

Public Document Pack

Date of meeting Tuesday, 27th March, 2018
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 10)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT WATERMILLS ROAD, CHESTERTON. NSL LTD. 17/00977/FUL** (Pages 11 - 18)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - UNITS 2-3 MARIES WAY, SILVERDALE, NEWCASTLE. FLEET OPERATIONS LTD. 18/0008/FUL** (Pages 19 - 26)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - ETRURIA VALLEY, SHELTON BOULEVARD, STOKE-ON-TRENT. STOKE-ON-TRENT REGENERATION. SOTCC ref 62288/FUL (NuIBC ref 348/253)** (Pages 27 - 30)
- 7 **APPLICATION FOR MINOR DEVELOPMENT - 24 GREENOCK CLOSE NEWCASTLE. MR R TAYLOR. 17/01015/OUT** (Pages 31 - 38)
- 8 **APPLICATION FOR MINOR DEVELOPMENT - FORMER GE DIAMOND BUILDING, WEST AVENUE, KIDSGROVE. REVELAN GROUP. 18/00029/FUL** (Pages 39 - 46)

- 9 APPLICATION FOR MINOR DEVELOPMENT - LAND NORTH OF BRADWELL HOSPITAL, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 17/00515/DEEM4 (Pages 47 - 52)
- 10 APPLICATION FOR OTHER DEVELOPMENT - NEW WOODHOUSE FARM, APEDALE ROAD, WOOD LANE. MR & MRS G PROCTOR. 18/00056/FUL (Pages 53 - 58)
- 11 APPLICATION FOR OTHER DEVELOPMENT - IMPERIAL WORKS, COALPIT HILL, TALKE. MR AL PROPERTY. 18/00066/FUL (Pages 59 - 66)
- 12 APPEAL DECISION - BANK TOP, PINWOOD ROAD, ASHLEY HEATH. 17/00010/FUL (Pages 67 - 68)
- 13 APPEAL DECISION - 8 BARFORD ROAD, NEWCASTLE. 17/00483/FUL (Pages 69 - 72)
- 14 KEELE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT (Pages 73 - 76)
- 15 TREE PRESERVATION ORDER - LAND AT THE OAKS, MINN BANK ASTON. TPO190 (Pages 77 - 80)
- 16 TREE PRESERVATION ORDER - PINASTRE, PINWOOD ROAD, ASHLEY HEATH. TPO 191 (Pages 81 - 84)
- 17 APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDING GRANT) - 181 HOLLOWAY LANE, ASTON (REF: 17/18004/HBG) and BRADWALL HOUSE, 16-18 KING STREET, NEWCASTLE (REF: 17/18005/HBG). (Pages 85 - 86)
- 18 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 5 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972.

- 19 ENFORCEMENT MATTER (Pages 87 - 96)
- 20 URGENT BUSINESS

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

Members: Councillors Burgess, Fear, S Hambleton, Heesom, Northcott, Panter, Proctor (Chair), Reddish, Simpson, Spence (Vice-Chair), Sweeney, S Tagg, G White, G Williams, J Williams and Wright

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, 27th February, 2018
Time of Commencement: 7.00 pm

Present:- Councillor Bert Proctor – in the Chair

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

Officers Nick Bromley, Geoff Durham - Member Training and Development Officer, Jennet Hough, Elaine Moulton, Trevor Vernon -Solicitor and Darren Walters

Apologies Councillor(s) G White

1. APOLOGIES

Apologies were received from Councillor White.

2. DECLARATIONS OF INTEREST

Councillor Burgess declared an interest in application 17/00912/FUL – the site and applicant were known to her.

Councillor Hambleton declared an interest in application 17/00982/FUL as an Aspire Board Member.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the Minutes of the meetings held on 2 January and 1 February, 2018 be agreed as correct records.

4. APPLICATION FOR MAJOR DEVELOPMENT - KEELE SCIENCE PARK, PHASE 3 (HOME FARM), KEELE. KEELE UNIVERSITY. 17/00934/OUT

Resolved:

- (a) That the application be permitted subject to the undermentioned conditions:
 - (i) 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
 - (ii) Approval of details of layout, scale, external appearance of buildings and the landscaping of the site
 - (iii) Development mix and amount
 - (iv) Details of site-wide security measures
 - (v) Restriction on uses
 - (vi) Detailed surface water drainage scheme
 - (vii) Submission of an updated structural landscape

- plan
 - (viii) 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
 - (ix) Construction management plan
 - (x) Details of air cooling/air extraction equipment
 - (xi) External lighting scheme
 - (xii) Surface water drainage scheme for each plot
 - (xiii) Details of design measures in residential units relating to internal noise levels
 - (xiv) Details of parking, turning and servicing within the site curtilage of each plot
 - (xv) Details of means of connecting development sites to network of footpaths/cycleways
 - (xvi) Design of buildings in accordance with the submitted Design Guidance
 - (xvii) Further surveys for bats, reptiles and great crested newts prior to the development of any plots unless otherwise agreed,
 - (xviii) The provision of a permissive path between the site and linking to permissive paths at the Butts.
- (b) That authority be given to include a trip rate envelope condition, should it be considered appropriate following receipt of further information from the Highways Authority.

5. APPLICATION FOR MAJOR DEVELOPMENT - SITE AT JUNCTION OF WEST AVENUE AND LINLEY ROAD, TALKE. ROBERT COATES PLANT SALES LTD. 17/00897/FUL

Councillor Robinson spoke on this application.

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Boundary treatments/ security fencing
- (v) Finished ground levels of external display area
- (vi) Submission, approval and implementation of a landscaping scheme. Tree screen planting should be included along the entire Linley Road frontage and the splayed corner.
- (vii) Tree protection measures for all trees on or adjoining the site
- (viii) Provision of access, parking, servicing and turning areas
- (ix) Details of weatherproof cycle parking
- (x) Gates to open away from the highway
- (xi) Construction Method Statement
- (xii) Construction hours
- (xiii) Hours of Operation (movement and operation of heavy

- plant and machinery)
- (xiv) External lighting details
- (xv) Noise assessment
- (xvi) Land contamination

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**

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

- (i) The variation of condition 2 to reflect the revised drawings.
- (ii) Any other conditions of 14/00562/REM that continue to apply to the development.

7. **APPLICATION FOR MAJOR DEVELOPMENT -LAND AT CHEMICAL LANE, TUNSTALL, STOKE-ON-TRENT. LAND RECOVERY LIMITED. SOTCC REF 62057/FUL (NULBC REF 348/251)**

Resolved: 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.

8. **APPLICATION FOR MINOR DEVELOPMENT - SITE OF FORMER WRINEHILL GARAGE, MAIN ROAD, BETLEY, NEW ROAD DEVELOPMENTS LTD. 17/00968/FUL**

Resolved: (a) That, 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,

the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Construction Environmental Management Plan
- (iv) Noise levels
- (v) Artificial lighting
- (vi) Contaminated land
- (vii) Landscaping scheme
- (viii) Revised access details
- (ix) Provision of internal site road, parking and turning areas
- (x) Details of surfacing for private driveway, parking and turning areas
- (xi) Details of means of surface water drainage

for the private driveway, parking and turning areas

- (xii) Details of secure weatherproof parking for cycles
- (xiii) Vehicular access to remain ungated
- (xiv) Gates on pedestrian accesses onto Main Road to open inwards away from the highway
- (xv) Materials and window details
- (xvi) Boundary treatments

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

9. APPLICATION FOR MINOR DEVELOPMENT - FORMER GARAGES, QUEENSWAY, WESTLANDS. ASPIRE HOUSING. 17/00982/FUL

Councillor Hambleton left the room during consideration of this item.

Councillor Holland spoke on this application.

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

- (i) Time Limit.
- (ii) Approved plans.
- (iii) Prior approval of facing materials.
- (iv) Implementation of parking, access, turning and surfacing works prior to occupation
- (v) Prior approval and implementation of boundary treatments.
- (vi) Prior approval and implementation of landscaping
- (vii) Restriction of construction hours.
- (viii) Contaminated land conditions

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

Councillor Burgess left the room during consideration of this item.

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

- (i) 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

- (ii) 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.

11. APPEAL DECISION - 5 BOGGS COTTAGES, KEELE ROAD, KEELE

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

12. TREE PRESERVATION ORDER - BROADMEADOW COURT. TPO 189

Resolved: That Tree Preservation Order no 189 (2017), Broadmeadow Court be confirmed.

13. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 8.17 pm

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LAND AT WATERMILLS ROAD, CHESTERTON
NSL LIMITED

17/00977/FUL

The application is for full planning permission for the change of use of land to a vehicle compound for seized vehicles, proposed siting of 3 cabins, new fencing and gates.

The application site lies within the Urban Area of Newcastle-under-Lyme and the area is covered by saved Local Plan Policy E9 (relating to employment uses), as identified on the Local Development Framework Proposals Map.

The site is accessed off Watermills Road and would share its access with Armstrong's vehicle recycling centre who owns the site. The site extends to 0.85 hectares in area.

The 13 week period for the determination of this application expires on the 21st March 2018 but the applicant has agreed to extend the statutory determination period to the 29th March 2018.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Time limit**
- 2. Approved plans**
- 3. Submission and approval of parking and turning areas for the storage of vehicles, recovery vehicles and staff,**
- 4. The cabins shall be removed from the site when they are no longer in use,**
- 5. No external lighting unless submitted for approval,**
- 6. Provision of hibernacula within a standoff area, details of which are to be agreed**
- 7. Planting of streamside vegetation on the currently unvegetated watercourse**
- 8. Further Great Crested Newt study prior to, whichever is the sooner, vehicles being brought onto site or additional hardsurfacing being laid**

Reason for Recommendation

The principle of the development is considered acceptable and there is unlikely to be any significant harm to the biodiversity of the area. Subject to conditions it is not considered that there would be any significant adverse impact on highway safety or the amenity of the area.

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 matters not covered in the submission and additional information has been submitted which has addressed this. 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 full planning permission for the change of use of land to a vehicle compound for seized vehicles, proposed siting of 3 cabins, new fencing and gates.

The application site lies within the Urban Area of Newcastle-under-Lyme and is accessed off Watermills Road and would share its access with Armstrong's vehicle recycling centre.

The site is located within an established industrial estate setting and it is not considered that the proposed development would have a significant harm to the visual appearance of the landscape or trees. The applicant has also confirmed that no external lighting is proposed.

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

- Is the principle of development acceptable? and
- The impact on the ecology.

Is the principle of development acceptable?

Saved Policy E9 of the Local Plan relates to the renewal of planning permissions for employment development on certain sites. This site is covered by the policy which supports the renewal during the plan period of planning permissions for employment use broadly in accordance with the same terms as given by 2003, unless new factors or other material considerations indicate otherwise. Any viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4 & 5. In the case of this site the policy requires a nature conservation study to support the application.

The plan period referred to in Policy E9 finished in 2011.

The proposed development is for the use of the site as a DVLA storage compound. The application indicates that vehicles that are unlicensed on the public highway would be seized and brought to the compound for a set period. The vehicles are then collected by the owners once they have paid the release fee. If the vehicles are not retrieved by the owners they are sold online and then collected by the new owner.

The application site is located on an established industrial estate and the proposal is for a vehicle storage compound for seized vehicles. The site appears to have been overgrown and unused for a number of years and extends either side of an access which leads to Armstrong's vehicle recycling centre. The application site is owned by Armstrong's vehicle recycling centre.

The County Council as the Mineral and Waste Planning Authority have advised that in terms of the requirements of Policy 2.5 a) of the Waste Local Plan they do not consider that the proposal would unduly restrict or constrain the activities at the permitted scrapyards adjacent to the application site, and furthermore that the application has no mineral safeguarding implications.

The site is also constrained by its shape, limited size and access through it, and has been laid with hardstanding and is secured via security fencing. It would appear that the previous vegetation on the site was removed and the hardstanding provided without the required planning consent recently. The implications of this will be discussed in the section below.

The application indicates that the site will employ 7 full time staff and that the proposed use is only required for a 7 year period at which point the DVLA will review its requirement and different locations for the facility.

The proposed development would make use of a vacant site and create 7 full time jobs and whilst it will only be for a 7 year period it is considered that it represents a sustainable form of development and the proposal is acceptable in principle.

The impact on biodiversity

Saved development plan policies and the NPPF (including the draft NPPF out for consultation) seek to protect important habitats and wildlife from development and as discussed policy E9 of the local plan requires a nature conservation study to support the planning application.

The area is known to have a population of Great Crested Newts (GCN) and the applicant has now submitted an up to date Great Crested Newt Impact Assessment.

The assessment indicates that there are two watercourses within the site but these are considered unsuitable for Great Crested Newts (GCN) because it includes a gravelled hardstanding and is the subject of high levels of disturbance. However, there are two ponds outside of the application site that are considered suitable to support breeding Great Crested Newts (GCN). The assessment concludes that there will be a negligible impact upon GCNs or any GCN habitat and no mitigation or

compensation measures are required. Furthermore, it is considered that works may commence without the need for a European protected species (EPS) mitigation licence from Natural England.

The hardstandings have been laid prior to planning permission being granted and some harm may have already been caused to GCN and their habitat. There is now no way of knowing whether harm to GCN has been caused or not. Additionally, it is accepted that the survey was undertaken outside of the desired time for a GCN survey but the assessment considers that sufficient vegetation (in the area) was available to provide a robust assessment of aquatic and terrestrial habitats. Your officers have no reason to challenge the assessment and the site characteristics and conclusions reached are considered accurate and therefore accepted.

The question for the Local Planning Authority is whether or not to require some form of mitigation works to reflect the likelihood that prior to the unauthorised hardstanding works the site would probably have been a suitable habitat for newts although it should be emphasised that there were no ponds upon the site. The site is part of an employment site as indicated in the Local Plan and weight should also be given to this. A recommended mitigation would be the provision on the pond side of the site of some purpose built hibernacula (or refuges) for GCN within a standoff area, and the planting of vegetation along the currently unvegetated section of one of the watercourse along the boundaries of the site.

However, in order to mitigate any future impact it is considered necessary to impose a condition that a further survey is conducted prior to whichever is the sooner vehicles being brought onto the land or any additional hardstandings being and a requirement appropriate measures be put in place to avoid harm to GCN's.

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
Policy CSP4: Natural Assets

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

Policy E9: Renewal of Planning Permissions for Employment Development
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local species
Policy N8: Protection of Key Habitats
Policy N12: Development and the Protection of Trees

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Draft revised National Planning Policy Framework](#)

[Protected species: how to review planning applications - Natural England Standing Advice: Great crested newts: surveys and mitigation for development projects \(December 2015\)](#)

Relevant Planning History

1980 N8292 Refuse - filling and grading of land
1980 N8912 Permit - filling and grading to improve low lying storage area
1981 N10259 Refuse - erection of warehouse units
1982 N11254 Refuse - erection of warehouse units
1983 N11725 Permit - erection of light industrial and warehouse units
1986 N15251 Permit - erection of light industrial and warehouse units
1989 N18652 Permit - erection of light industrial and warehouse units
1990 N18652D1 Permit - detailed permission for Unit G light industrial use
1990 N18652D2 Deemed - refused - layout of site (roads, buildings and access)
1990 N20004 Permit - erection of buildings for use as B1 light industrial and business and B8 storage and distribution

County Council ref N.002/01/231W (01/00799/CPO) Vehicle waste recycling centre Permit

County Council ref N.11/07/231 W (11/00273/CPO Retrospective planning application for change of use of part of an end of life vehicle recycling centre for smelting non-ferrous metals from road vehicles Permit

Views of Consultees

The **Highway Authority** raises no objections subject to a condition which secures details of the parking and turning arrangements within the site for the storage of vehicles, staff and visitors and recovery vehicles.

The **Landscape Development Section** indicates that they have no capacity to make comments on this application.

The **Environmental Health Division** raises no objections subject to a condition for the prior approval of external lighting.

The **Mineral and Waste Planning Authority** raises no objections on the grounds that the proposal would not unduly restrict or constrain the activities of the permitted scrapyards which are adjacent to the application site. They also advise that the application site is not within or near to any permitted waste management facility; and is exempt from the requirements of Policy 3 – Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 – 2030

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

The **Crime Prevention Design Advisor** raises no objections but indicates that without adequate overnight security in place, the potential will exist for break-ins to the compound and cabins, and theft from or of vehicles, or damage to them. Consequently there is a strong case for either a physical guarding presence overnight or the installation of a Perimeter Intruder Detection System linked to an externally monitored CCTV system with response arrangements in place. Record-only CCTV would be insufficient.

Representations

None received

Applicant's/Agent's submission

All of the application 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/17/00977/FUL>

Background papers

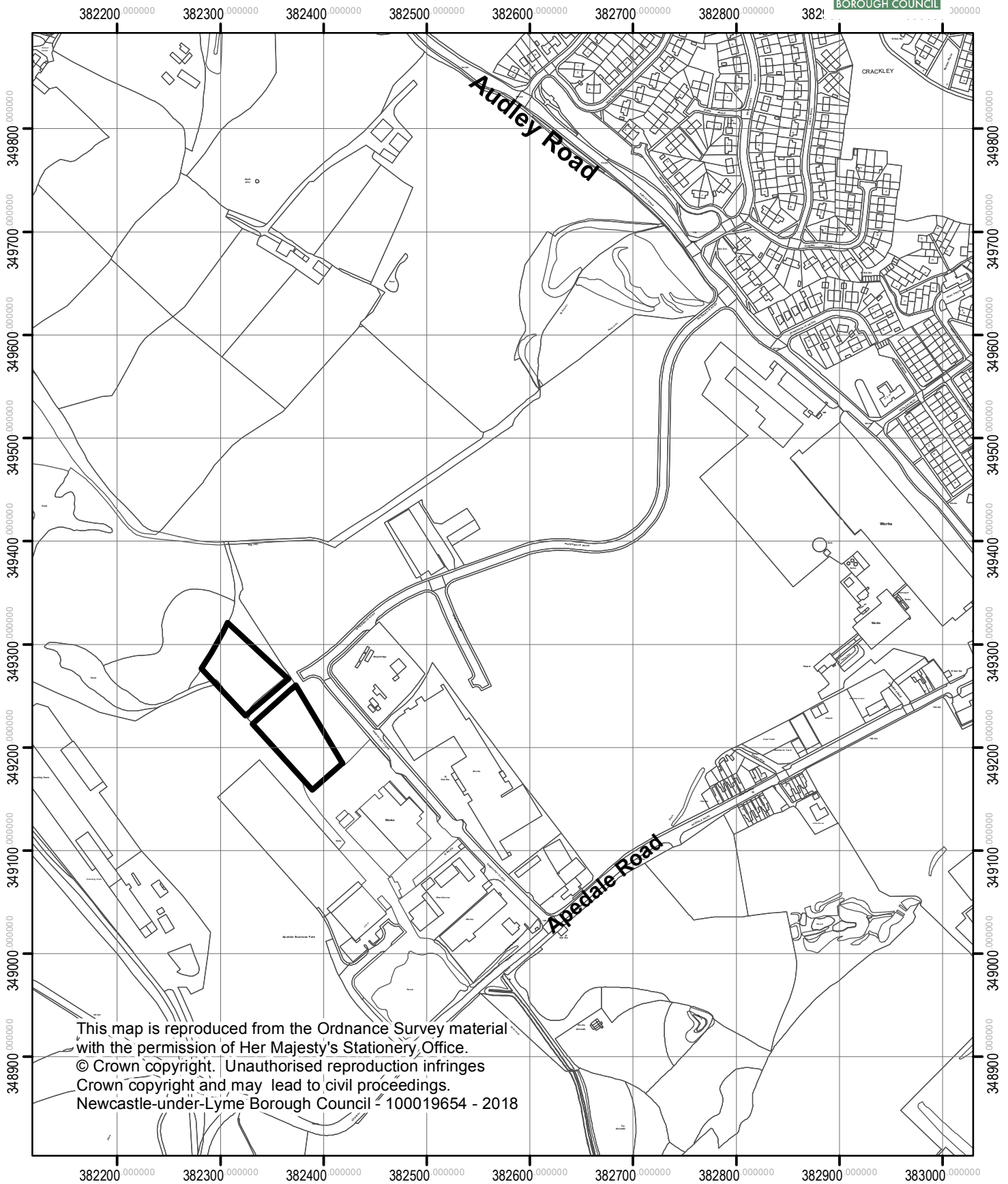
Planning files referred to
Planning Documents referred to

Date report prepared

15th March 2018

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17/00977/FUL
Land at Watermills Road
Chesterton



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UNITS 2,3 and 4 MARIES WAY, NEWCASTLE UNDER LYME
FLEET OPERATIONS LTD

18/00008/FUL

The application is for full planning permission for erection of two 2-storey office/ commercial buildings. The total floor amount of new office space under consideration is 1,353 square metres. The application site measures around 0.26 hectare in area.

The site does not have any particular policy designation other than being within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map.

The statutory 13 week period for the determination of this application expires on the 17th April 2018.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Plans**
- 3. The protection of existing trees to BS5837:2012 during construction.**
- 4. Approval and implementation of a detailed landscaping scheme.**
- 5. The implementation of approved parking and turning areas.**
- 6. Approval and implementation of cycle parking details.**
- 7. The approval and implementation of a Construction Management Statement.**
- 8. Site contamination.**
- 9. Construction and groundworks activities which have the potential to disturb burial services in the adjacent Silverdale Cemetery shall cease for the duration of the service.**
- 10. Prior approval of lighting.**
- 11. Revised bin storage detail (to allow greater levels of accessibility).**

Reason for Recommendation

The application site, within Silverdale Business Park, is currently undeveloped and has been in its present state for over ten years. The proposal gives the opportunity for the Council to support development that will assist in facilitating job creation in the area. The proposal will have a positive impact on local employment and economic growth. There are no material factors which count against the application made.

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

The proposal is a sustainable form of development and no amendments or revisions have been necessary.

Key Issues

1.1 The proposed scheme is for the construction of 2 blocks of 2-storey offices. Units 2 & 3 (combined into one building) have a gross floor area of 784sqm, while unit 4 has a floor area of 569sqm. The total amount of office floor space under consideration is 1,353sqm. Car parking is also proposed.

1.2 Unit 1 or "Phase 1" of the development was permitted under planning permission 10/00725/FUL and is a two storey building providing approximately 570 square metres of B1 office floor space. Unit 1 was built out a number of years ago and is now occupied by the

applicant (Fleet Operations Ltd) who is now seeking to complete “Phase 2” in order to expand.

1.3 The application site is situated at the Silverdale Business Park, Maries Way, off Cemetery Road in Silverdale. The site currently comprises vacant land of approximately 0.26 hectares in size which is located adjacent to the cemetery site on Cemetery Road which lies to the south. The key issues to consider in the determination of the application are:

1. Is the principle of allowing B1 office development in this location acceptable?
2. Is the impact of the development on the form and character of the area acceptable?
3. Is the impact on highway safety and access to the remainder of the Business Park acceptable?

2.0 Is the principle of allowing B1 office development in this location acceptable?

2.1 The Council has already given consent to two preceding 2, two storey office schemes on this site as “Phase 2”. Both have now lapsed (reference number’s 10/00759/FUL, amended by 11/00405/FUL). No changes are proposed to the last previously-consented scheme.

2.2 The main change in planning policy to occur since office development was considered on this site is the introduction of the National Planning Policy Framework (the Framework) which was published in 2012. The Framework 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. A new draft Framework published March this year for consultation does not make any notable changes in this regard. The document continues to give significant weight to proposals which linked to economic development. Other more detailed elements of that advice are also not dissimilar with respect to how the principle of office development is gauged.

2.3 The existing Framework defines B1 office development (or a B1(a) use) as a “main town centre use”. It also advises that local planning authorities should apply a sequential test 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. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. When assessing applications for office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres).

2.4 The original 1996 outline planning consent for Silverdale Business Park (for the internal road network and serviced plots), gave consent for B1 and B2 uses on this site as being appropriate uses. The LPA’s view of the principle of office development on this site in 2008, in the context of the then extant Planning Policy Guidance Note No.4, was that whilst such a development might be considered to be another example of out of centre office development, with the implications that such developments have for the town centre, it was of relatively limited scale and recognising the job creation aspect it was not considered that refusal on such grounds could be sustained. A similar view was taken in 2010/11, although now in the context of Planning Policy Statement No.4 (Planning for Sustainable Economic Development) which introduced the concept of the need to apply a sequential test for main town centre use proposals.

2.5 Given that the principle of B1 uses including B1(a) use for office purposes has already been accepted including as recently as 2010/11 and there has been no material policy change in the interim it considered unnecessary to require the sequential test to be applied now. In terms of any “impact assessment” the scale of the development is such that it falls

below the national threshold for such assessments, which may change anyway should proposals in the Draft NPPF, which is out for consultation, be adopted.

2.6 The site does lie within a Regeneration Area identified by the Core Spatial Strategy and there would be no conflict with wider economic and physical regeneration strategies of the Council. Indeed it is supportive of such strategies.

2.7 The application site is currently undeveloped and has been in its present state for over ten years. The proposal gives the opportunity for the Council to support development that will assist in facilitating job creation in the area. The proposal would have a positive impact on local employment and economic growth.

3.0 Is the design and appearance of the development acceptable?

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

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

3.3 The Council have already given approval to the design proposed and there are no local or national policy changes evident to reach a different conclusion on that. Subject to the agreement and implementation of an attractive landscaping scheme there are no objections to the visual appearance of the development.

4.0 The impact of the development on highway safety and access to the remainder of the Business Park

4.1 Paragraph 32 of the existing Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The existing Framework states "Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network." 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. This position is reflected in the draft NPPF which indicates, at paragraph 107, that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

4.2 Local Plan Policy T16 states that development which provides significantly less parking than the maximum specified levels should not be permitted where this would create or aggravate a local on street parking or traffic problem. The policy also indicates that even in such a scenario development may be permitted if such problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting. Such a policy is consistent with the Framework

4.3 Maries Way is a cul-de-sac. There is a turning head at the western end of the road and a priority junction with Cemetery Road at the eastern end. There are no parking restrictions on Maries Way or Cemetery Road and following a site visit it was noted that a number of vehicles were parked on both sides of the Maries Way – reasonably assumed to be associated with the existing businesses in this location.

4.4 On site car parking will be provided as part of the development comprising of 33 spaces allocated to the offices, where NLP policy T16 suggests a maximum figure of 47 spaces. The Highway Authority have not objected to the proposal, although they do emphasise that this is only on the basis that the car park for the whole development (some 64 spaces) is used on a communal/ shared basis and individual spaces are not allocated to particular units. The reason for this is to ensure the efficient use of the whole car park. Notwithstanding that consent has already been granted for the adjoining development without a condition requiring this, it is considered that by a condition this “communal” car parking arrangement can be secured for the whole site, and this approach is recommended.

4.5 The industrial estate is located within relatively easy reach of the main urban residential areas in the locality where workers are likely to travel from and is also well served by public footpaths and indeed the bus system operating in the vicinity.

4.6 There are no bus stops on Cemetery Road itself, however the closest bus stop to the application site is located approximately 400m to the north west on Silverdale Road, 5 minutes away by foot. The stop is serviced by bus routes which provide direct access to Hanley, Congleton and Newcastle. Buses currently run on these routes at a frequency of approximately every 10 – 20 minutes.

4.7 There also are other bus stops to the north of the site on Silverdale Road and Church Lane and also to the south of the site on Keele Road – all which are within a 10 -15 minute walk from the site. The site is therefore reasonably well served by bus services and offers a genuine choice for visitors to the site to travel by bus. As an alternative to using the highway network it also could be accessed using the Greenway that runs between Silverdale and the town centre. Cycle parking on site, although not indicated on the submitted plan, can be achieved by a condition imposed on any consent granted. The development, even when considered as a single whole, is not of a size according to Department of Transport guidance which would justify a requirement to provide a Travel Plan framework unlike the 2007 proposal, and this view is shared by the Highway Authority.

Other matters

Members should note that application 11/00405/FUL as the last previously approved scheme on the site was subject to a section 106 obligation securing a financial contribution of £37,909 towards Newcastle (urban) Transport and Development Strategy (known as NTADS). The Council is no longer seeking such contributions and it could therefore not now justify doing so in this case.

Appendix

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations

National Planning Policy

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

[Draft revised National Planning Policy Framework
Planning Practice Guidance](#) (March 2014)

[Planning Update March 2015](#) including on car parking

Supplementary Planning Guidance/Documents (SPG/SPD)

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

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

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

Relevant Planning History

11/00405/FUL	Variation of condition 2 of planning permission ref 10/00759/FUL (for a three 2-storey office/ commercial development buildings (Phase 2)) to substitute previously approved drawings with revised drawings – showing Units 2 and 3 as a single unit and repositioning of Unit 4	Permitted 2011
10/00759/FUL	Three 2 storey office/commercial development buildings (Phase 2)	Permitted 2011
10/00725/FUL	Proposed 2 storey office/commercial development (Phase 1)	Permitted 2010
10/00048/FUL	Proposed 2 storey office/commercial development	Refused 2010
07/00964/FUL	Erection of twelve B1 office units with associated parking and ancillary accommodation and works	Refused 2008
96/00302/OUT	Erection of industrial buildings for class B1 and B2 uses and installation of new roads	Permitted 1996

(There have been several other applications for different types of development on the site but none are relevant to the current application).

Views of Consultees

The **Highway Authority** have no objections to the proposal subject to conditions relating to:

1. The implementation of parking and turning areas.
2. Approval and implementation of cycle parking details.
3. The approval and implementation of a Construction Management Statement.

Silverdale Parish Council have no comments to make.

Landscape Development Section have no objections subject to:-

1. The protection of existing trees to BS5837:2012 for the construction phase of the development.
2. Permission should also be subject to submission of a detailed landscaping scheme. This should be in line with that approved for application 10/00759/FUL.

Waste Management comments that the building appears to have a bin store to the right of the main entrance. The plan shows this to be completely surrounded by car park spaces, with no access/exit point to get bins out to a collection vehicle. An example of a functional design which actually allows the bins to be emptied would be the arrangements at the bin store at Unit 1 on this site, where there's a gap between the surrounding car park spaces through which bins can be brought in and out for servicing.

The **Local Flood Risk Authority** comment that there is an ordinary watercourse adjacent to the North Eastern site boundary and the surface water flood map indicates potential ponding around the site. However it appears that the site itself is raised above surrounding levels and is shown to be at low risk. The applicant is advised to ensure that finished floor levels are raised sufficiently above surrounding ground levels to mitigate any residual flood risk

The **Environmental Health Division** recommend that contamination reports are updated for the proposal and that conditions are applied relating to:-

1. Site contamination.
2. Construction and groundworks activities which have the potential to disturb burial services in the adjacent Silverdale Cemetery shall cease for the duration of the service.
3. Prior approval of lighting.

The County Council as the **Mineral and Waste Planning Authority** has no comments.

Representations

None received.

Applicants/ Agents submission

The requisite plans and application forms have been submitted along with a Design and Access Statement. The submitted information is available at the Guildhall and on the Council's website

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00008/FUL>

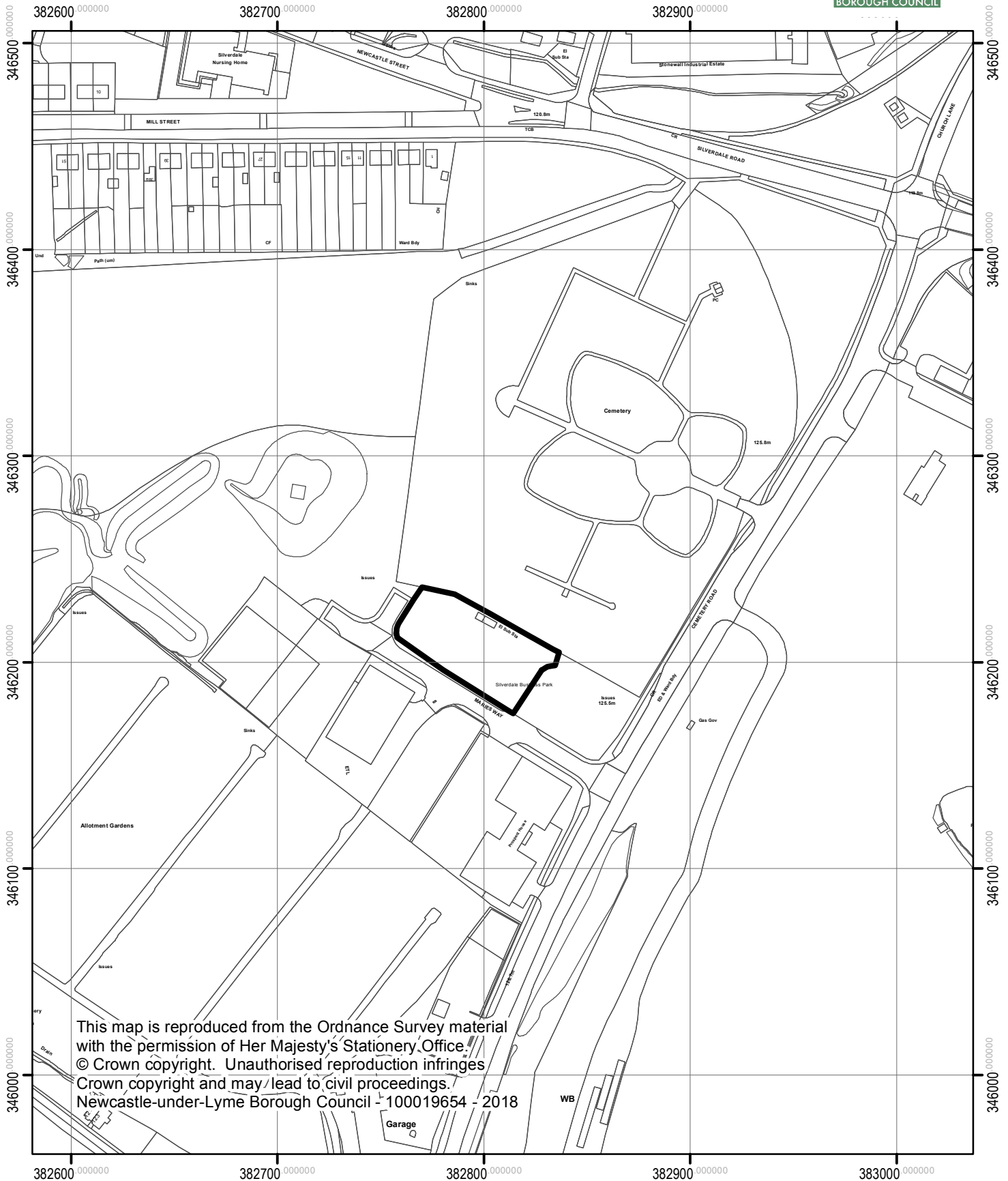
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

9th March 2018.

18/00008/FUL
Units 2-3 Maries Way
Newcastle



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ETRURIA VALLEY, SHELTON BOULEVARD, STOKE-ON-TRENT

STOKE-ON-TRENT REGENERATION

SOTCC ref 62288/FUL (NuIBC ref

348/253)

The Borough Council has been consulted by the City Council on an application for the erection of employment buildings (B1(c) light industrial, B2 general industrial, B8 storage and distribution) with ancillary office areas, associated vehicle parking, drainage infrastructure, landscaping, access and external works. The site measures approximately 1.7ha in area. A total of 4,800m² of floor space is proposed.

The site is accessed off Shelton Boulevard.

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 30th March 2018.

RECOMMENDATION

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.

Reason for Recommendation

The proposals involve Class B1(c), B2 and Class B8 development which would accord with policies of the Core Spatial Strategy and of the NPPF and as such developments would not adversely affect the Borough Council's interests subject to no objections being received from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact the developments may have on the A53/A500 junction.

Key Issues

The application site, which lies to the north of the existing Vodafone site, comprises an undeveloped parcel of land located within Phase 3a of the wider Etruria Valley redevelopment site which previously had outline planning permission for employment development of Class B2 and B8 uses with ancillary.

The Borough Council have been consulted over the years on a number of proposals within Etruria Valley and have objected where such proposals involve the provision of Class B1(a) office development, other than where such floorspace is ancillary to other employment uses. Such objections were based upon office floorspace being a main town centre use and that it had not been demonstrated through a sequential assessment that such office floor space could not be provided within Newcastle Town Centre. In doing so, the Borough Council concluded it had no particular interest in the proposed B2 or B8 uses on the site. The Borough Council expressed a similar view when consulted upon the draft Etruria Valley Supplementary Planning Document.

The current proposal includes, in addition to B2 and B8 uses, B1(c) light industrial floorspace. However as this is not a main town centre use the location of such floorspace at Etruria Valley does not raise issues of interest to the Borough either.

The transport information submitted in support of the application indicates that the trips generated by the proposed development would not exceed the previously approved trip envelope agreed as part of the previous Phase 3 applications. The development would therefore generate traffic flows onto the highway network within previously accepted levels. It is not, therefore, anticipated that the Highway Authority or Highways England will object to the proposal but it is noted that to date their consultation responses have not been received. It is

therefore considered that it would be prudent to make respond in a similar manner to the response previously given.

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 \(NPPF\) \(2012\)](#)

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

[Draft revised National Planning Policy Framework](#)

[Etruria Valley Enterprise Area Supplementary Planning Document](#) (adopted by the City Council March 2013)

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.

Earlier this year the Borough Council were consulted on an application for the erection of employment buildings (B1(c) light industrial, B2 general industrial, B8 storage and distribution) with ancillary office areas, associated vehicle parking, drainage infrastructure, landscaping, access and external works SOTCC ref 61990/FUL (NuIBC ref 348/250). The site is off Shelton Boulevard, opposite Vodafone. A decision is awaited on that application. A total of 7,756m² of floor space is proposed.

Applicants Submission

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

- Planning, Design and Heritage Statement
- Flood Risk Assessment & Drainage Strategy
- Site Investigation Factual Summary
- Site condition Summary – Technical Note
- Coal Mining Risk Assessment – Technical Note
- Transport Technical Note
- Ecology Technical Note.

All these documents are available to view on Stoke City Council's website <https://planning.stoke.gov.uk/online-applications/plan/62288/FUL>

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

13th March 2018

24, GREENOCK CLOSE, NEWCASTLE-UNDER-LYME
MR R TAYLOR

17/01015/OUT

The Application is for outline planning permission for the erection of two detached dwellings.

The application site, which comprises part of the garden of No. 24, Greenock Close, is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 14th February 2018.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by 20th April 2018 to secure a public open space contribution of £11,158 towards works to footpaths at Thistleberry Parkway Play Area,

PERMIT subject to conditions relating to:-

- 1. Standard time limits**
- 2. Approval of reserved matters**
- 3. Arboricultural Impact Assessment**
- 4. Layout of site to include disposition of buildings and provision of parking and turning for 24, Greenock Close and the proposed dwellings within the site curtilage**
- 5. Means of surface water drainage for all areas intended to remain in private ownership**
- 6. Surfacing materials for access, parking and turning areas**
- 7. Contaminated land**
- 8. Construction hours**
- 9. Materials**
- 10. 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

This site is in a sustainable location within the urban area and therefore the principle of residential development is acceptable. It is considered that two dwellings could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the area or on the amenity of the occupiers of the neighbouring dwellings. It is not considered that an objection could be sustained on highway safety grounds.

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

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

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

KEY ISSUES

This application is for outline planning permission for the erection of two detached dwellings. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent

approval. The application site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- What financial contributions are required?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the principle of residential development on the site acceptable?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

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

This site is in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle town centre and there are regular bus services that run frequently and close by the site. It is considered that the site provides a sustainable location for additional residential development.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that unless material considerations indicate otherwise where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole. The draft NPPF sets out similar policy at paragraphs 75 and 11.

The Local Planning Authority is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

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

Is the design of the proposal and the impact on the character and appearance of the area acceptable?

The current and draft NPPF places great importance on the requirement for good design, which is a key aspect of sustainable development.

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

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists and has definite value.

Although an illustrative layout plan has been submitted to show how two dwellings could be accommodated on the site, all matters, including layout, scale and appearance are reserved for subsequent approval.

There is a mix of dwelling style in the area but the majority of properties are relatively modest in scale and set within limited sized plots. It is considered that two dwellings could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the area.

Would there be any adverse impact on residential amenity?

Paragraph 17 of the current NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Whilst such principles are not repeated in the draft NPPF reference is made, at paragraph 126, to the need for decisions to ensure that developments, amongst other things, create places with a high standard of amenity for existing and future users. As such national policy is likely to remain the same in this regard.

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

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. Although objections have been received on the grounds of overlooking and impact on privacy, it is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

There is sufficient space within the site for the proposed and existing dwellings to have a reasonable sized garden and therefore, it is considered that an acceptable level of amenity would be achieved.

Is the proposal acceptable in terms of highway safety?

Objections have been received on the grounds of impact on highway safety due to inadequate access.

Access would be via the existing access drive off Greenock Close that serves the existing dwelling. Sufficient space would be available for parking for both the existing and proposed dwellings and the Highway Authority has no objections to the proposal subject to conditions.

It is not considered that the proposal would create or materially aggravate a local on-street parking or traffic problem, and therefore an objection could not be sustained on highway safety grounds.

What financial contributions 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.

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 Thistleberry Parkway Play Area 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.

Thistleberry Parkway Play Area is approximately 450m walking distance from the site and therefore is within a reasonable walking distance. The contribution is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy. As such the contribution being sought is considered to meet the statutory tests.

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

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

The current NPPF advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. In decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The draft NPPF contains similar policy.

The site is in a sustainable location for new housing the provision of two dwellings which would contribute to the Councils housing supply within an appropriate location, albeit that the contribution will be limited. In addition there will be the economic benefits arising from the construction and occupation of the development.

Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF.

APPENDIX

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

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

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

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements

Other material considerations include:

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

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

[Draft revised National Planning Policy Framework](#)

[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](#)

05/00821/FUL Two-storey side extension and single-storey front extension Approved

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land and hours of construction.

The **Highway Authority** has no objections subject to a condition requiring details of access, parking and turning, surface water drainage and surfacing materials.

The **Landscape Development Section** has no objections in principle but states that there are trees adjacent to the site which although avoidable, may cause a constraint to the proposals and therefore, permission should be subject to submission of an Arboricultural Impact Assessment. 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. The total contribution of £5,579 per dwelling would be used for works to footpaths at Thistleberry Parkway Play Area which is approximately 450m away.

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no comments to make.

[Representations](#)

Seven letters of representation have been received raising objections on the following grounds:

- Impact on privacy and light

- Visually overbearing
- Impact on character of the area
- Unacceptably high density/over-development of the site
- Loss of view
- Breach of restrictive covenant
- Impact on highway safety due to inadequate access
- Not in keeping with the current housing stock

Applicant/agent's submission

Application forms and plans have been submitted and are available for inspection at the Guildhall and via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/01015/OUT>

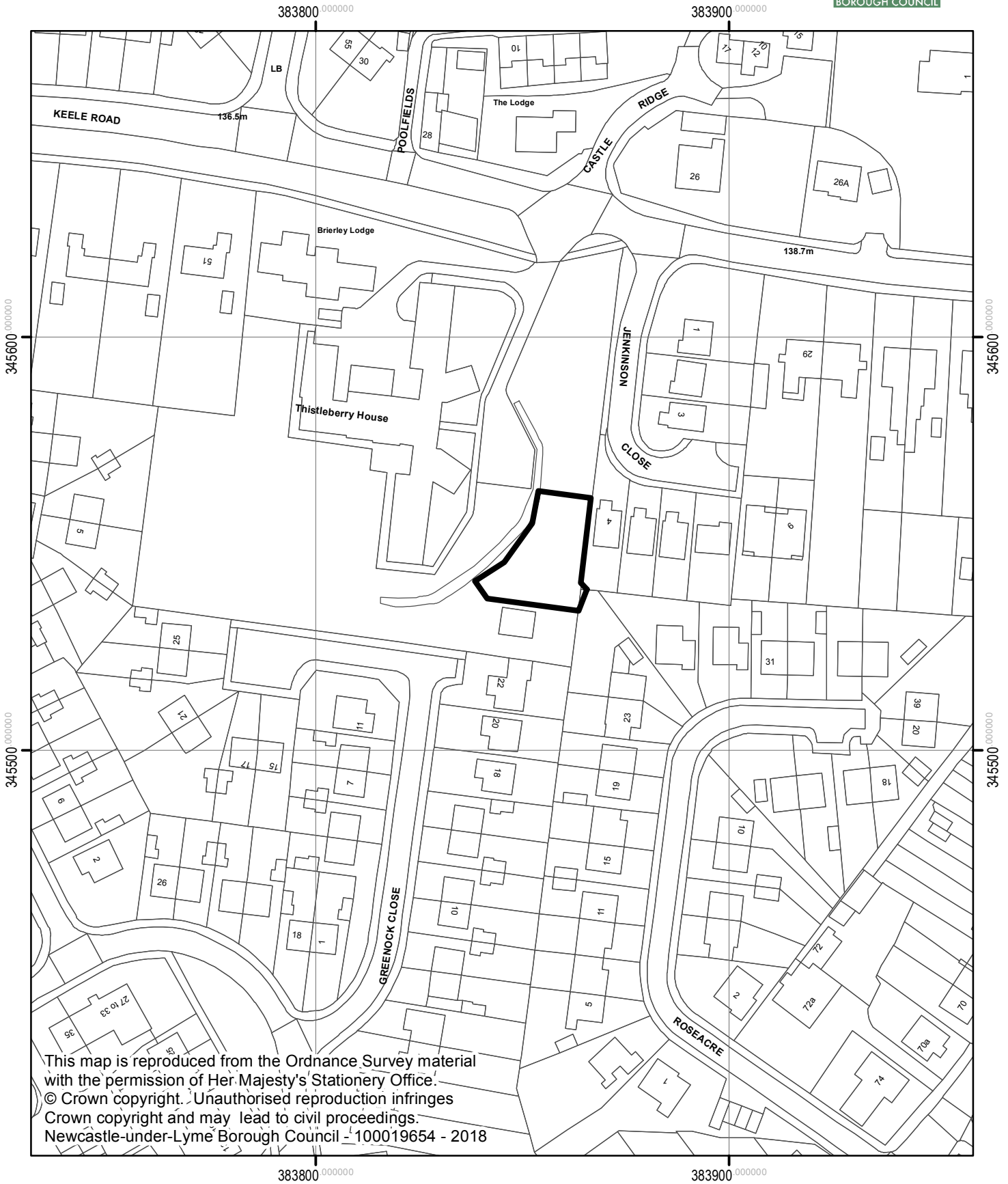
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

9th March 2018

17/01015/OUT
24 Greenock Close Newcastle



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Newcastle-under-Lyme Borough Council - 100019654 - 2018

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FORMER GE DIAMOND BUILDING, WEST AVENUE, KIDSGROVE
REVALAN GROUP LIMITED

18/00029/FUL

The application seeks full planning permission for the partial demolition of an existing warehouse, new two storey offices, new cladding and associated works.

The site, which extends to an area of approximately 1.95 hectares, lies within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The 8 week period for this application expires on 29th March 2018.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Time limit**
- 2. Approved plans**
- 3. Prior approval of the external facing materials.**
- 4. Amended service area access**
- 5. Provision of accesses, parking, servicing, and turning areas prior to the development being brought into use.**
- 6. Existing site access to be permanently closed and reinstated as footway**
- 7. Provision of weatherproof parking for a minimum of 9 cycles**
- 8. Construction Method Statement**
- 9. Prior approval of any new external lighting**

Reason for Recommendation

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

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

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

Key Issues

The application seeks full planning permission for the redevelopment of this now vacant site involving the partial demolition, extension and refurbishment of the existing building for use falling with Class B8 (Storage and Distribution), Class B2 (General Industrial) and Class B1 (Business).

The main issues to be addressed in the determination of this application are as follows:-

1. Is the proposed development acceptable in principle?
2. Is the proposed development acceptable in respect of its design and appearance?
3. Does the proposed development result in an unacceptable impact on residential amenity?
4. Does the proposed development raise any highway safety/parking concerns?

Principle of the proposed development

Policies of the CSS seeks to support and encourage economic development with Policy SP2 seeking to support economic development that results in improvement in the levels of productivity, modernisation and competitiveness of existing economic activities.

The current NPPF at paragraph 19 highlights that the Government is committed to ensuring that the planning system does everything it can to support economic growth. Planning should operate to

encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The draft text of the NPPF which is currently out for consultation indicates that Government policy is not set to fundamentally change in the near future.

Whilst the proposal involves a two storey extension on the northern end of the building, overall the proposed development would result in a reduction in the amount of floorspace provided on the site as the floorspace lost to the demolition of the southern end of the building exceeds the floorspace that would be created. Notwithstanding this it is considered that the proposed development would accord with such local and national policies as it will enable the existing building on the site to be modernised and suitable for a variety of employment generating uses and thereby brought back into use

In principle therefore the proposed development is acceptable.

Design

The proposal involves the adaptation of a sizable building which is located within the context of an existing employment site.

The building, as existing, has three storey office accommodation along the front elevation. The proposed refurbished building and extension would result in the removal of such office accommodation. The proposed front elevation is to be clad in metal with a limited number of openings. To break up this elevation, visually, there are some sections of vertical cladding and some sections of horizontal cladding. The office floorspace at the southern end of the building, within a proposed extension, is also to be metal clad and includes a number of windows serving two floors providing some visual interest to the building.

In the context of this employment site it is considered that the design and appearance of the proposed building is acceptable.

Residential amenity

The nearest existing residential property is some distance from the site and whilst outline planning permission has been permitted on land which is closer to the application site it is considered to be at a sufficient distance for it to be concluded that residential amenity will not be adversely affected by the development, particularly bearing in mind the existing lawful use of the premises and that no increase in floorspace is proposed. It is noted that the Environmental Health Division have not objected

Highway safety/parking

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 current NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. This position is reflected in the draft NPPF which indicates, at paragraph 107, that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary that they are necessary for managing the local road network.

In this case, the existing parking area to the rear of the building is to be retained and given that the amount of floorspace is to be reduced as part of this proposal it is considered that it could not be argued that the level of parking is unacceptable.

There are currently three vehicular access points onto the site. Two of these access will be retained, one serving the rear parking area and one serving the service area. The third access is to be closed and this could be considered to be a highway gain.

Subject to the conditions as recommended by the Highway Authority it is considered that the proposal is acceptable with regard to highway safety and parking.

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 T18: Development – Servicing Requirements

Other Material Considerations include:

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

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

[Draft revised National Planning Policy Framework](#)

Relevant Planning History

10/00136/FUL Permitted - Generator and associated housing
11/00016/FUL Permitted - Generator and associated housing
11/00591/FUL Permitted - Relocation of existing test rig equipment with extension to recycling area
12/0379/FUL Permitted – Proposed alterations to loading bay
13/00195/FUL Permitted – Relocation of existing generator
14/00728/PLD Permitted - Application for a lawful development certificate for proposed remodelling of reception to office building, overcladding and upgrading/replacement of windows to the street elevations and roof to existing buildings. Erection of a screen wall to hide existing plant and machinery
14/00736/FUL Permitted – new industrial unit, link to existing unit, and associated service area and car parking
14/00738/FUL Permitted – alterations to existing car park and associated landscaping
17/00848/FUL Permitted – variation to condition 2 of 14/00736/FUL to allow for amendments to the approved elevations through the introduction of additional windows.

Views of Consultees

The **Coal Authority** has no objections.

The **Environmental Health Division** has no objections, subject to a condition requiring prior approval of external lighting.

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

- Amended service area access
- Provision of accesses, parking, servicing, and turning areas prior to the development being brought into use.
- Existing site access to be permanently closed and reinstated as footway
- Provision of weatherproof parking for a minimum of 9 cycles
- Construction Method Statement

The views of **Kidsgrove Town Council** have been sought, however as they have not responded by the due date it is assumed that they have no comments.

Representations received

None

Applicant's/Agent's submission

The application form and plan and supporting information are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00029/FUL>

Background papers

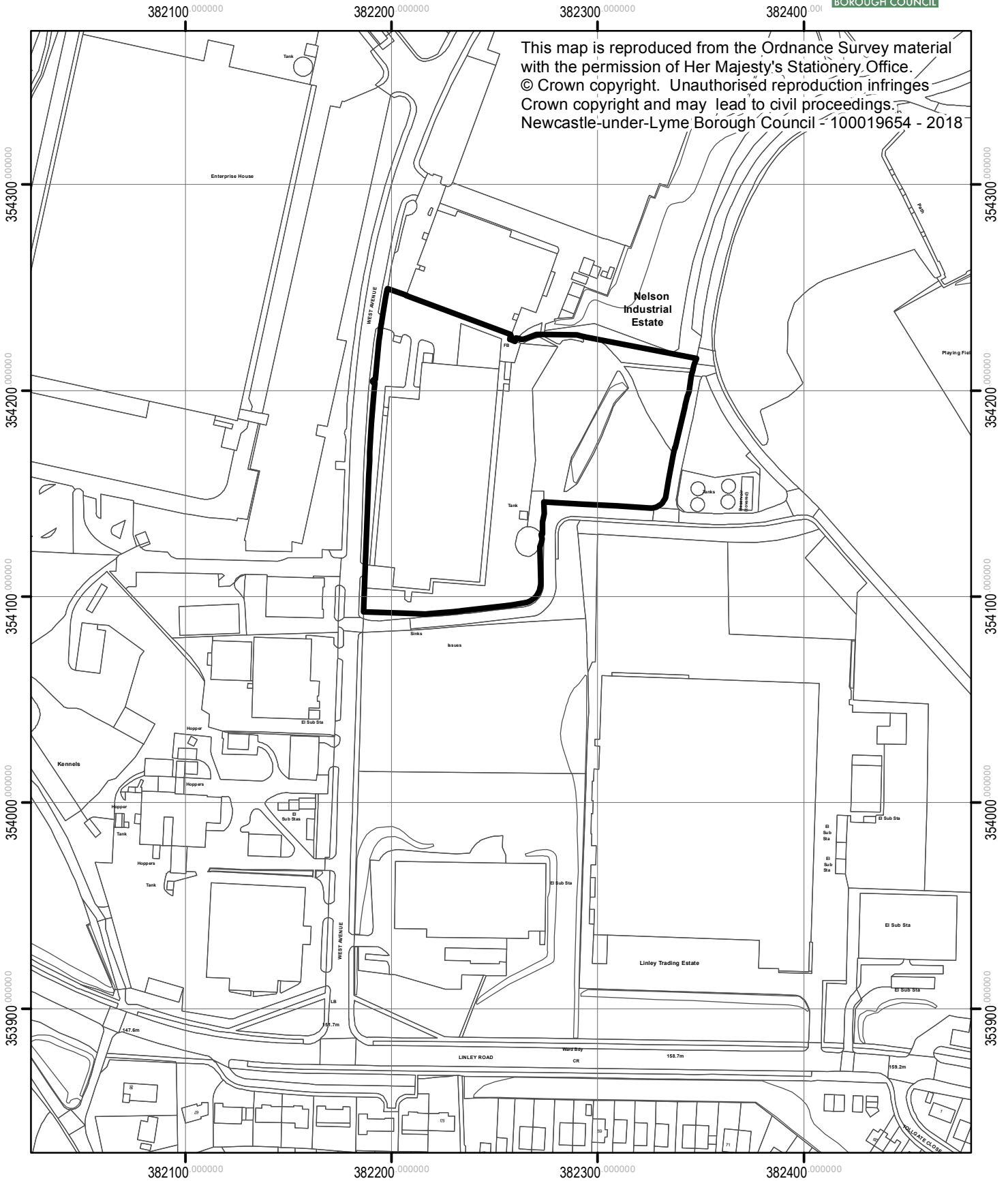
Planning files referred to
Planning Documents referred to

Date report prepared

8th March 2018

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18/00029/FUL
Former GE Power Conversion
West Avenue, Kidsgrove.



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LAND TO THE NORTH OF BRADWELL HOSPITAL
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

17/00515/DEEM4

The application which came before the 10th October 2017 Planning Committee is for outline planning permission for the erection of up to 85 dwellings. Vehicular access from the highway network into and from the site is for consideration as part of this application with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The Committee has resolved to permit the application subject to the applicant entering into planning obligations to secure policy compliant affordable housing, financial contributions towards public open space and education places, a residential travel plan monitoring fee, along with suitable planning conditions. This report is solely concerned with the purpose to which the Education contribution is to be spent.

The applicant has agreed an extension of time to the statutory determination period to the 13th April 2018 to allow the Section 106 agreement to be completed and the decision notice issued.

RECOMMENDATION

That the Section 106 agreement referred to in the resolution of the Planning Committee of the 10th October 2017 secure a contribution of £198,558 (index linked) towards primary education places at either the Sun Primary Academy or Bursley Academy, along with the other policy compliant obligations referred to in the resolution of the 10th October 2017 Planning Committee.

Reason for Recommendation

It is considered appropriate for the financial contribution towards education places to be allocated towards either the Sun Primary Academy or Bursley Academy.

Key Issues

At its meeting of the 10th October 2017 the Planning Committee resolved to permit outline planning permission for the erection of up to 85 dwellings on land to the North of Bradwell Hospital. Vehicular access from the highway network into and from the site is for consideration with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The Committee resolved that:-

A. Subject to the applicant entering into planning obligations by the 11th November 2017 securing 25% Affordable Housing onsite and financial contributions of £5,579 (index linked) per dwelling on the site towards the maintenance and improvement of public open space at Bradwell Dingle, £198,558 (index linked) towards primary education places at Sun Primary Academy (formerly Bradwell Primary), or such amounts as reflect the eventual development, and a residential travel plan monitoring fee, the application should be permitted subject to various conditions that were indicated in the main agenda report and an amendment by the Committee. One of the conditions it should be noted was a Grampian condition to secure a direct pedestrian link from the application site to the adjoining Sun Primary Academy (at school opening and closing times).

B. That should the obligations referred to above not be secured within the above period, the Head of Planning had delegated authority to refuse the application on the grounds that without such an obligation the development would fail to secure an acceptable provision of public open space, appropriate provision for required education facilities, residential travel plan and

an appropriate level of affordable housing or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be secured.

The principle of the development has already been established by the previous resolution. Consequently, this report does not provide the opportunity to revisit that issue. This item relates solely to the purpose to which the Education contribution is to be put, and not the amount.

A draft S106 agreement has been in circulation for a number of months but there have been a number of delays on all sides which has resulted in the Head of Planning agreeing, pursuant to the second resolution above, extensions of time for the completion of the agreement. The current agreed date is the 10th April, to enable the issue raised in this report to be addressed.

The Education Authority, have since the reporting of this application to the Planning Committee, advised that due to the large pupil movement between the Sun Primary Academy and Bursley Primary Academy, plus with the benefit of knowing where the Local Plan Housing sites are to be located, they require greater flexibility in the future to expand either school for strategic education planning. Therefore they indicate that the obligation should secure the financial contribution to be spent at either the Sun Primary Academy or Bursley Primary Academy.

The planning application site is within the school catchment area of the Sun Primary Academy but is within the vicinity of the Bursley Primary Academy.

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 Community Infrastructure Levy (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.

The approach being taken by the County Council is in accordance with their published Education Planning Obligations Policy.

The reference to the Bursley Primary Academy as a potential site to which the education contribution might be put is considered to meet the requirements of Section 122 of the CIL Regulations, i.e. is considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Furthermore, there has only been one previous obligation entered into since April 2010 for a contribution towards the Bursley Primary Academy and on this basis, it is considered that the contribution would comply with CIL Regulation 123.

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 CSP10 Planning Obligations

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

Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

[National Planning Policy](#)

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2016 – Version 1.7

Background Papers

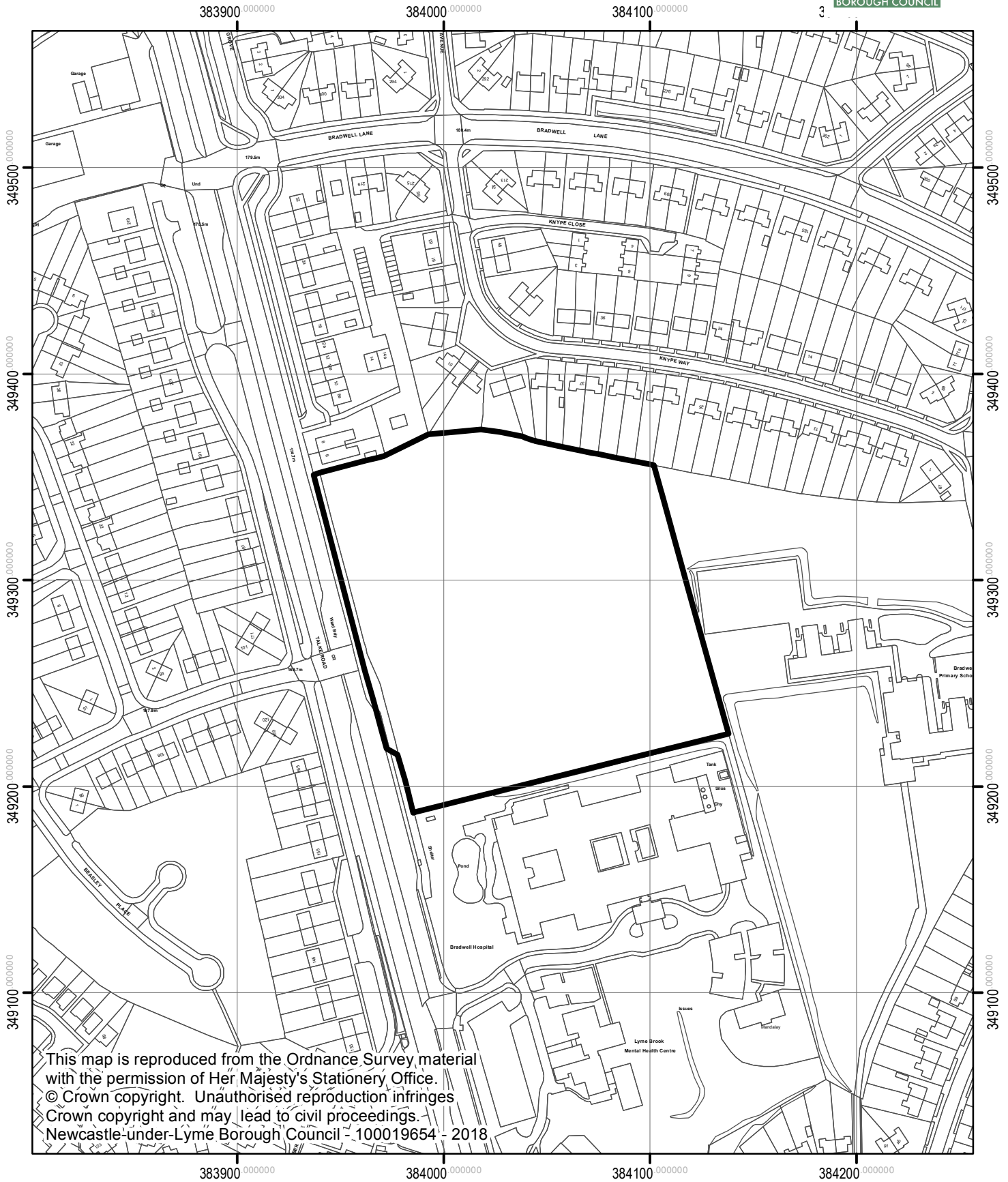
Planning Policy documents referred to
Planning files referred to

Date Report Prepared

9th March 2018

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17/00515/DEEM4
Land north of Bradwell Hospital
Talke Road



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NEW WOODHOUSE FARM, APEDALE ROAD, WOOD LANE

MR & MRS GEORGE PROCTOR

18/00056/FUL

The application is for full planning permission to install a flat roofed projecting dormer to the rear and the installation of two new windows in lieu of an existing single dormer window.

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

The 8 week period for the determination of this application expires on 20th March 2018

RECOMMENDATION

PERMIT subject to conditions relating to:

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and application form**

Reason for Recommendation

The proposed works are considered to represent appropriate development within the Green Belt, which would not harm the openness of the Green Belt or the character of the landscape. The proposed works are also of a subordinate and acceptable design. The proposals therefore comply with the policies of the development plan and the guidance and requirements of the National Planning Policy Framework 2012.

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

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 a first floor dormer extension to the rear of the property, incorporating two new windows, in lieu of an existing single window. The dormer will be constructed off and above the existing rear wall.

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

A public footpath (Audley 74) runs in close proximity to the property; however work carried out at first floor level would not interfere with its route and would not adversely affect the enjoyment of the users of the footpath.

Therefore the key issues in the determination of this planning application are considered to be:

- Is the proposal appropriate development in the Green Belt?
- The design of the proposals and the impact upon the Area of Landscape Enhancement, and

- If inappropriate development, do the very special circumstances exist to overcome the harm to the Green Belt?

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

The existing farmhouse was granted permission in the 1980's and has only been extended once as permitted under planning permission reference 17/00457/FUL. That extension comprised a ground floor addition to the side and rear of the dwelling. The previous extension created a volume increase of 50% over and above the size of the original dwelling and on that basis it was considered that the extension represented appropriate development in the Green Belt. Owing to the volume increase it was considered that permitted development rights should be removed for extensions and alterations in order to control future extensions and alterations to the property in the interests of protecting the openness of the Green Belt.

The current proposals are very minor in terms of the increase in volume given that the existing stairwell dormer window (0.4 cubic metres) is to be removed and replaced. The new dormer will project out from the existing roof by 1.4m and extend to 6.5m in width. Taking into account the loss of the existing dormer structure, the resultant additional cubic volume will amount to approximately 4.15 cubic metres. The proposal, in addition to the existing extension, would not result in disproportionate additions to the original building. On this basis it is considered that the extension represents appropriate development in the Green Belt.

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

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

Policy H18 refers to the design of residential extensions, where subject to planning control. The policy states:

“Proposals to extend dwellings will be favourably considered, subject to other policies in the Plan, so long as the following requirements are satisfied:

- i) The form, size and location of each extension should be subordinate to the design of the original dwellings.
- ii) The materials and design of each extension should fit in with those of the dwelling to be extended.
- iii) The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.”

The proposed works are located to the rear of the property at first floor level and would site within the existing roof. As such the new dormer would have a minimal impact when viewed from any main vantage points within the locality due to its location at the rear of the building. The proposals represent a subordinate design and would not be harmful to the wider landscape.

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 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 S3: Development in the Green Belt

Policy H18: Design of Residential Extensions, where subject to planning control

Policy N17: Landscape Character - General Considerations

Policy N21: Area of Landscape Restoration

Other Material Considerations include:

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

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

[Draft revised National Planning Policy Framework](#)

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

N14657 (1985) Erection of dwelling in connection with agricultural purposes Permit

N14657/D1 (1987) Erection of dwelling in connection with agricultural purposes Permit

17/00457/FUL Ground floor extension and alterations Permit

Views of Consultees

Audley Parish Council supports the application.

Representations

None received to date

Applicant's/Agent's submission

The application is supported by the requisite floor plans and elevations. These documents can be

viewed by following this link to the application file on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00056/FUL>

Background papers

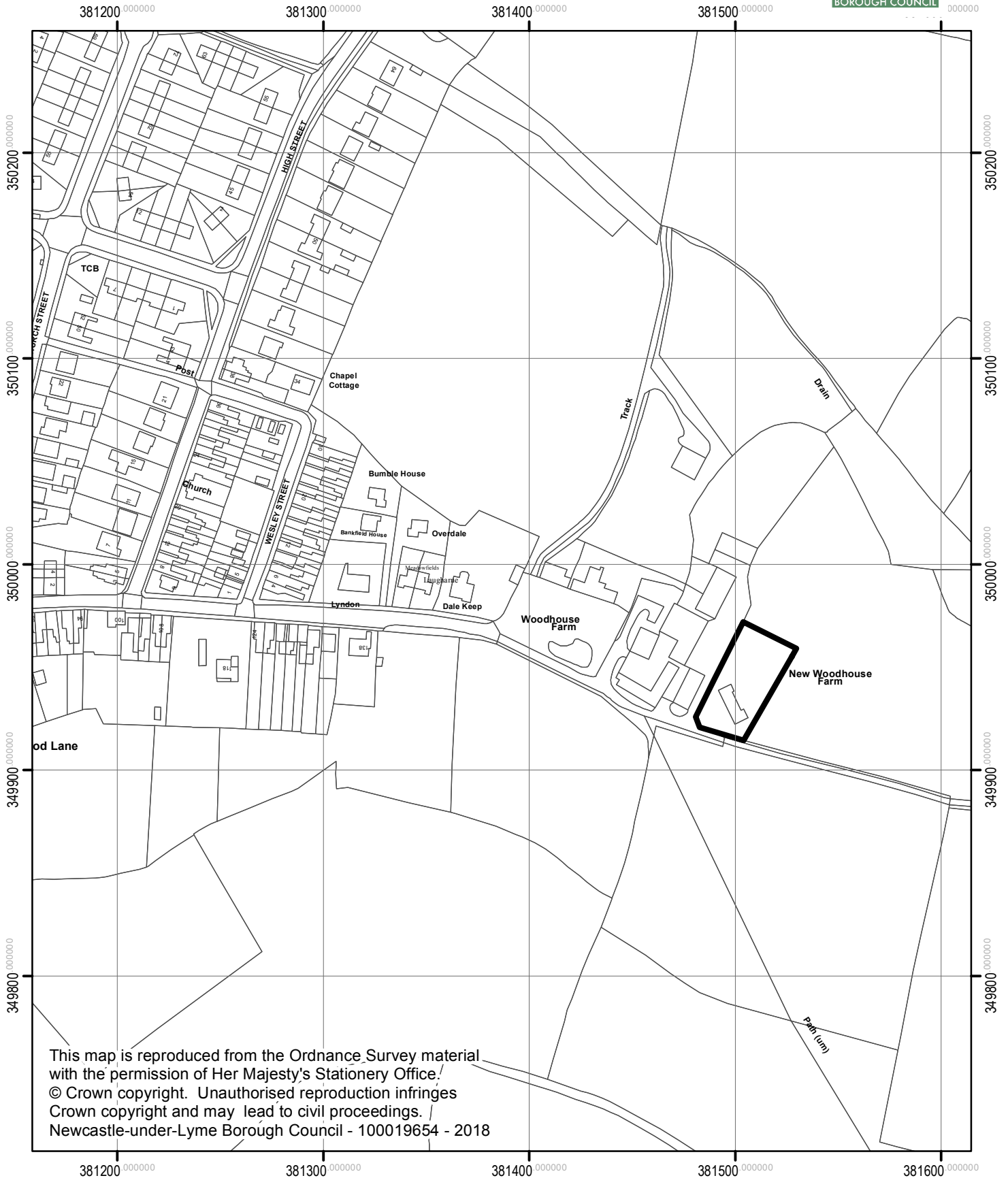
Planning files referred to

Planning Documents referred to

Date report prepared

9th March 2018

18/00056/FUL
New Woodhouse Farm, Apedale Road, Wood Lane



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**IMPERIAL WORKS, COALPIT HILL, TALKE
MR AL PROPERTY**

18/00066/FUL

The application is for full planning permission for the change of use of land from a former car park to external storage associated with the adjoining construction hoist rental business.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to residents' concerns, particularly about impact on residential amenity and highways safety.

The 8 week determination period expires on the 23rd March 2018.

RECOMMENDATION

Refuse for the following reason;

1. In the absence of the following;

- **Details of the areas of storage, servicing, turning and staff / visitor parking;**
- **A swept path analysis to demonstrate that the largest vehicles (including trailers) can manoeuvre within the site curtilage as well as enter and exit the site in a forward gear;**
- **Details of the typical daily trips for all vehicles that will enter and exit the site;**
- **Details of the routeing of vehicles to the site;**
- **Numbers of staff to be based on site;**
- **site gradients;**
- **Bus stop relocation information; and**
- **A stage one road safety audit is also required.**

the application has failed to demonstrate that the proposed development would not lead to significant highways safety implications for users of the highway, including pedestrian safety, which would be contrary to the guidance and requirements of the NPPF.

Reason for Recommendation

Subject to conditions, the proposed development would not result in a significant adverse harm to the visual amenity of the area or undue harm to the residential amenity levels of neighbouring occupiers. However, the lack of information submitted with the application results in there being significant concerns about the impact of the development on highway safety and the nature of the use is likely to result in significant highway safety implications. The development would therefore be contrary to the guidance and requirements of the NPPF.

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

This planning application is a resubmission following a previous application which was withdrawn due to objections regarding highway safety. The applicant has failed to address the previous objections and the fundamental concerns regarding highway safety have not been overcome. This is therefore not considered to be a sustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for the change of use of a former car park to use of the land for external storage.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- The acceptability of the development in principle,
- The impact on the residential amenity of neighbouring occupiers
- Impact on visual amenity, and
- Impact on highways safety,

The principle of the development

The application site is a former car park of a social club. The social club no longer exists and it appears to have been left vacant for a number of years.

The proposal is for the site to be used as an external storage yard associated with a neighbouring construction hoist rental business which operates from the main Imperial works site.

Policies of the CSS seek to support and encourage economic development with Policy SP2 seeking to support economic development that results in improvement in the levels of productivity, modernisation and competitiveness of existing economic activities.

The current National Planning Policy Framework (NPPF) at paragraph 19 highlights that the Government is committed to ensuring that the planning system does everything it can to support economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The draft text of the NPPF which is currently out for consultation indicates that Government policy is not set to fundamentally change in the near future.

At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In light of the above, the starting point must be one of a presumption in favour of development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.

The impact on the residential amenity of neighbouring occupiers

The current NPPF seeks to protect living conditions and quality of life of an area (paragraph 123). The draft NPPF similarly, at paragraph 168, indicates that planning decision should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition development should, wherever possible, help to improve local environmental conditions such as air quality.

The application site has been left vacant for a number of years but was previously used as a car park for a social club.

It is proposed that the site will be used for the external storage of industrial equipment including masts, scaffold hoists and platforms.

The site adjoins a number of residential properties on Coalpit Hill, Rockhouse Lane, Coppice Road and Browning Grove and the operation of the site as a storage area would have an impact on the residential amenity of these properties in noise and disturbance.

The application is supported by a noise assessment and the Environmental Health Division (EHD) have raised no objections subject to conditions that restrict the operation of the site to 7am to 9pm Monday to Friday and not at any time on Saturdays, Sundays, or Bank Holidays. They also seek a 2 metre high acoustic fence along any boundary which is shared with a residential property.

Notwithstanding the submission of the noise assessment EHD request the submission of a noise management plan which shall identify all potential noise sources and the mitigation measures that will be applied to minimise noise. External lighting will also need to be submitted prior to it being installed.

It is accepted that the use of the site will result in increased noise and disturbance to residential properties due to the nature of equipment being stored and the vehicle movements to and from the site, along with movements within the site. However, subject to an appropriate acoustic fence being installed prior to the use of the site and restrictions on the operations of the site, which can be secured by condition, it is considered that the harm to existing residential amenity levels will be acceptable.

The impact on visual amenity of the area

As discussed the site has been unused for a number of years and is now overgrown. There is vegetation on the boundary which does provide some level of screening.

The external storage of industrial equipment can have an unsightly appearance, especially in this instance because the site is visible from a number of vantage points due to its location on a busy road junction.

EHD have requested a 2 metre high acoustic fence along any boundary which is shared with a residential property. This is likely to be a timber acoustic fence and to avoid a range of different boundary treatments on the side and rear boundaries it is considered that a 2 metres high timber acoustic fence should be proposed on any side and rear boundary. The front boundary is proposed to have green mesh fencing and gates. It is considered that specification details (materials, height and location) of all boundary treatments should be secured by condition prior to the use operating from the site. It is also considered necessary that the industrial equipment is not stored at a height that is greater than the height of the fencing i.e. 2 metres, to avoid impact on the visual amenity of the area. Existing trees and vegetation on the boundaries should also be maintained where possible and tree protections measures installed where possible. These matters can also be secured by suitably worded conditions.

Subject to the above conditions it is considered that the proposal would not result in a severe adverse impact on the visual amenity of the area.

Impact on highways safety

The current NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. This is repeated in the draft NPPF at paragraph 109.

The access to the site would be off Coalpit Hill. Whilst visibility splay details have been provided, the information submitted with the application is otherwise limited. This has resulted in the Highway Authority raising objections due to the lack of information. They indicate that details of the specific areas of storage, servicing, turning and staff / visitor parking; a swept path analysis to demonstrate that the largest vehicles (including trailers) can manoeuvre within the site curtilage as well as enter and exit the site in a forward gear; typical daily trips for all vehicles that enter and exit the site; routing of vehicles to the site; numbers of staff to be based on site; site gradients; and bus stop relocation information is required. A stage one road safety audit is also required. Representations have also been receiving raising objections on highway safety grounds.

Due to the nature of the proposed use, the irregular shape of the site and the constraints of the existing highway network it is considered that the proposal has the potential to cause significant highway safety implications on users of the highway and in the absence of details that demonstrate otherwise the application should be refused for this reason.

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

The proposal would allow the existing business to expand and provide a greater level of storage but, as discussed, there are severe highway safety concerns that significantly outweigh the benefits and the proposed development is contrary to the guidance and requirements of the NPPF.

APPENDIX

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

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

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

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other material considerations include:

[National Planning Policy](#)

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

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

[Draft revised National Planning Policy Framework](#)

[Relevant Planning History](#)

17/00069/COU Change of use from car park to industrial storage Withdrawn

[Views of Consultees](#)

The **Environmental Health Division** raises no objections subject to conditions to restrict operational hours (to between 7am and 9pm) and external lighting, along with the submission of details of an acoustic barrier and noise management plan.

The **Highways Authority** recommends the application should be refused on the grounds that there is inadequate information for a decision to be made on highway safety matters. The following information is therefore required;

- A stage 1 road safety audit of the proposed access including a designers response to any issues raised;
- A plan with dimensions detailing the specific areas of storage, servicing, turning and staff / visitor parking;
- A swept path analysis to demonstrate that the largest vehicles (including trailers) can manoeuvre within the site curtilage to enter and exit the site in a forward gear;
- Typical daily trips for all vehicles to enter and exit the site;
- Routing of vehicles to the site;
- Numbers of staff to be based on site;
- Site gradients; and
- Bus relocation.

Kidsgrove Town Council objects to the application due to highway safety issues from the volume of traffic and the type of traffic using the site. The levels of noise and pollution arising from the change is also likely to be detrimental to the amenity of the area. Visual impact is also a concern.

[Representations](#)

14 letters of representation have been received raising the following objections/ concerns;

- The site is not suitable for this use due to it being a residential area,
- Loss of privacy, noise, disturbance and security,
- The access is unsuitable being near to four junctions,
- The road is not suitable for large HGV's – the roads are narrow and hilly with bends in the road,
- There have been road accidents on this stretch of road,
- The storage use would have an unacceptable adverse impact on the area,
- Health and safety concerns due to weight of equipment to be stored,
- An existing 7.5 ton weight limit is being ignored,
- Existing pollution problems would be increased,
- This land is marked on the local plan as suitable for houses,
- The application has a lack of information on the operations and use of the site,

Applicant/agent's submission

The application has been supported by the planning application form, access plans, swept path analysis, topographical survey and a site location plan.

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00066/FUL>

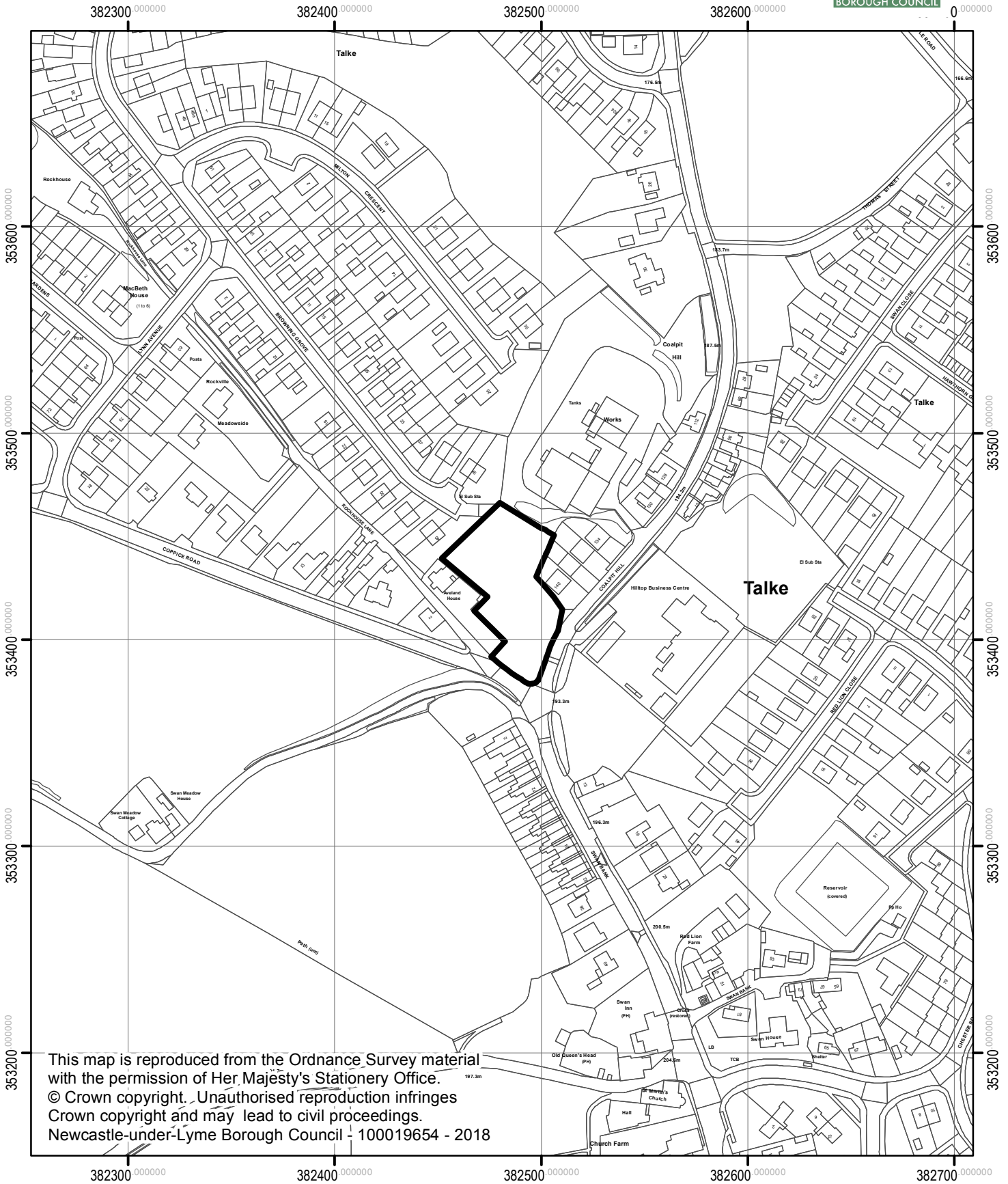
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th March 2018

18/00066/FUL Imperial Works, Coalpit Hill, Talke



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APPEAL BY MR N BOURNE AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DWELLING AT BANK TOP, PINWOOD ROAD, ASHLEY HEATH

<u>Application Number</u>	17/00010/FUL
<u>Recommendation</u>	Approval subject to securing of a planning obligation
<u>LPA's Decision</u>	Refused under delegated authority 15th March 2017
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	22nd February 2018

The Appeal Decision

In the context of the Council not being able to demonstrate a five year supply of new housing land in accordance with paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) the Inspector identified the main issues to be;

- Whether the principle of development accords with the development plan;
- The acceptability of the site; and
- The effect on the character and appearance of the area, including the effect on existing trees.

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

- In the Core Spatial Strategy (CSS) Loggerheads is regarded as a key Rural Service Centre but the site lies in an area which is well outside of the defined settlement boundary of this village. On this basis the proposal conflicts with the housing strategy in the development plan. CSS policies are broadly consistent with the Framework and therefore moderate weight should be given to these policies. Local Plan policy is more restrictive than the NPPF and so only limited weight can be placed on such policy.
- Notwithstanding this local policy objection, as paragraph 49 of the NPPF is engaged the development plan commands less weight as it is not to be regarded as up-to-date, therefore consideration has to be given to the other components of sustainable development set out in the NPPF including accessibility of the site.
- On the basis of the evidence and the Inspector's own observations, the Inspector considered that the site does not lie in a location which is easily accessible by public transport to services and facilities necessary for day to day living although it is a relatively short cycle ride away. Local facilities tend to be a good walk away and in part walkers would have to use Pinewood Road which is narrow, unlit and mostly without a pavement. As such there is a likelihood that the occupiers of the proposed house would be likely to depend on the use of a car for their activities. Nevertheless, while promoting a sustainable pattern of growth the NPPF recognises in paragraph 29 that opportunities to maximise sustainable transport will vary from urban to rural areas.
- A new dwelling on the site would not be inconsistent with the established pattern of development in the area. On balance, the proposed house (of modern design with a 'box like' overall form) would not be materially at odds with the mixed general character of the area. Such a design would be consistent with the advice given in paragraph 60 of the NPPF not to stifle original or innovative design.
- It has not been demonstrated that the development proposed could take place without harming trees that are recognised to be high quality and visually important either directly or indirectly in the long term. Such harm to these trees would spoil the contribution that they make to the character and appearance of the area.

Planning balance

- There are concerns over the accessibility of the site because of its distance from local services and facilities and a new dwelling on the appeal site would generally not be in the interests of securing a sustainable pattern of growth. Nevertheless, the Inspector recognised that the area around the site is already comprehensively developed with a low density pattern of housing. In this context a further dwelling could be regarded as a continuation of this established pattern
- There are fundamental concerns about the way in which a new dwelling can be physically accommodated on site with mature trees which are recognised to be worthy of protection. The trees' future well-being would be threatened by the development and this would significantly harm the character and appearance of the area.
- While the proposal would add a dwelling to the supply of housing, it would be likely to have significant adverse effects in the long term. This harm means that the proposal does not meet the environmental role put forward in paragraph 7 of the Framework and would not constitute 'sustainable' development when the NPPF is read as a whole.

Your Officer's comments

The application was refused as the site was not considered to be suitable for a new dwelling given that the services and facilities of the village and beyond could not be safely accessed resulting in heavy reliance on the private car. Impact of the development on the trees within the site was considered, but it was concluded that a dwelling could be accommodated within the site without loss of protected trees.

Whilst the Inspector acknowledged the points made about the site's location, it was the impact of the development on the trees within the site, and the harm that would arise if such trees were lost that led to the dismissal of the appeal. As such the reasons for dismissing the appeal were not the same as the reasons for refusal.

APPEAL BY MR A MOSS AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE DEMOLITION OF AN EXISTING BUNGALOW AND THE CONSTRUCTION OF THREE DORMER BUNGALOWS AT 8 BARFORD ROAD, NEWCASTLE

<u>Application Number</u>	17/00483/FUL
<u>Recommendation</u>	Approval subject to securing of a planning obligation
<u>LPA's Decision</u>	Refused by Planning Committee 17th August 2017 following a site visit
<u>Appeal Decision</u>	Appeal allowed and planning permission granted
<u>Costs Decision</u>	An application for a partial award of costs against the Council granted
<u>Date of Appeal Decision</u>	22nd February 2018

The Appeal Decision

The Inspector identified the main issues to be the effect on the character and appearance of the area and the effect on the living conditions of the occupants of neighbouring properties with particular reference to overbearance. In allowing the appeal the Inspector made the following comments:-

- The proposed properties would be parallel to the boundary which currently separates properties on Barford Road from those on Stockwood Road. Although the plots would have shorter rear gardens than some in the area there is no uniformity in terms of plot sizes, shapes and sizes in the locality. The overall form of the buildings in a row would replicate the form of development in the vicinity and the properties would be discreetly situated at the head of the cul de sac with adequate spacing between them.
- Although the proposal would change the overall layout of properties along Barford Road by elongating the extent of development this was not seen as an unacceptable departure from the established pattern of development.
- The proposal would continue the suburban pattern of development in the locality and the overall scale, design, massing and location of dwellings on the site is suitable for the surroundings having regard to the edge of settlement location adjacent to the Green Belt and would not be out of keeping with its immediate surroundings.
- Although the development would extend the suburban built form towards the edge of the Green Belt and there would be some visibility of the development from surrounding landscape, and in particular from Bunny Hill, it would be mainly seen against existing residential development and as such would not be visually harmful to Bunny Hill and the prevailing form and character of the area.
- As a consequence of the proposal, three trees and a tree group would be lost but the quality of landscaping and tree planting along the boundary and across the site could be improved by a well-considered landscape scheme. Although a provisional tree preservation order has been placed on the large Scots Pine within the appeal site which the Council considers to make a valuable contribution to the local landscape, it is yet to be confirmed and taking into account the conclusions and recommendations of the Tree Survey and Impact Assessment there is no evidence to suggest that the tree in question would be prejudiced.
- In relation to impact on living conditions, the separation distances between the proposed dwellings and the existing properties on Stockwood Road are well in excess of the minimum recommended distance of 24 metres as set out in the Council's Supplementary Planning Guidance: Space Around Dwellings taking account of the significant level changes. There is also extensive landscaping in the rear gardens of properties along Stockwood Road which would also partly screen the proposal from the windows in the rear elevation of those properties.

- Although the appeal site is on a considerably higher level than nearby properties on Stockwood Road, given the overall scale and massing of the proposal, the landscaping in the locality and the considerable separation distances the proposal would not be unacceptably overbearing. As such the proposal would not be harmful in that regard.
- In terms of the relationship between the proposal and properties either side, Nos 7 and 9 Barford Road, the proposal has been designed to ensure there is no harmful or significant effect on the outlook from those properties.
- Therefore, in conclusion, the proposal would not have a harmful effect on the living conditions of the occupants of neighbouring properties with particular reference to overbearance.
- In relation to other local concerns raised regarding land stability, drainage, the intended use of the development, land ownership, density, ecology and the setting of a precedent for other similar developments, the Inspector did not consider that such matters would justify refusal.
- Two signed and completed Unilateral Undertakings require the appellant to make a financial contribution of £11,158 towards the improvement and maintenance of Guernsey Drive Play Area and/or Wye Road playing fields. The only difference between the documents is the timing of the payments as one requires payment to be made on commencement of development and the second on first occupation.
- Support for the contribution is found in Policy CSP5 of the Core Strategy which indicates that developer contributions will be sought to provide key funding to meet the needs of new residents for the delivery of the North Staffordshire Green Space Strategy and any replacement strategies. The replacement strategy is the Open Space Strategy (OSS) which was adopted in March 2017. The evidence indicates that a wide consultation exercise was carried out.
- The document is non-statutory and does not form part of the development plan, but nonetheless, it can be a material consideration in the determination of planning applications. It is clearly a document which will inform the emerging Joint Local Plan and be part of the evidence base and therefore the financial contribution is justified in order to ensure the development is compliant with the development plan.
- Both Guernsey Drive Play Area and Wye Road playing fields are relatively close to the appeal site and could potentially be used by future residents. The overall scale of the payment also appears to be reasonable in relation to the development proposed. Although the OSS is not an SPD or part of the development plan, it does represent the Council's latest position relating to the provision of open space and as such can be a material consideration in the determination of the current proposal, albeit somewhat limited. The requirement for the contribution can be justified by Policy CSP5 of the CS to which the OSS can reasonably relate.
- In addition, as a consequence of the very specific details of how the money would be spent locally and how it would relate to the development, the contribution would meet the statutory tests as set out in the CIL Regulations and a UU providing financial contributions towards off-site public open space is required in these particular circumstances.
- Given the timescales involved in the development process and the fact that any pressure on the open space provision locally would only occur once new residents have taken occupancy of the properties, the UU which provides for the contribution on the first occupation of the development is considered the appropriate version.
- Overall, the proposal would not be harmful to the character and appearance of the area nor to the living conditions of the occupants of neighbouring residential properties. Consequently the benefits of the proposal outweigh any potential harm and the appeal should be allowed.

The Costs Decision

- In making an application for costs the appellant contended that the Council had requested a financial contribution which is not considered to meet the relevant tests as well as there being substantive issues relating to the reasons for refusal in particular circumstances where Council officers have recommended approval.

- In relation to the financial contribution sought with respect to public open space improvements and maintenance, the Inspector's decision concludes that it is justified in order to ensure that the development is compliant with the development plan. As such, the financial contribution meets the required tests and it is not considered that the Council has behaved unreasonably.
- Although the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council must clearly demonstrate on material planning grounds why a proposed development is unacceptable and must provide clear evidence to substantiate the reasoning. The first reason for refusal set out by the Council is based on the design of the proposal. The officer report presented to the Committee states that the proposed dwellings would be discretely located and there would be no visual harm arising from the development. Furthermore, it advises that subject to the use of suitable materials and boundary treatment the proposal would be acceptable. There appears little evidence that in reaching its decision the Council took account of the character of the site and its surroundings, the context in which the proposal would be seen and the potential use of planning conditions to mitigate concerns such as landscape context and prominence.
- In concluding on the matter of character and appearance it seems that there is little in the way of objective analysis of the proposal in the context of the development plan and the Framework.
- The second reason for refusal is restricted to the effect of the proposal on the amenity of the occupiers of adjoining properties with reference to the resultant overbearing impact of the proposal. In coming to this conclusion there is evidence that the Council has disregarded the advice of officers who have presented a clear justification for supporting the proposal in the light of the adopted Space About Dwellings SPG. Even taking account of the significant change in levels between the appeal site and the rear of properties along Stockwood Road the separation distances recommended to be far exceeded. In addition the Council appears to have also disregarded other factors such as the landscaping in some of the rear gardens and dense boundary vegetation which would in some cases screen the proposal.
- In this regard the Council has made generalised and unsupported assertions about the effect of the proposal on the living conditions of adjoining residents.
- In the particular circumstances of this case where the Council cannot demonstrate that there is a five year supply of housing land and development plan policies relating to the supply of housing are out of date, regard should have been given to balancing the potential harm against the benefits that would result from the proposal. There is insufficient evidence that the Council undertook a reasonable balancing exercise when determining the application.
- Consequently, it appears that in the planning judgement having regard to the development plan, national planning policy and other material planning considerations the development should reasonably have been permitted. Therefore, the refusal of planning permission in this particular case represents unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, and a partial award of costs is justified.

Your Officer's comments

In relation to the appeal decision, of particular note is the Inspector's conclusion regarding the Section 106 contribution towards off-site Public Open Space and the weight to be attached to the Open Space Strategy (OSS), adopted by the Council in March 2017. The Inspector stated that while the OSS is not a Supplementary Planning Document or part of the development plan, it does represent the Council's latest position relating to the provision of open space and as such can be a material consideration in the determination of a planning application. He concluded that the requirement for the contribution can be justified by Policy CSP5 of the Core Spatial Strategy to which the OSS can reasonably relate.

This is an important decision as it is the first occasion that the approach being taken by your Officers on this matter has been considered at appeal. The fact that the Inspector supported the approach that has been taken to date is helpful in consideration of subsequent planning applications.

In concluding in his cost decision letter that a partial award of costs is justified, the Inspector is finding that the Council behaved unreasonably, thereby causing the appellants to incur additional expense. The Inspector acknowledged that the Council is not duty bound to follow the advice of its professional officers but highlighted that if a different decision is reached the Council must clearly demonstrate on material planning grounds why a proposed development is unacceptable and must provide clear evidence to substantiate that reasoning. Despite being made aware that the Planning Committee visited the site before a decision was reached the Inspector considered that there was little evidence that the decision took account of the character of the site and its surroundings.

The Keele Conservation Area Appraisal and Management Plan Supplementary Planning Document

Report to Planning Committee 27th March 2018

Purpose of the Report

To inform the Planning Committee of the results of the consultation process on the draft Keele Conservation Area and Management Plan Supplementary Planning Document (SPD) and to consider the SPD prior to its adoption by Cabinet.

Recommendations

1) That the Planning Committee agree the draft Keele Conservation Area Appraisal and Management Plan Supplementary Planning Document and to the publication of the attached Consultation Statement and the SPD for the required final period of representations; and

2) That, subject to no representations being now received seeking significant changes to the Appraisal and Management Plan SPD, the Planning Committee commend the SPD to Cabinet for adoption

Reason

The consultation period is now over, the responses have been analysed and a period within which further representations can be made is required before the document can be adopted.

1.0 Introduction

1.1 The Planning Committee, on 2nd January 2018, approved the draft Keele Conservation Area and Management Plan Supplementary Planning Document (SPD) for consultation purposes. The purpose of this report is to inform members of the results of the consultation on the draft SPD, and to enable the Planning Committee to consider the final draft SPD before it is considered for adoption by Cabinet.

2.0 Background

2.1 The SPD seeks to provide additional information to ensure that the Borough's Conservation Areas are safeguarded for the future to supplement the objectives and policies contained in the Local Plan. The SPD redefines the special interest of Keele Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions including extending the Conservation Area boundary.

3.0 Consultation process and results

3.1 The consultation on the draft SPD took place over a five week period from 25th January to 2nd March 2018 and further details are set out in the Consultation

Statement attached to this report in Appendix A. This draft is still available to view on the Council's website www.newcastle-staffs.gov.uk/conservation

- 3.2 The steps taken included:-
- An exhibition and consultation event attended by 3 council officers was held in Keele Parish Hall, on 30th January 2018 for 2 hours. Information was sent to groups and interested parties. A small number of residents and Councillors attended the event.
 - A consultation response sheet was provided to encourage representations to be made.
 - Inspection copies of the SPD made available in the Guildhall
- 3.3 There have been 2 written responses submitted on the draft documents. Any representations have been retained on file and can be viewed on request.
- 3.4 The representations support the document and amendment to the Conservation Area boundary and to the making of an Article 4 Direction to restrict permitted development rights for houses within the Area as a way of helping the protect the area's special character.
- 3.5 The Conservation Advisory Working Party proposed no amendments nor did it raise any issues with the document at consultation stage. Any further comments it has following its meeting on 20th March will be reported to the Committee.

4.0 Next Steps

- 4.1 Under the Local Planning Regulations, before the SPD can be adopted the Council has to make available both the SPD and the Consultation Statement and allow a further limited period, of not less than 4 weeks, for representations to be made. Only in the event of any further significant representations being raised will the matter be brought back to the Planning Committee for reconsideration. Otherwise the next stage will be the consideration by Cabinet of the SPD's adoption.
- 4.2 Once adopted, the SPD together with an adoption statement will be posted on the Council's Planning Policy website page and made available at a charge in hard copy if requested. Details of the adoption will be sent to those who participated in the consultation process and provided their contact details.
- 4.2 If accepted the boundary will be formally amended and the relevant notifications done in a local newspaper and the London Gazette. The Article 4 Direction will be progressed as set out in the Management Proposals.

5.0 Background Papers

Consultation Draft SPD
Copies of representation made on the draft SPD
The SPD Consultation Statement

Date report prepared 3 March 2018

Appendix A

Consultation Statement

Keele Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD)

Background

The SPD redefines the special interest of Keele Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions.

Once adopted, the SPD will supplement the objectives and policies contained in the Local Plan.

1. Introduction

- 1.1 Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, states that before a Local Planning Authority adopt a Supplementary Planning Document (SPD) they must prepare a statement setting out: the names of any persons the authority consulted in connection with the preparation of the SPD; a summary of the main issues raised in these consultations and how these have been addressed in the SPD. In addition before the SPD can be adopted the Statement has to be made available, with the Supplementary Planning Document, together with details of the date by which representations on it must be made and the address to which they must be sent.
- 1.2 This Consultation Statement explains the consultation process for the SPD, and aims to demonstrate that the Council undertook sufficient public consultations, using its best endeavours to consult and involve the community in the most effective way possible.

2. The Consultation Process

- 2.1 Information regarding the consultation on the SPD was sent to Historic England, the County Council, Newcastle-under-Lyme Civic Society, Keele Parish Council, Keele University and Seddon Homes, the Council's Conservation Advisory Working Party and local ward members
- 2.2 A five week consultation programme was carried out on the Supplementary Planning Document from 25th January to 2nd March. This draft is still available to view on the Council's website www.newcastle-staffs.gov.uk/conservation

The consultation involved:

- The draft SPD and supporting documents were made available to download from the Council's website both during and after the consultation period.
 - A consultation event held at in Keele parish hall, on 30th January. Posters were sent to groups and individuals.
 - Inspection copies of the SPD made available in the Guildhall.
 - A consultation response sheet was provided to encourage representations
- 2.3 Following the consultation process and the production of this summary statement, representations can be made to the Council for consideration before final approval by the Council and adoption of the documents.

Appendix A

3.0 Summary of the main issues raised and how these have been addressed

- 3.1 The draft SPD has generally been well received.
- 3.2 There has been 2 formal representations made by Historic England and a Borough Councillor in support of the SPD. Attendance at the consultation event was low, 7 individuals, principally residents from Keele village or the campus coming to view and discuss the proposals. There was informal discussion regarding the trees on the Hawthorns site, the extension of the Conservation Area, the Article 4 Direction and parking issues.
- 3.3 Section 4 sets out in summary the main issues raised by the comments. No amendments are proposed to the documents.

4.0 Consultation Schedule - Comments Received, Council's Response and Actions

Rep ID	Name	Summary of main issue raised	Response	Changes proposed to draft SPD
1	Historic England	HE comments that the Appraisal is logical and in line with national guidance. The document clearly articulates the special interest of the Conservation Area and how this contributes to its special character. There are also clear prescriptions for management and some helpful advice on design and likely changes. They suggest the boundary change has been fully considered.	Noted.	None
2	Councillor Naylor	<p>Agrees the extension to the CA boundary is correct.</p> <p>Feels that changes to the Historic Park and Garden on the Campus have been dramatic and encroached on the area</p> <p>Considers that enforcement is not effective but recognises that their experience may be limited. Some good solutions if Conservation Officer involved.</p> <p>Agrees Article 4 Direction is a useful tool to control fenestration and surface materials</p>	<p>Noted</p> <p>This comment relates to the campus and not Keele CA</p> <p>Noted</p> <p>MP didn't propose to remove the PD right for hard surfacing.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None; but consider removing this PD right when assessing Keele Article 4 Direction.</p>

Confirmation of Tree Preservation Order

LAND AT THE OAKS, MINN BANK, ASTON

Tree Preservation Order No.190 (2017)

Town & Country Planning Act 1990

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

The Order protects two oak trees situated on the northern boundary of the Oaks, Minn Bank, Aston. The Order was made to safeguard the longer term visual amenity that the trees provide after a tree status enquiry was received expressing concern with regard to their future management. This gave rise to concern that the trees might be felled or inappropriately pruned.

The Order was made using delegated powers on 9th October 2017. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 9TH May 2018

RECOMMENDATION

That Tree Preservation Order No 190 (2017), land at the Oaks, Minn Bank, Aston, TF9 4JB be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Representations

No representations have been received.

Issues

The trees are situated in the grounds of The Oaks in the centre of Aston. They are two individual single stemmed oak trees located close to the northern boundary of the plot. They are fully mature and clearly visible from adjacent roads and approaches.

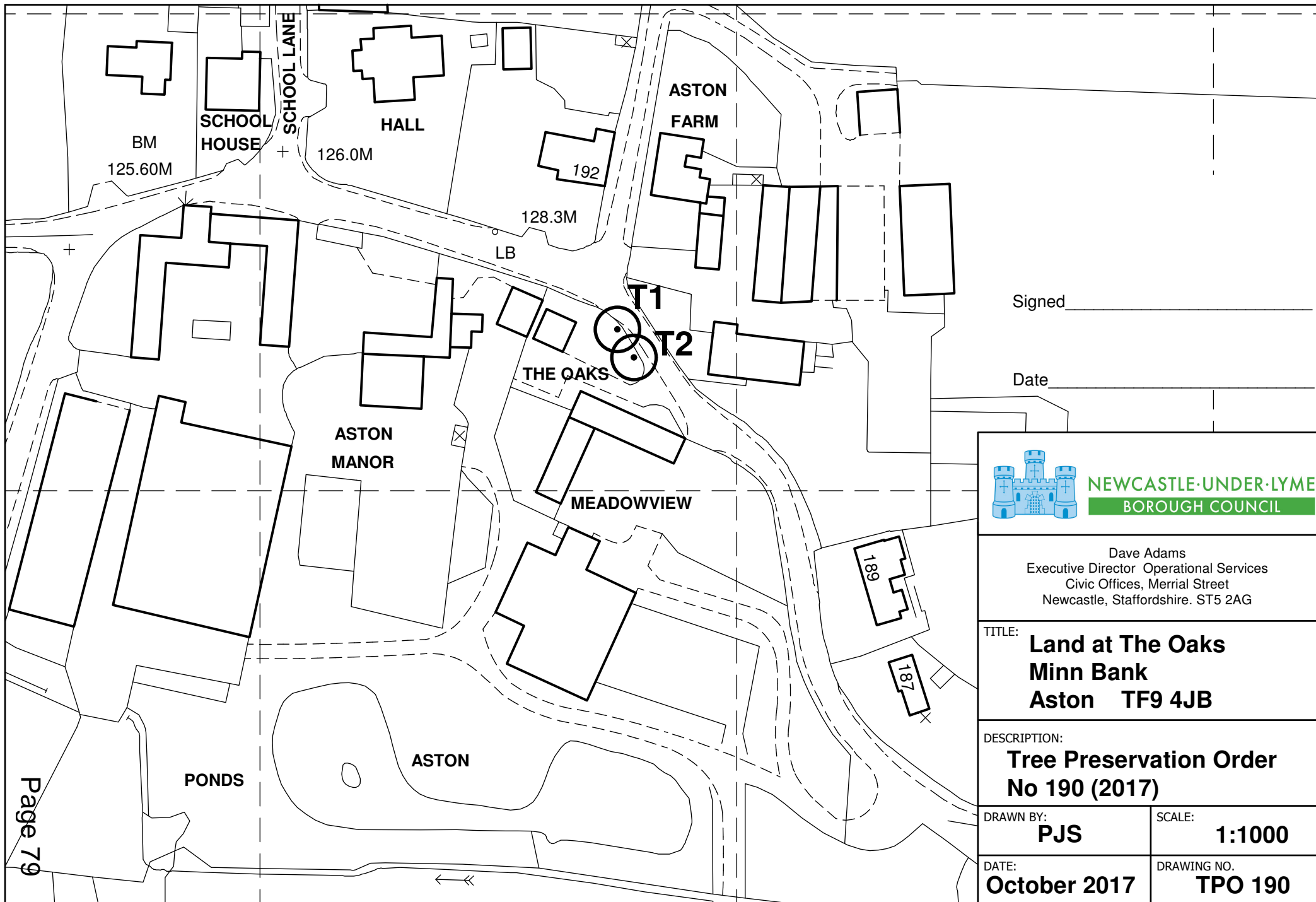
The trees are a good example of the species, are a significant feature to the locality, and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A tree status enquiry was received in September 2017 raising concern as to what might happen in the future due to the trees location close to the boundary wall. There does not appear to be any significant issues currently with the trees however they are likely to require careful management as they continue to grow and could become at risk of being felled or inappropriately pruned. In order to protect the trees in the longer term it was considered prudent to make a TPO.

Your officers inspected the trees on 5th October 2017 and carried out a TPO assessment, and found them worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 9th October 2017 in order to protect the long term well-being of the trees.

Date report prepared

6 February 2018



Signed _____

Date _____



Dave Adams
 Executive Director Operational Services
 Civic Offices, Merrial Street
 Newcastle, Staffordshire. ST5 2AG

TITLE: **Land at The Oaks
 Minn Bank
 Aston TF9 4JB**

DESCRIPTION: **Tree Preservation Order
 No 190 (2017)**

DRAWN BY: **PJS**

SCALE: **1:1000**

DATE: **October 2017**

DRAWING NO. **TPO 190**

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Confirmation of Tree Preservation Order

LAND AT PINASTRE, PINWOOD ROAD, ASHLEY HEATH. TF9 4PR

Tree Preservation Order No191 (2017)

Town & Country Planning Act 1990

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

The Order protects five trees situated within the garden of Pinastre, Pinewood Road, which is situated on the southern side of Ashley Heath. The Order was made to safeguard the longer term visual amenity that the trees provide after work was carried out that disfigured other trees on the property.

The Order was made using delegated powers on 23rd November 2017. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 23rd May 2018

RECOMMENDATION

That Tree Preservation Order No 191 (2017) land at Pinastre, Pinewood Road, Ashley Heath. TF9 4PR, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Representations

No representations have been received.

Issues

The trees are situated on the north-western and north-eastern boundaries of Pinastre. They are four oak trees and one birch. They are mature and clearly visible from Pinewood Road and to some extent from Heathcote Avenue.

The trees are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. Your officers visited the property on being informed that oak trees on the site had had their crowns removed. On 20 November 2017 your officers inspected all of

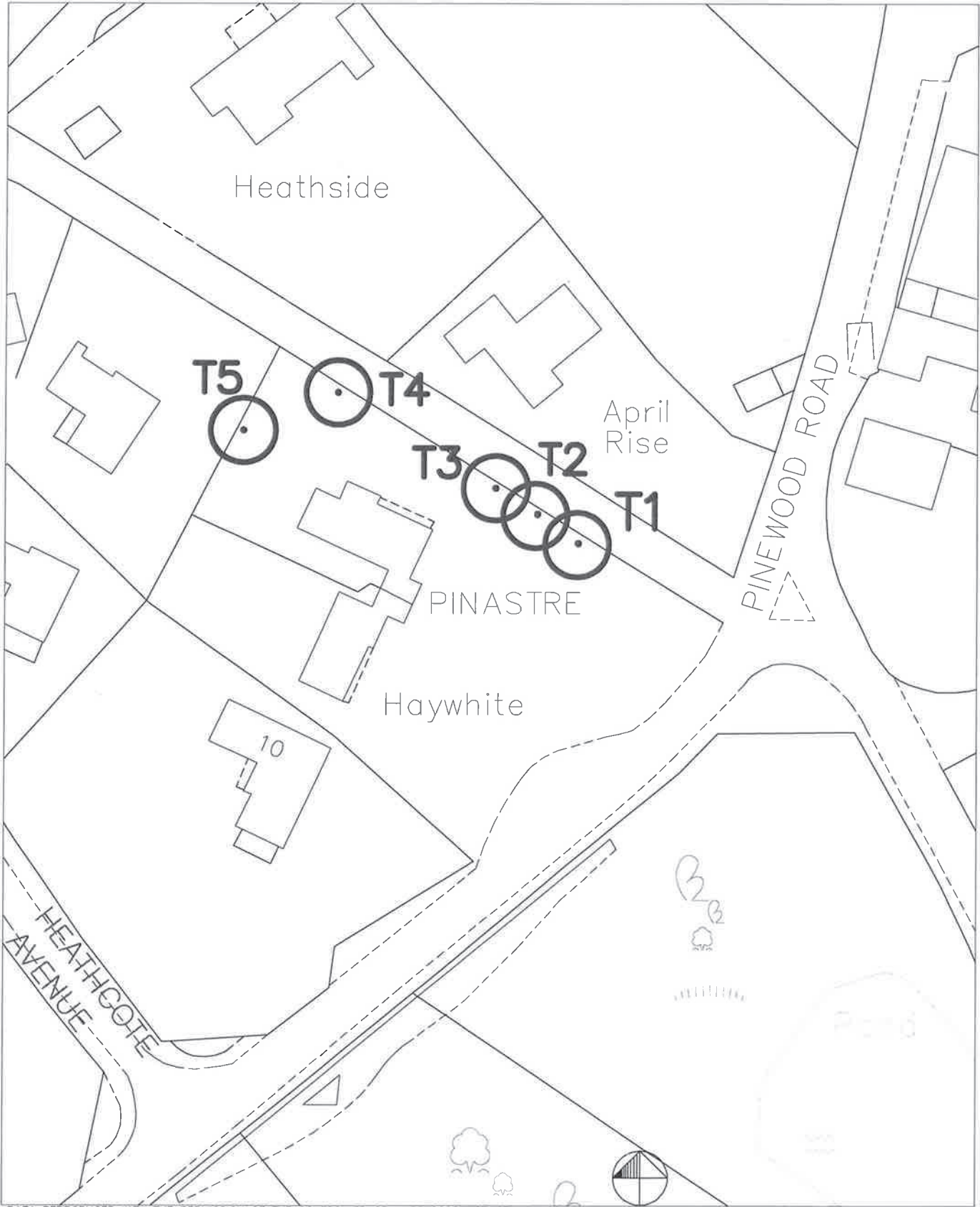
the trees on the site and carried out a TPO assessment, and found five of the remaining trees worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 23 November 2017 in order to protect the long term well-being of the trees.

Date report prepared

20 February 2018

SIGNED: *D Adams*

DATED:23 November 2017



OS DATA REPRODUCED WITH THE PERMISSION OF THE CONTROLLER OF HMSO 2008 LICENCE NO. 100019654

TITLE:

Land at Pinastre, Pinewood Road, Ashley Heath. TF9 4PR

DESCRIPTION:

TREE PRESERVATION ORDER NUMBER 191 (2017)

SCALE:

N.T.S.

DATE:

Nov 2017

DRAWN BY:

PJS



DAVE ADAMS
EXECUTIVE DIRECTOR -
OPERATIONAL SERVICES
CIVIC OFFICES, MORRAL
STREET
NEWCASTLE, STAFFORDSHIRE
ST5 2AG

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund for 181 Holloway Lane, Aston (Ref: 17/18004/HBG) and Bradwall House, 16-18 King Street, Newcastle (Ref: 17/18005/HBG).

RECOMMENDATION:

That the following grants are approved:-

- 1. £5,000 for structural repair of the Listed cowhouse at 181 Holloway Lane, Aston subject to the appropriate standard conditions and a specific condition relating to the repayment of the grant if the recipient disposes of the interest held in the property within 2 years of the payment of the final instalment of the grant.**
- 2. £5,000 for window reinstatement to the front elevation of the building at Bradwall House, 16-18 King Street, subject to the appropriate standard conditions**

Purpose of report

To enable members to consider two applications for financial assistance.

1. 181 Holloway Lane, Aston

The farmhouse at 181 Holloway Lane is a Grade II Listed farmhouse and the attached cowhouse/barn is also separately Grade II Listed. The owners have planning and listed building consent to change the use of the barn into accommodation for the adjacent farmhouse (14/00669/FUL, 14/00702/LBC, 15/00972/FUL and 15/00973/LBC). Costs have prevented implementation of this scheme and the conversion of the building into accommodation will have to be put on hold and implemented as finances permit.

The barn is structurally vulnerable and on the Council's Building at Risk Register. The method of repairing the building has varied with contractors – more recently the preferred approach being taking the building down and rebuilding it using the stone where possible or new stone. The owners take the custodianship of the farmhouse and barn seriously and have decided to only undertake repairs to stabilise the building to get it weatherproof and safe. They have found a contractor who can stabilise and repair the structural elements of the building without demolishing the walls and have got two competitive quotations for this work. This will stabilise the building and will be treated as a stand-alone contract.

It is not general practice of this Council to offer a grant when a scheme for a change of use is in place, however this aspect of the scheme is not likely to be implemented in the near future but the owners are keen to secure repairs and remove the building from the Building at Risk Register whilst they consider the cost of the conversion. A condition will be included with the grant offer which enables the Council to claim back the grant if the owners decide to sell the building within two years of the payment of the grant.

Crucially the building will be removed from the Building At risk Register by the end of the year. An ecologist has been appointed to supervise the bat situation, and they are

undertaking new surveys in May, so the first phase building repair work will not start until June and will last until December.

The total cost of the works is estimated at £100,000 (VAT not applicable). The works are eligible for a grant up to 20% of the total cost or up to a maximum of £5,000.

2. Bradwall House, 16-18 King Street, Newcastle

Bradwall House is a Grade II Listed Building within the Newcastle town centre Conservation Area. The building externally makes a significant contribution to the character of the area. However much special interest has been lost internally on inspection and it was last in use as offices. The new owner has taken on the building and also plans to run a business with some minor internal changes which now have Listed Building Consent (17/00932/LBC). Poor quality fixed casement timber windows (double glazed) were installed many years ago. Other windows to the rear and on the front second floor have been replaced with upvc windows. These are unauthorised. The current owner intention is to put back more appropriate windows and this proposal is to replace all of the front windows with sliding sash windows which will improve the appearance of the front elevation with a more authentic style of window. The number of windows being replaced is 10 which include the two large bay windows on the ground floor which each have 3 sash casements.

The total cost of the works including scaffolding is estimated at £34,494 including fees and VAT. The works are eligible for a grant of up to 20% or up to a maximum of £5,000.

The Conservation Advisory Working Party will consider both of these applications at its meeting on the 20th March and its recommendations will be reported to the Planning Committee.

Financial Implications

There is sufficient funding to meet the grant applications with £32,000 in the Fund allowing for commitments.

By virtue of paragraph(s) 5, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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