of Red Hall Lane).
- The proposal could result in light pollution.
- There are protected species in the area which could be at risk of harm.
- Crime and disorder problems could result.
- There is a local school nearby whereby safeguarding children could be a problem.

Applicant/agent's submission

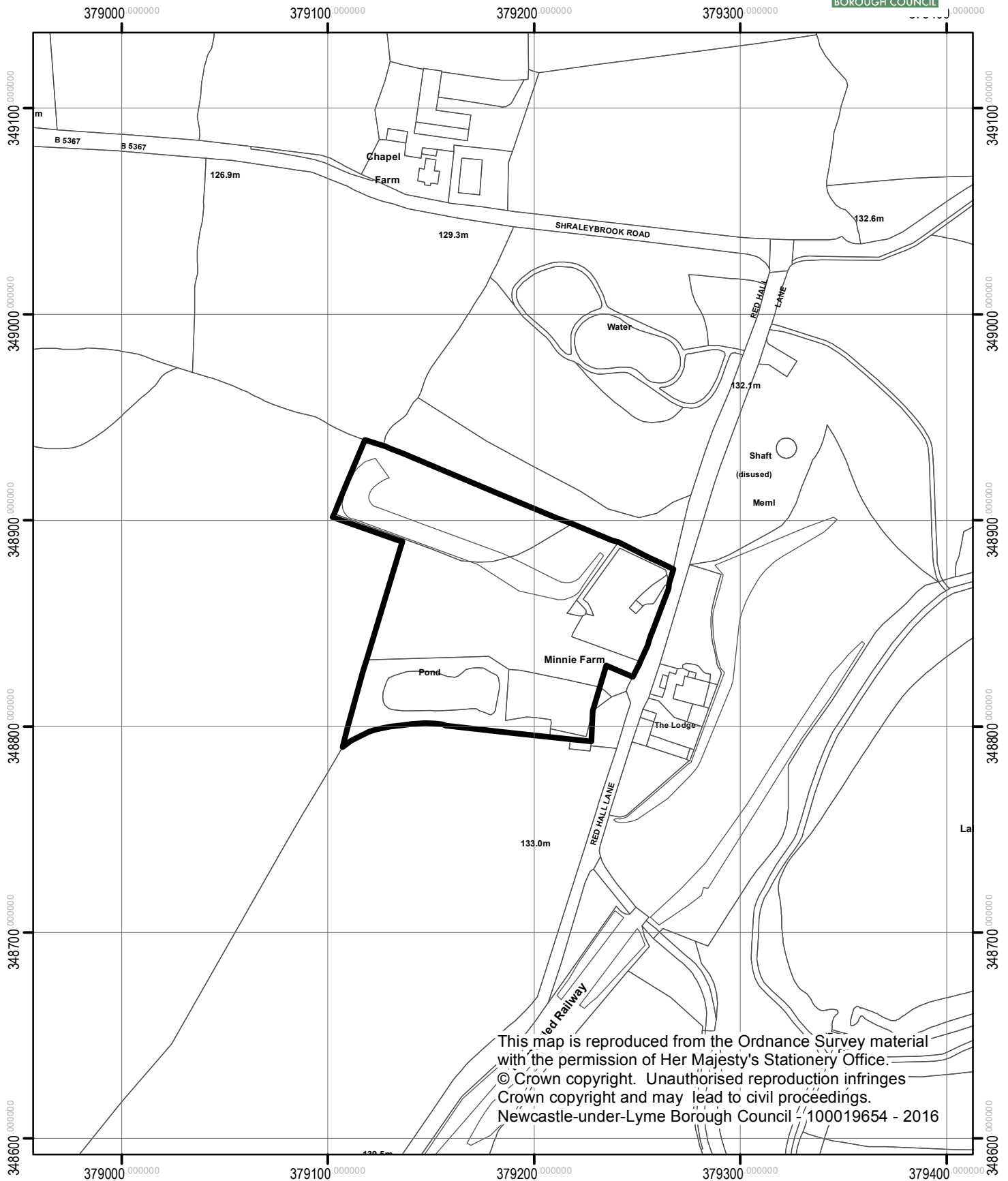
Application forms and plans have been submitted along with a Planning Statement. These documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00912/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th February 2018.



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APPEAL BY MR THOMAS MAUGHAN AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO VARY CONDITION OF PLANNING PERMISSION N21428 FOR USE OF MOBILE HOME AS DWELLING AT 5 BOGGS COTTAGES, KEELE ROAD, KEELE

<u>Application Number</u>	16/00969/FUL
<u>LPA's Decision</u>	Refused by Committee 4th January 2017
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	05 January 2018

The appeal decision

The full text of the appeal decision is available to view via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/16/00969/FUL>

Permission was granted on appeal in 1986 for the siting of a mobile home on the appeal site subject to a condition that the permission shall enure for the benefit of Mr Leonard Edwards only and any relatives or dependents living with him. Planning permission was subsequently granted for use of a mobile home as a dwelling house at the site, incorporating additional land and a larger mobile home, in 1996 subject to the same condition. The application, the refusal of which was appealed, sought to vary the condition to allow the occupation of the mobile home by Thomas Maughan, Eileen McDonagh and their resident dependents.

The Inspector considered that the main issues in this case was whether the condition is necessary and reasonable

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

Green Belt

- The proposal would not meet any of the exceptions in the NPPF and would be inappropriate development for the purposes of national Green Belt policy as set out in paragraph 89. This harm attracts substantial weight as set out at paragraph 88 of the Framework.
- In 1986 the Inspector found that the permanent use of a mobile home as a dwelling would result in demonstrable harm to the character of the area and to the effectiveness of the Green Belt. The decision must address any harm that the proposed change to the disputed condition, might bring about.
- Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The proposal concerns a change in occupiers of the appeal site and since a personal permission is sought, would not result in the creation of a permanent dwelling. The mobile home is tied to Mr Edward's lifespan and the appeal proposal would considerably extend the period of occupation of the appeal site.
- The proposal would also alter the intensity of the occupation of the site as Mr and Mrs Edwards no longer lived at the appeal site and the appeal proposal would see the occupation of the site by a family of six. Whilst Mr and Mrs Edwards could recommence their day to day occupation of the appeal site in future the Inspector was not convinced that the likelihood of this was great.
- The residential use of the appeal site has had an urbanising effect that is harmful to the openness and purposes of the Green belt. In this context, both in terms of the length and nature of the occupancy of the site that would result, the variation of the disputed condition as sought, would fail to prevent encroachment and have a detrimental impact on the openness and one of the purposes of the Green Belt. In the Inspectors view it would lead to additional harm in these regards over and above the permitted situation.
- The disputed condition does not require the removal of the mobile home or the restoration of the site in the event that Mr Edwards is no longer occupying the site.

Regard was given to the appellant's suggestion that additional conditions could be imposed to ensure the removal of the existing mobile home, garage and hardstanding removed within an acceptable timeframe. The appellant was willing to accept conditions to limit the number of caravans etc.

- Despite the wording of the condition the Inspector in 1986 anticipated that the temporary period of that permission would at some stage end, such that the harm caused to the Green Belt would cease.
- The Inspector could see no reason why the Council would not have powers to remove the mobile home from the site once Mr Edwards has ceased to occupy it. Future action to remove the garage and hardstanding could not be ruled out. Additionally the Inspector saw nothing to suggest that the siting of further caravans on the site etc. has occurred in the past or would be likely to take place in the future under Mr Edward's occupancy.
- As such the Inspector was not persuaded that the imposition of these conditions would necessarily give rise to tangible overall benefits in terms of the openness and purposes of the Green Belt that would offset the additional harm that would be caused by the proposal in these regards.
- In isolation, the harm that would be caused to the openness of the Green Belt and encroachment into the countryside by allowing the appellant and his family to occupy the site would be limited. Nevertheless, the proposal would fail to prevent encroachment and have a detrimental impact on the openness and one of the purposes of the Greenbelt. This harm still attracts substantial weight as set out at paragraph 88 of the NPPF. Since the proposal would fail to preserve the openness of the area it would also be contrary to Local Plan policy S3.

Other Considerations

- According to paragraph 87 of the NPPF inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- There is unmet need for and supply of gypsy sites in the Borough, including the lack of a 5 year supply of deliverable sites, which adds significant weight in favour of the appeal scheme.
- Significant weight was also given by the Inspector to the lack of any reasonable alternative accommodation for the appellant and his family.
- The Inspector appreciated why the appellant wanted to avoid the Blackburn area where he and his family originate from. In addition the Inspector heard about the difficulties of looking after a family, including a baby, from the unauthorised roadside sites that they have been using. However, the Inspector was not convinced that the appeal site is the only site that would achieve better living conditions and more consistent school attendance for the children and did not find such personal circumstances compelling. They only added a modest amount of weight in favour of the proposal.
- The Inspector found that the proposal would cause substantial harm to the Green Belt, and was satisfied that the well-established and legitimate aim of granting planning permission in accordance with the development plan and planning policies which seek to protect Green Belts in the wider public interest, could only be adequately safeguarded by the refusal of permission. Whilst bearing in mind the need to eliminate discrimination and promote equality of opportunity, the Inspector considered that the adviser impacts of dismissing the scheme on the appellant and his family are necessary and proportionate. As such the very special circumstances necessary to justify the development do not exist.

Recommendation

That the appeal decision be noted and a report be brought before the Planning Committee on the outstanding breach of the Enforcement Notice.

Confirmation of Tree Preservation Order

Five Beech trees at 189 Broadmeadow Court

Tree Preservation Order No 189 (2017)

Town & Country Planning Act 1990

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

The Provisional Order

The Provisional Tree Preservation Order protects thirteen Lime trees, located within garden area at bungalows on Broadmeadow Court. The trees are highly visible backdrop feature when viewed from London Road and Broadmeadow Court.

The provisional Tree Preservation Order was served using delegated powers on 3/10/17. The consultation period ended on 31/10/17.

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

The 6 month period for this Order expires on 4th April 2018

RECOMMENDATION

That Tree Preservation Order No 189 (2017), Broadmeadow Court be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

The Avenue of thirteen early mature Lime trees make a valuable visual contribution to the area and their loss or disfigurement would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

The trees are located within bungalows at Broadmeadow Court, and are a highly visible backdrop feature when viewed from London Road and Broadmeadow Court.

The trees have been pruned in the past; however they maintain a good form and are of a sufficient quality to be retained. The making of the Order will not prevent the owner from carrying out good management of the trees but it will give the Council the opportunity to control any proposed works to ensure that the trees can remain an asset to the locality for many years to come.

In order to protect the long-term wellbeing of the avenue of trees, they should be protected by a Tree Preservation Order.

Representations

Following the consultation, a response was received stating that it the Tree Preservation Order is very positive news for local residents, some of whom have already suffered a loss of visual amenity due to the recycling site to the rear of Broadmeadow Court.

Issues

An officer inspection determined that thirteen individual Lime trees are of sufficient quality to be retained.

The making of the Order will not prevent the owner from carrying out good management of the trees, nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

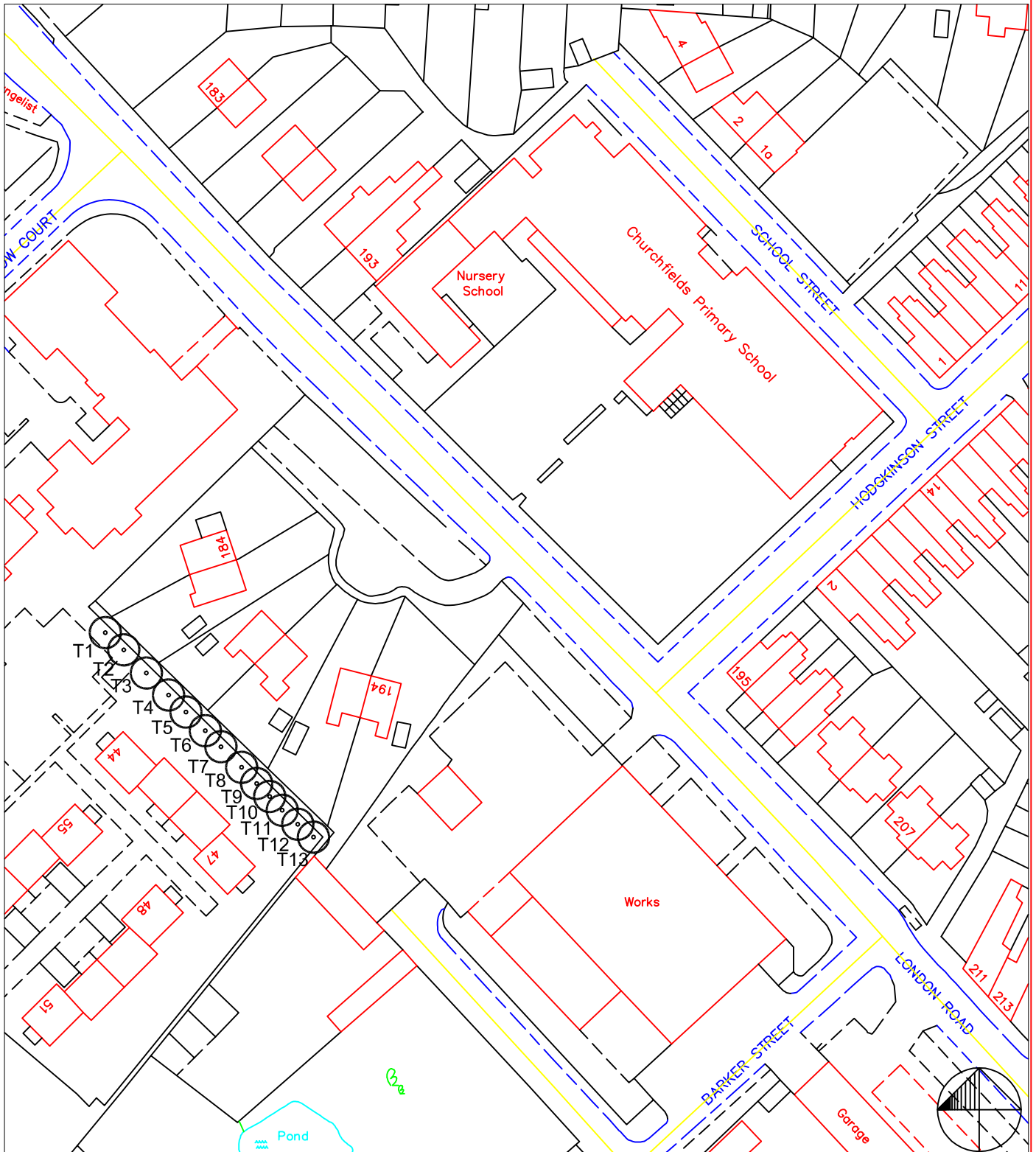
In order to protect the long term well-being of the thirteen Lime trees, they should be protected by a Tree Preservation Order.

Date report prepared

15th February 2018

SIGNED:

DATED:3rd October 2017



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ST5 2AG

TITLE:
LAND AT BROAD MEADOW COURT, NEWCASTLE

DESCRIPTION:
TREE PRESERVATION ORDER
NUMBER 189 (2017)

SCALE:
1:1000

DATE:
SEP 2017

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