

Public Document Pack

Date of meeting Thursday, 24th May, 2018
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER ENJOY CAR LIFE SHOWROOM AND GARAGE, BLACKFRIARS ROAD, NEWCASTLE. THE DONNA LOUISE TRUST. 18/00179/FUL** (Pages 7 - 14)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - ORME CENTRE, ORME ROAD, NEWCASTLE. ABODE RESIDENCIES. 18/00090/FUL & 18/00086/LBC** (Pages 15 - 24)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LODGE FARM, NEWCASTLE ROAD, TALKE. MISS R LARGE. 18/00062/FUL** (Pages 25 - 34)
- 7 **APPLICATION FOR MINOR DEVELOPMENT - 1 INGLEWOOD DRIVE, PORTHILL. MR R AASHT. 18/00162/FUL** (Pages 35 - 42)
- 8 **APPLICATION FOR MINOR DEVELOPMENT - LAND AT WEDGWOOD AVENUE, WESTLANDS. MR R WHALLEY. 18/00167/REM** (Pages 43 - 50)
- 9 **PLANNING COMMITTEE SITE VISIT DATES 2018-19** (Pages 51 - 52)

- 10 **START TIME OF PLANNING COMMITTEE MEETINGS FOR
2018/19**
- 11 **APPEAL DECISION - THE OLD STABLES AND TAWNEY (Pages 53 - 54)
COTTAGE, BARTHOMLEY ROAD, KNOWLE END, AUDLEY.
17/01590/FUL**
- 12 **URGENT BUSINESS**
- To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors to be confirmed at Annual Council

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, 24th April, 2018
Time of Commencement: 7.00 pm

- Present:-** Councillor Chris Spence – in the Chair
- Councillors Burgess, Fear, S Hambleton, Matthews, Naylor, Northcott, Owen, Panter, Reddish, Sweeney, S Tagg, G Williams, J Williams and Wright
- Officers Guy Benson, Geoff Durham - Mayor's Secretary / Member Support Officer, Rachel Killeen, Peter Stepien, Trevor Vernon -Solicitor and Darren Walters
- Apologies Councillor(s) Heesom, Proctor, Simpson and G White

1. APOLOGIES

Apologies were received from Councillors' Heesom, Proctor, Simpson and White.

2. DECLARATIONS OF INTEREST

Councillor Northcott declared an interest in application 17/01024/FUL. The landowner is known to him.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 27 March, 2018 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF MEADOW WAY, BALDWINS GATE. BELLWAY HOMES (WEST MIDLANDS) LTD. 17/01024/FUL

- Resolved:** That the application be refused for the following reasons:
- (i) Adverse impact upon the biodiversity and hydrology of Chorlton Moss Local Wildlife Site
 - (ii) Absence of a secured planning obligation securing a financial contribution of £420,084 towards the provision of primary and secondary education places
 - (iii) Absence of a secured planning obligation securing a financial contribution of £285,471 (£2,943 per dwelling) towards improvements to the open space and play facilities at Whitmore Village Hall
 - (iv) Absence of a secured planning obligation securing 16% of the dwellings as affordable units and a financial contribution of a figure to be calculated towards off-site provision of the equivalent of 9% of the dwellings as affordable units

- (v) Absence of a secured planning obligation securing a travel plan monitoring fee of £6,430
- (vi) Absence of a secured planning obligation securing a management plan for the restoration and long-term maintenance of the Chorlton Moss Local Wildlife Site
- (vii) Absence of a secured planning obligation securing a management agreement for the long-term maintenance of the open space on the site

5. APPLICATION FOR OTHER DEVELOPMENT - 5 SLINDON CLOSE, CHESTERTON. MR A CLAY. 18/00195/FUL

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

- (i) Approved plans.

6. APPLICATION FOR OTHER DEVELOPMENT - IMPERIAL WORKS, COALPIT HILL, TALKE. MR AL PROPERTY. 18/00066/FUL

Councillor Stubbs spoke on this application.

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

- (i) The proposed development would result in the loss of a bus stop and in the absence of any alternative location nearby that would not give rise to highway safety issues, this would be detrimental to the sustainability of the area and contrary to the guidance and requirements of the National Planning Policy Framework
- (ii) In the absence of details of the areas of storage, servicing, turning and staff/ visitor parking, a further updated stage one road safety audit and a revised location of the proposed gates, 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 contrary to the guidance and requirements of the National Planning Policy Framework.

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

Resolved: (i) That the report be noted.

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

8. APPEAL AND COSTS DECISION - FORMER SAVOY CINEMA/METROPOLIS, OFF THE MIDWAY, NEWCASTLE. 17/00174/FUL

Resolved: That the appeal and costs decision be noted.

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

Resolved: That the information be received.

10. **OPEN ENFORCEMENT CASES**

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

11. **DELEGATION BY COUNCIL OF ITS DECISION MAKING POWER TO CHESHIRE EAST IN RELATION TO FUTURE A500 WIDENING PLANNING APPLICATION**

This item was dealt with under Urgent Business, considered to be so as it needs to go to Full council on 216 May, 2018.

12. **URGENT BUSINESS**

DELEGATION BY COUNCIL OF ITS DECISION MAKING POWER TO CHESHIRE EAST IN RELATION TO FUTURE A500 WIDENING PLANNING APPLICATION

Resolved: (i) That the Planning Committee recommend to Full Council that the Borough Council delegate to Cheshire East Council the discharge of the Borough Council's function under the Town and Country (Environmental Impact Assessment) Regulations 2017 to give a Scoping Opinion, under the above Regulations, with respect to a proposal to widen the A500 between Junction 16 of the M6 and the Meremoss roundabout, Crewe, insofar as it relates to land that lies within the Borough Council's administrative area.

(ii) The Planning Committee recommend to Full Council that the Borough Council delegate to Cheshire East Council the discharge of the Borough Council's planning control functions under Section 70(1) (Part III) of the Town and Country Planning Act 1990 to determine, insofar as it relates to land that lies within the Borough Council's administrative area, a cross boundary planning application in relation to the proposed widening of the A500 between Junction 16 of the M6 and the Meremoss roundabout, Crewe.

13. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A of the Local Government Act, 1972

14. **CONFIDENTIAL ITEM - QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED**

Resolved: That the report be received.

COUNCILLOR CHRIS SPENCE
Chair

Meeting concluded at 8.15 pm

FORMER ENJOY LIFE/GREENHOUS CAR SHOWROOM, BLACKFRIARS ROAD, NEWCASTLE
THE DONNA LOUISE CHARITY 18/00179/FUL

The application seeks planning permission for a change of use to the vacant former garage site on Blackfriars Road to an A1 retail unit to be used by The Donna Louise Charity providing 1232m² of non-food retail floorspace.

The site, of approximately 0.7 acres in extent, is located within the Urban Area on the Local Development Framework Proposals Map. In the Newcastle Town Centre Supplementary Planning Document of January 2009 the site lies within the Pool Dam Waterside Quarter and is identified within the SPD as a potential future development area, adjacent to the Blackfriars Key Site

The statutory 13 week determination period for the application expires on the 5th June 2018.

RECOMMENDATION

Approve, subject to conditions covering the following matters

1. Time Limit
2. Approved Plans
3. Hours of deliveries
4. Prior approval of any air conditioning / refrigeration units
5. Parking and turning areas provided prior to first use
6. Restriction of goods sold at the premises to bulky goods only

Reason for recommendation

The proposed change of use of the building has to be considered in the context of policies which seek to enhance the vitality and viability of the town centre. The proposal entails a 'main town centre use' in an 'edge of town centre' location. It is considered that the redevelopment of this site for bulky goods retail purposes is acceptable as no sequentially preferable site has been identified. The proposal would be acceptable in terms of highway safety and amenity. There are no other material considerations which would justify a refusal of this application.

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

Pre-application discussions took place with the applicant as well as discussions during the course of the application, taking into account the guidance found within the NPPF on the approach to be adopted.

KEY ISSUES

The main issues to address are as follows:-

- Principle of development
- Highway safety
- Any amenity concerns

Principle of Retail Development on this Site

The Newcastle-under-Lyme Local Plan (NLP) does not contain any saved policies that are relevant to the consideration of the principle of this proposed retail development. Policy SP1 of the Core Spatial Strategy (CSS) indicates that retail and office development will be focussed towards the City Centre and Newcastle Town Centre. In Policy ASP4, the CSS sets out a number of planning considerations which are designed to enhance the vitality and viability of the town centre. Amongst those

considerations is the formulation of a spatial framework identifying distinct zones both within the primary shopping area and beyond, aimed at maintaining their distinctive characters and helping break through the perceived barrier of the ring road. It indicates that in the plan period proposals will provide for 25,000m² of additional gross comparison floorspace to 2021 and a further 10,000m² to 2026.

The Council's Supplementary Planning Document (SPD) is the framework for Newcastle Town Centre referred to by Policy ASP4. The application is within the Pooldam Waterside Quarter as defined in the SPD. The SPD does not form part of the Development Plan but is a material consideration. 'Edge of Centre' is defined, within the SPD, as those areas beyond and immediately adjoining the inner ring road.

The Town Centre SPD indicates that proposals for additional retail floorspace that are 'edge of centre' will need to be judged on whether they increase the attractiveness of the centre or detract from it. It is indicated that it is not just the proximity to the Primary Shopping Area (indicated as being the area within the ring road) that is important, it is the ease of accessing it, on foot. For this reason it is indicated that the "edge of centre" location extends along the A34 for about 250m, but individual proposals need to show good connectivity. There is nothing explicitly in the SPD that addresses the situation here – a site that does not immediately adjoin the Inner Ring Road, is not on the A34, but is (measured from the town centre side of the Inner Ring Road) about 250 metres from the Inner Ring Road via Pool Dam or 275 metres via Blackfriars. It is arguable whether the site meets the definition of "edge of centre" as set out in the SPD. Pedestrian access points from the building are on both the Pool Dam and Blackfriars Road frontages.

Paragraph 24 of the existing NPPF indicates 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. Applicants and Local Planning Authorities (LPAs) are also required to demonstrate flexibility on issues such as format and scale.

The NPPF goes on to state, at paragraph 26, that where retail development is outside centres, and which are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. Where, as in the Borough, there is no locally set threshold the NPPF indicates that the default threshold is 2,500 m².

The NPPF definition of 'edge of centre', for retail purposes is a "location that is well connected and up to 300 metres of the primary shopping area (as opposed to the 250 metres referred to in the SPD). Where there is inconsistency between the Framework and policies in existing plans, the Framework is to be given greater weight. Bearing this in mind and that the site is accessible from the primary shopping area via two alternative routes (Blackfriars and Pool Dam) the conclusion reached is that it is not unreasonable to characterise the location as "edge of centre" as opposed to "out of centre".

A review of the NPPF is currently taking place. There are no changes from the existing NPPF of any consequence (to this particular issue) within the draft revised NPPF.

The proposed development involves the change of use of the former car showroom with MOT testing centre to a bulky goods charity store, providing 1,232m² of retail floor space on the edge of the Town Centre. This falls below 2500m² threshold within paragraph 26 of the Framework, and as such an impact assessment is not required. However, there is a requirement to follow a sequential approach to site selection. As already indicated the site occupies an 'edge of centre' location. This means that from a sequential test perspective, any alternative sites either within the Primary Shopping Area (PSA), or 'edge of centre' and better related to it than the former car dealership site should be preferred. This guidance is largely mirrored by the Town Centre SPD that states retail on edge of centre sites can be permissible providing damage is not caused to the PSA and has good connectivity to the Town Centre.

Connectivity

The application site is located towards the edge of the town centre with good access on foot and with opportunity for shoppers to travel via public transport, there being two sets of bus stops located within 150 metres of the entrance of the existing building. The proposal therefore performs reasonably well in this respect.

Sequential Test

The applicant has submitted a sequential assessment. Guidance on how to adopt a sequential approach is set out in Planning Practice Guidance (PPG). It is for the applicant to demonstrate compliance with the test.

The following sites have been considered and discounted by the applicants' agent for the following reasons:-

1. **Vacant Units in the PSA** – they say that they have been unable to identify any site available that would meet the applicants' requirements for the acceptance and sale of bulky good donations.
2. **Key Sites identified within Town Centre SPD** – they say that three of these sites have already been redeveloped either in full or in part and are therefore discounted (Blackfriars (now Aldi) / the former Georgia Pacific site (now Maxims/Travel Lodge/Lidl) and Brunswick Street/Barracks Road). The fourth key site is Ryecroft to the North where it is expected planning permission will be issued (following the decision of the Planning Committee) for a large mixed use development, however, they say that this is unlikely to be completed until late 2019 at the earliest (which if it meant they were unable to forego many large donations over a period almost two years, they consider should reasonably be regarded as unacceptable). Furthermore they say it is very unlikely indeed that the large retail units would be made available for charity shops. This site has therefore also been discounted.
3. **Any other development sites with better connectivity to the PSA** – None have been identified. It is noted that the SPD did list the site adjacent to the application site and as such the area has been earmarked for growth/change.

It is noted that the applicant has not identified any town centre sites as part of their sequential assessment. Whilst most of their conclusions are accepted, the advanced stage which the Ryecroft proposals have now reached, would certainly justify the conclusion that that site is available. However the second point that is made about that site – the unlikelihood of its letting strategy for the bigger units including a bulky goods charity shop has more merit. Given the needs of the applicant it is considered that none of the above would be suitable to provide both the retail floor space and storage required. None of the identified sites are considered to be suitable or sequentially preferable to the application site. The applicant requires a site that would offer an element of retail space with ancillary storage for charitable donations and staff/administration space. No sites could offer this type of accommodation for the charity.

There are also clear practical operational advantages for the business enterprise to be within a site on the edge of town with suitable floorspace for growth in the future. The fact that the proposal encourages sustainable economic development and is linked to job creation also carries weight. In light of such matters the proposal is considered to be acceptable in principle and would not harm the vitality or viability of the town centre.

Is the impact on highway safety acceptable?

Saved Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Appendix 3 sets out maximum parking

standards for different uses. For A1 retail non-food uses, as is proposed, a maximum of 61 parking spaces would be required.

The most up to date planning advice on highway safety matters is contained within the Framework. The Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are 'severe'. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. Whilst the maximum parking standards would not be met (26 being indicated), in this instance it is considered to be acceptable given the site's location in proximity to Council car parks in the Town Centre. It is of merit to note that the Highway Authority raise no objections to the proposal. It is therefore considered that the proposal would not result in any on-street parking or traffic problems in accordance with policy T16.

Amenity

The application site is on the edge of the town centre, and largely surrounded by commercial buildings with some residential units at first floor level (and a permission for student flats directly opposite (in the former Orme Centre building)). The Environmental Health Division were consulted and raise no objections to the proposed change of use, however they have requested a restriction in the hours of deliveries between 7am and 9pm daily which is considered to be reasonable and necessary, as is the requirement for the prior approval of any air-conditions units or large scale refrigeration units in the future.

A request was also made for a condition requesting that any refrigerated wagons turn off their engines on site to prevent the noise from idling engines. Given the restriction on delivery hours, and the fact the site would be used for bulky goods to a charity shop it is not considered that this would be reasonable or necessary in this instance.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy CSP3: Sustainability and Climate Change

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

Policy T16: Development – General Parking Requirements

Other material considerations include:

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

Planning for Town Centres: Practice Guidance on need, impact and sequential location
National Planning Practice Guidance (August 2013)

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

88/17198/N

Erection of new garages, showrooms and workshops and covered used car area
Permitted 1988

79/07763/N

Single storey do-it-yourself retail warehouse and car park
Refused 1979

79/07841/N

Erection of wholesale/retail furniture and ancillary domestic goods including electrical goods
warehouse
Refused 1979

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Views of Consultees

The **Highway Authority** raise no objections subject to parking and turning areas being provided on site prior to the implementation of the change of use application.

The **Environmental Health Division** raise no objections to the application on the basis of several conditions including, restrictions on the hours of deliveries, refrigerated vehicles motors switched off when on site, prior approval of refrigeration or air conditioning units on site.

The Council's **Waste Services** offer no comments

The **National Grid** offered standing advice that is available for the applicant to view.

Representations

One letter of representation has been received during the course of the application. A summary of the objection is provided below;

- Retail should be within the Town Centre
- Housing would be better on the site
- Will encourage motorists to drive to the location

Applicant/agent's submission

The application is supported by a Planning Application, Plans and Planning Statement, Sequential Assessment, Parking Plan and consultation statement.

All of the application documents can be viewed at the Guildhall or using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00179/FUL>

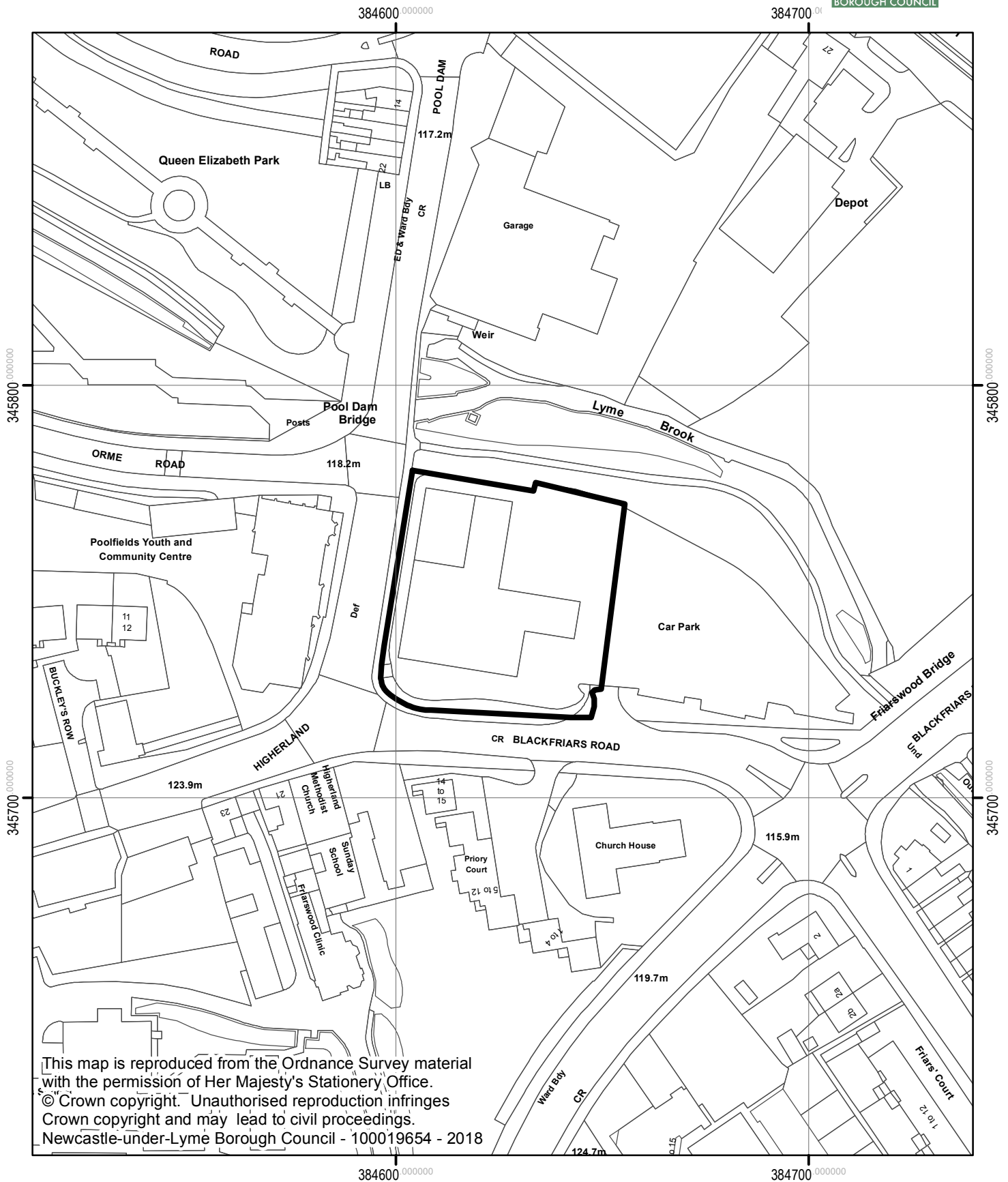
Background Papers

Planning File
Development Plan

Date report prepared

14th May 2018

18/00179/FUL
Former Enjoy Car Life Show Room and Garage,
Blackfriars Road, Newcastle



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**THE FORMER ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME
ABODE RESIDENCIES**

18/00090/FUL & 18/00086/LBC

The report considers two applications. One is an application for variation of Condition 5 of planning permission 16/00796/OUT which granted planning permission for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation (18/00090/FUL). Condition 5 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for elevational changes. The other application is for listed building consent for works to the Listed Building (18/00086/LBC). There is a previous grant of listed building consent 16/00798/LBC

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

The building is a Grade II Listed Building.

The 13 week period for the planning application expires on 18th July 2018. The 8 week determination period for the listed building consent application expired on 5th April 2018 but the statutory period has been extended by the applicant to 29th May 2018.

RECOMMENDATIONS

A) With respect to the application for listed building consent 18/00086/LBC

- 1. Time limit for commencement of development**
- 2. Approved plans**
- 3. Details and materials for the making good of the main building following the demolition of extensions**
- 4. Method statement for repair and consolidation of stonework**
- 5. Further details of internal doors and window architraves where alterations are being made**
- 6. Details of repair work to existing windows and details including samples of proposed new windows**
- 7. Details of any secondary glazing systems**
- 8. Details of suspended ceilings system**
- 9. Details of the mezzanine floor**
- 10. Details of the treatment of internal corridors and internal windows/fanlights**
- 11. Details of drainage requirements to service the en-suites**
- 12. Details of all other proposed external materials**
- 13. Any repointing to be in lime mortar**

B) With respect to the planning application 18/00090/FUL

- i. Subject to the applicant entering into a planning obligation by 29th June 2018 that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/00796/OUT, PERMIT the variation of condition 5 to list the revised plans and subject to the imposition of all other conditions attached to planning permission 16/00796/OUT that remain relevant at this time.**
- ii. Failing completion by the date referred to in the above resolution (i) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation account would not be able to be taken of a change in market conditions; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.**

Reason for Recommendations A and B

- A. Taking into account the requirement for the decision-maker to pay special attention to such matters, subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.
- B. Taking into account the requirement for the decision-maker to pay special attention to such matters it is not considered that the minor elevational changes to the building would harm the setting of the Listed Building.

The effect of a grant of approval is to create a new planning permission. The previous permission was only granted following the entering into of a Section 106 agreement securing a number of matters, all of which remain relevant and would require a further obligation to be entered into to ensure that these matters continue to be secured.

Subject to this and the imposition of the same conditions as were imposed on 16/00796/OUT that remain relevant at this time it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

Statement as to how the Local Planning Authority has worked 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

Permission is sought for the variation of Condition 5 of planning permission 16/00796/OUT which granted full planning permission for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation (18/00090/FUL). Condition 5 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for elevational changes to the new building. The other application is for listed building consent for internal works to the Listed Building (18/00086/LBC).

The application site is within the Newcastle Urban Area as indicated on the Local Development Framework Proposals Map. The building is a Grade II Listed Building. Since the receipt of both applications amended plans have been received and the report below considers these.

It is appropriate to consider the application for listed building consent first.

1. 18/00086/LBC - Listed building consent for internal works to the Listed Building

Listed building consent was granted last year for the demolition of curtilage listed buildings and the conversion of the former Orme Centre into student accommodation (Ref. 16/00798/LBC). The curtilage listed buildings have now been demolished. This application for listed building consent seeks some minor revisions to the internal works and therefore the sole issue for consideration now is whether the physical works to the Listed Building are acceptable.

At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a Conservation Area or Listed Building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 'Significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In paragraph 133 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site

- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 134 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The draft NPPF which is currently out for consultation indicates that Government policy is not set to fundamentally change in the near future.

Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features.

The proposed amendments to the approved scheme comprise minor internal alterations, principally to the location of en-suite bathrooms and stud partition walls. No external alterations are proposed. The Conservation Officer has no objections to the works to the Listed Building subject to the imposition of conditions.

Taking into account the requirement for the decision-maker to pay special attention to such matters subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.

2. 18/00090/FUL – application for variation of Condition 5 of planning permission 16/00796/OUT which granted planning permission for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation

Planning permission was granted last year for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation (Ref. 16/00796/OUT), the only matter for subsequent consideration being the details of the landscaping. Condition 5 of that permission lists the approved drawings and the variation now sought seeks to substitute amended plans to allow for elevational changes to the new building.

Although the Environmental Health Division requests further information regarding the nature of any plant to be located in the plant room, the conditions on the previous consent require the submission of such details and subject to the imposition of the same conditions, it is not considered that an objection could be raised on the grounds of the lack of such detail at this stage. The main issues for consideration in the determination of this application are:

- Do the proposed amendments have any adverse impact upon the setting of the Listed Building and on the character and appearance of the area?
- Is a planning obligation required?

Do the proposed amendments have any adverse impact upon the setting of the Listed Building and on the character and appearance of the area?

Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

The proposed amendments comprise additional windows in the south facing rear elevation of the new building. In the approved scheme each of the two projecting gables has one window on each floor but in the revised scheme, one of the gables is to have one additional window on each floor and the other gable is to have two further windows on each floor. No further changes are proposed.

Both the Conservation Officer and the Conservation Advisory Working Party (CAWP) have raised no objections to the revised plans and it is not considered that the additional windows proposed would have any adverse impact on the setting of the Listed Building or on the character and appearance of the area.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one. The previous permission was granted on the 26th July 2017 following the completion of a Section 106 agreement which required a financial reappraisal should the development not be substantially commenced within 18 months of the date of the planning permission (i.e. by 25th January 2019).

Subject to the applicant entering into a Section 106 agreement as outlined above, the Council's interests would be protected.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to the decision on the application for Listed Building Consent:-

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

Policy CSP2: Historic Environment

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

Policy B4: Demolition of Listed Buildings

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

Policy B7: Listed Buildings – Change of Use

Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Policy CSP3: Sustainability and Climate Change

Policy CSP5: Open Space/Sport/Recreation

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

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

Policy N12: Development and the Protection of Trees

Policy N13: Felling and Pruning of Trees

Policy B3: Other Archaeological Sites

Policy B4: Demolition of Listed Buildings

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

Policy B7: Listed Buildings – Change of Use

Policy T16: Development – General Parking Requirements

Policy IM1: Provision of essential supporting infrastructure and community facilities

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#) and Ministerial Statement on Parking (March 2015)

[Planning Practice Guidance \(NPPG\)](#)

[Draft revised National Planning Policy Framework](#)

[Supplementary Planning Documents \(SPDs\)](#)

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

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

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

Relevant Planning History

- 15/00700/OUT Full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (total of 94 rooms)
Refused
- 15/01078/OUT Listed building consent for the alteration and selective demolition of part of the Listed Building
Withdrawn
- 16/00796/OUT Full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (giving a total of 96 rooms across the site)
Approved
- 16/00798/LBC Listed building consent for the alteration and selective demolition of part of the Listed Building
Approved
- 18/00183/FUL Conversion of existing building and erection of new building to provide 112 bed student accommodation
Pending consideration

Views of Consultees

The **Council's Conservation Officer** has no objections to the alterations to the rear elevation of the new building. The minor changes to the listed building consent are acceptable in principle subject to the details that were required for the previous application.

The **Conservation Advisory Working Party (CAWP)** states that the changes to the scheme are not of any particular significance to the special character of the building but feels that the scheme lacks relevant details again. It is requested that the details are provided to the satisfaction of officers before the scheme is implemented.

The **County Archaeologist** has no comments to make regarding the amended plans.

The **Highway Authority** has no objections subject to the highway related conditions and S106 contributions for application 16/00796/OUT being included.

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

The **Environment Agency** has no objections subject to a condition regarding contamination.

The **Environmental Health Division** requests further information regarding the nature of the plant to be located in the plant room and the purpose of the proposed vent. Where it is intended to install a combustion unit using bio-fuel or any combustion plant with single or combined thermal input of greater than 300kW, an air quality impact assessment would be required.

The **Landscape Development Section** raises no objection subject to planning conditions and S106 contributions that were agreed in the previous application.

The **Crime Prevention Design Advisor** has no objection to the variation of condition 5 which appears to involve relatively minor changes to the internal layouts.

The **Lead Local Flood Authority** has no comments to make.

The Council's **Waste Management Section** notes that there appears to be no bin store area for recycling and refuse marked anywhere on the site. A store near the vehicular entrance to the site is the preferred option.

No comments have been received from **United Utilities**, **Severn Trent Water**, the **Housing Strategy Section** and the **Environment Agency**. Given that the period for comment has now expired, it must be assumed that they have no comments to make.

Comments on the amended plans are awaited from the **Victorian Society**, the **Society for the Protection of Ancient Buildings**, the **Council for British Archaeology**, the **Twentieth Century Society**, the **Ancient Monuments Society** and the **Newcastle South Locality Action Partnership**. Any comments received will be reported to Members in a supplementary report.

Representations

None received

Applicant's/Agent's submission

The applications are accompanied by a Heritage and Design Statement.

The documents are available for inspection at the Guildhall and as associated documents to the applications via the following links

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00090/FUL>
and
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00086/LBC>

Background Papers

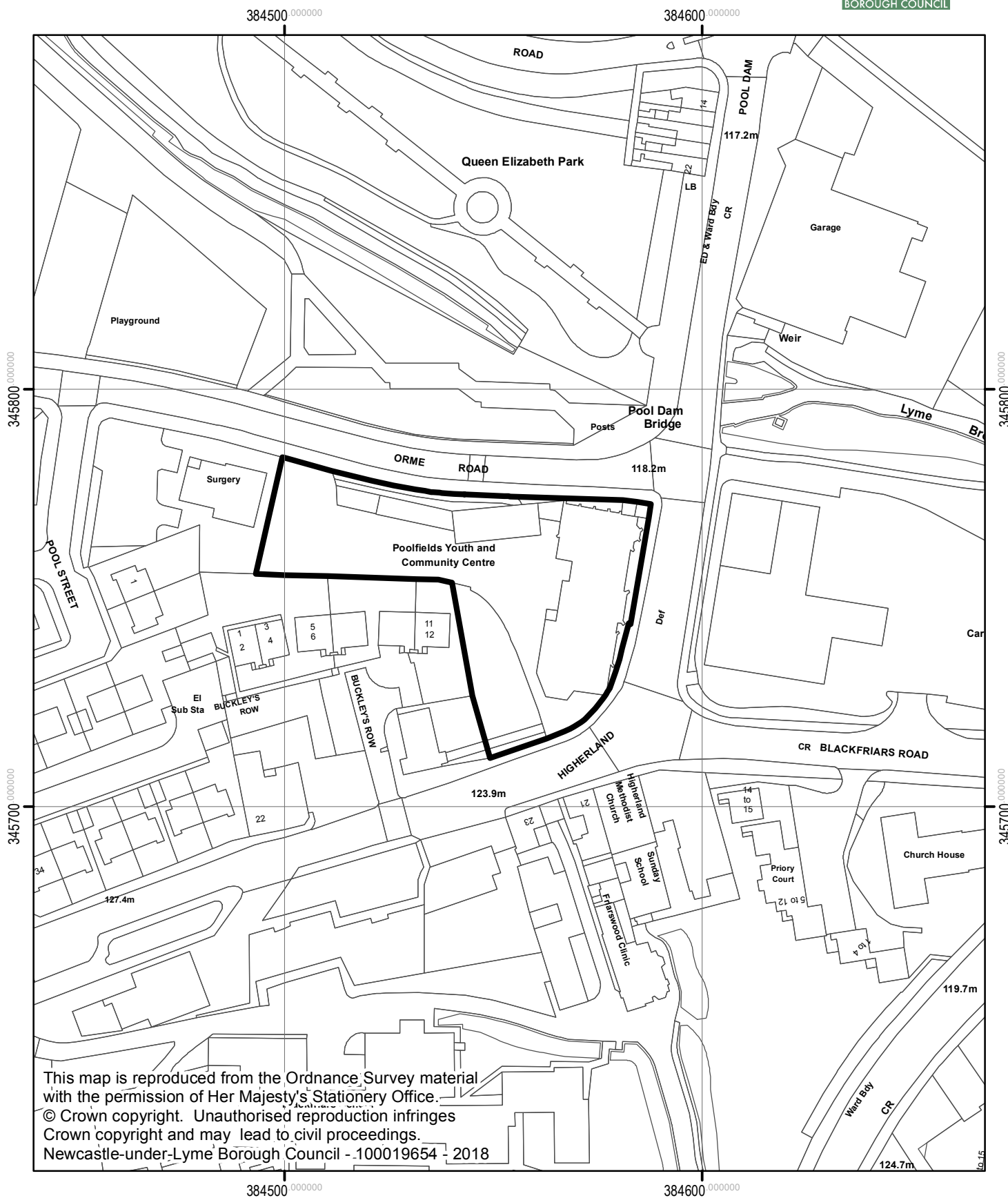
Planning files referred to
Planning Documents referred to

Date report prepared

10th May 2018

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18/00090/FUL
The Orme Centre, Orme Road, Newcastle.



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LODGE FARM, NEWCASTLE ROAD, TALKE
MS R LARGE

18/00062/FUL

The application is for full planning permission for the construction of a 30m by 55m manege and new stable block building for commercial use and the change of use of other land from agriculture to the keeping of horses. The stable block building is 'L' shaped measuring 37.9m in length along the longest wing, 25.5m in length along the shortest wing and 7.3m deep along both wings.

The applicant proposes that the manege is to be open for use 7am until 7pm. The application site area involved measures 1.28 hectares.

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

The 13 week period for the determination of this application expired on 27th April but the applicant has agreed an extension of time to the statutory determination period to the 28th May 2018.

RECOMMENDATION

REFUSE for the following reasons:-

- 1. The application fails to demonstrate that mature visually significant trees which form a valuable contribution to the character of the area and local landscape will not be harmed or removed as a result of the development.**
- 2. The application fails to demonstrate that the risks to human safety arising from historical coal mining are properly understood or can be properly safeguarded against.**
- 3. In light of the harm arising from the matters referred to in reasons 1 and 2 very special circumstances do not exist to justify the granting of planning permission for inappropriate development in the Green Belt as the potential harm to the Green Belt and any other harm is not clearly outweighed by other considerations.**

Reason for Recommendation

The proposed development, whilst involving an element of inappropriate development within the Green Belt – the change of use of land to the keeping of horses – is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. The appearance of the scheme, the impact to highway safety and to neighbouring amenity would all be acceptable subject to planning conditions. However it has not been sufficiently demonstrated that visually significant mature trees will not be harmed and can be retained. The potential loss of large mature trees in this location will harm the character of the rural area which is defined as an Area of Landscape Restoration. There is also insufficient information to support a conclusion that the risks to human safety arising from historical coal mining have been properly investigated, established and can be suitably mitigated. Therefore very special circumstances will not exist until it has been demonstrated that harm will not arise from the development as a result of the loss of visually significant trees and as a result of safety issues arising from the coal mining legacy issues.

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

The applicant's agent has been in discussion with Officers in order to overcome present concerns to the scheme with further information expected to be received, a further update will be given if that is the case.

KEY ISSUES

The proposal involves the construction of a block of 9 stables with storage and toilet facilities, visitor parking area, and a manege on land at Lodge Farm, Talke.

The proposed manege would measure 30 metres by 55 metres and would be situated in a field to the front of the main dwelling house known as Lodge Farm. The stable building is 'L' shaped measuring 37.9 metres by 25.5 metres in width and length, 7.3 metres in depth and 3.9 meters in maximum roof ridge height. The building will contain 9 stables, a store, a hay store, a horse wash area and toilet facilities/shower area for human use. A bridle path is also proposed to link the stables to the manege.

The application site is located within the Green Belt, and an area of Landscape Restoration, as indicated by the Local Development Framework Proposals Map. The key issues for consideration in the determination of this application are considered to be:-

1. Is the development considered appropriate development in the Green Belt?
2. Is the design of the proposed development and its impact on the wider landscape acceptable?
3. Is the impact to trees and hedges acceptable?
4. Is the development acceptable in highway safety terms?
5. Is the impact on residential living conditions acceptable?
6. Given the site is within a high risk coal mining area is it safe for the development to proceed?
7. and finally, If inappropriate development, are there any very special circumstances to justify approval?

1. Is the development considered appropriate development in the Green Belt?

Paragraph 89 of the current Framework (and paragraph 144 of the draft) states that the construction of new buildings is inappropriate development but advises that there are exceptions. Such exceptions include:-

- the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development

Paragraph 90 of the current Framework identifies other forms of development, not involving the construction of new buildings, which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Engineering operations are identified as one such exception. Unlike the current Framework the equivalent paragraph in the draft, 145, includes as an exception material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness).

The application site is currently in agricultural use. A collection of agricultural outbuildings to the rear of the main dwelling house are to be demolished to make way for the proposed stable block. However, given that the replacement building will not be in the same use as the existing, and agricultural uses/buildings don't fall within the definition of previously developed land the construction of the building cannot be considered to fall within the exceptions set out in the second two bullet points above.

The proposed building is for a use in connection with outdoor sport and recreational purposes, however, and can be considered to be of an appropriate scale. In addition a large proportion of the stable block (about 65-70 percent) would be a direct replacement for the existing buildings to be

demolished and taking that into account it can be concluded that it preserves the openness of the Green Belt. Therefore it is considered that the construction of the building is appropriate development within the Green Belt as it falls within an exception set out in paragraph 89 of the current Framework (and 144 of the draft).

In order to construct the manege component of the proposal existing land levels are to be 'cut into' to form level plateaux. The creation of the manege is considered an engineering operation that preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and as such is appropriate development.

That said whilst changes of use of land are listed as appropriate in certain circumstances within the draft Framework as appropriate development they aren't within the current Framework. Therefore the starting point for the consideration of the change of use of the land for the keeping of horses must be that it would be inappropriate development in this Green Belt location. The presence of very special circumstances is therefore required if planning permission is to be granted and considered at the end of this report.

2. Is the design of the proposed development and its impact on the wider landscape acceptable?

The current Framework states that the government attaches great importance to the design of the built environment, and that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. The draft NPPF seeks to ensure that decision support the creation of high quality buildings and places at part 12.

Paragraph 109 of the current Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Similar policy is repeated at paragraph 168 of the draft Framework.

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

The existing appearance of the site is typical agricultural. Land levels fall sharply to the north and north east of the site where there is also a public footpath which lies behind existing farm outbuildings running in an east-west direction and also forking to the north. Aside from the Lodge Farm curtilage the landscape is predominantly open to the north east with mature trees and hedgerow and woodland further afield to the north a significant part of its prevailing character. To the west, southwest and north-west is a small ribbon of detached residential properties which overlook Lodge Farm.

The position of the proposed manege is located close to the front elevation of the Lodge Farm main dwelling house, slightly off-set from the existing main entrance driveway. The manege would be surfaced in a stable track and rubber fibre pre mix with the area enclosed by post and rail fencing and is to include lighting 8 metre high column mounted lighting. The design and surfacing treatments for the proposed manege are standard for this type of development, and there are no identified concerns with regards to any potential harm to the visual amenity of the wider landscape owing to its relatively secluded position relative to more open areas of the adjoining landscape and nearby residential development flanking the site. The appearance of the manege will be largely open in nature and would not appear intrusive.

With regards to the stables, these would be sited to the north-east of the manege and would comprise of a brick and tile construction. The existing buildings to be demolished to make way for the new stable block are breeze block and metal roofed structures with a ramshackle appearance. The scale and design of the proposed stables is considered therefore a visual improvement. The scale of the stable block is commensurate with the size of the plot and the open rural character of the locality and so would not harm the visual amenities of the area.

Overall the siting and design of the manege and stables complies with Policy N21 of the Local Plan, Policy CSP1 of the Core Strategy and the aims and objectives of the current and draft Framework.

3. Is the impact to trees and hedges acceptable?

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

There are several mature trees on the site which are affected by the position of the development – particularly the manege and bridleway path. The trees are an important part of the natural landscape character and their loss would be harmful. The Landscape Development Section of the Council are concerned that the engineering works to construct the manege will result in damage to these trees and without adequate information to ensure their retention or protection advise that permission should be refused. The applicant's agent is aware of this issue and is seeking to address potential tree loss concerns in a further submission. A further update is therefore expected.

4. Is the impact on residential living conditions acceptable?

Paragraph 17 of the current Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Similar policy is repeated at paragraph 126 of the draft Framework.

The siting of the manege falls outside of the designated curtilage of farmhouse at Lodge Farm. Neighbouring residential dwellings are located to the west, south west and north-west of the proposed manege, therefore it is important to ensure that the development would not detract from the residential amenity enjoyed by these properties inclusive of the use of outdoor lighting.

It is not considered by the Environmental Health Division that the development would have significant adverse impacts on the residential amenity afforded to these dwellings subject to planning conditions relating to the lighting, an agreed scheme for stable waste removal and storage, and restricting the movement of horse boxes to outside the hours of 10.00pm and 08.00am on any day. Therefore subject to appropriate conditions the development is considered acceptable with regards to residential amenity.

5. Is the impact to highway safety acceptable?

Paragraph 32 of the current Framework (and paragraph 109 of the draft) advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The applicant proposes six customer parking spaces to serve the development, which will accommodate nine horses. Three of the horses will be managed by onsite personnel, which allow one space for each visitor of the remaining six horses. It is expected that up to 2 vehicle trips per day may take place for each visitor. The applicant also states that persons with horses will be given access for their horse boxes, but that such horseboxes will not be stored on site.

Access to the site is obtained off the Newcastle Road (A34) via a private access road. The first section of the access road at the junction with Newcastle Road (A34) is 5m to 5.4m wide and allows two vehicles to pass. The access road then becomes single track on the final section linking through to Lodge Farm it is advised that a passing bay is provided on this section of the access to the farm.

The Highway Authority have assessed the safety impacts of the proposal and have no objections subject to conditions controlling the use of the manege by horses stabled at the site only, involving restrictions to a maximum of 9 horses being stabled on site and the provision of proposed parking and turning areas. It is also noted by the Highway Authority that will be the applicant's responsibility to ensure they have the appropriate access rights to serve the proposed development.

6. Given the site is within a high risk coal mining area is it safe for the development to proceed?

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the presence of three recorded mine entries; recorded shallow mine workings and a thick coal seam outcrops at or close to the surface of the south eastern part of the site that may have been worked in the past.

The Coal Authority objects to the planning application submitted, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application. It is a requirement of the current and draft Framework that the applicant demonstrates to the satisfaction of the Planning Authority that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guidance in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant has been informed that they need to submit a Coal Mining Risk Assessment Report as part of this application. Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, there is insufficient information available to determine all safety issues can be adequately addressed.

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

Paragraph 79 of the current National Planning Policy Framework (the Framework) indicates that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” This is repeated at paragraph 132 of the draft Framework.

Paragraph 87 and 88 of the current Framework (and paragraphs 142 and 143 of the draft) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

There is no suggestion that the use of the land as a manege involves the provision of other permanent equestrian paraphernalia (jumps, etc.) and so no harm to the Green Belt’s openness or to any of the purposes of including land within the Green Belt arises from the use in questions, and the use is one that is directly connected with the provision of appropriate facilities for outdoor sport and recreation which are activities that are appropriate and acceptable in the Green Belt. The land would remain open with the only alterations being to the surfacing of the land and new means of enclosure/retaining walls.

A lack of substantial harm to the openness of the Green Belt arising from the change of use involved for horses has been identified and it is acknowledged that such a use has a close association with development that is considered to be appropriate. Notwithstanding this, it has not been demonstrated that the development will not result in harm to the landscape quality through the loss of visually significant trees. In addition in the absence of a Coal Mining Risk Assessment Report it has not been demonstrated that the coal mining legacy issues that affect the site can be suitably mitigated so that it can be safely developed. In light of this it cannot be concluded at this time that very circumstances exist as the potential harm to the Green Belt and any other harm is not clearly outweighed by other considerations.

APPENDIX

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

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

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

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

Policy S3 Development in the Green Belt
Policy N12 Development and the protection of trees
Policy N17 Landscape Character – General Considerations
Policy N21 Area of Landscape Restoration

Other Material Considerations

National Planning Policy

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

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

Relevant Planning History

N15006 Replacement farmhouse. Permit 1986

Views of Consultees

The **Coal Authority** object to the development due to the lack of a Coal Mining Risk Assessment Report, or equivalent, to identify risks posed to the proposed development by coal mining legacy. Without such information

The **Minerals and Waste Authority** has no objections.

The **Landscape Development Section** comment that there are existing trees on and adjacent to the site that are likely to be effected by the proposals, many of which are large mature specimens and should be retained, and before comment can be given a Arboricultural Impact Assessment to BS5837:2012 needs to be provided. Existing hedgerows should also be taken into account.

The **Environmental Health** raises no objections subject to conditions relating to:-

1. External lighting details
2. Provision for the storage and disposal of stable waste.
3. Horse boxes, trailers and vehicles associated with the use of the site for a stables and manege shall not be moved on the shared access driveway between the hours of 10.00pm and 08.00 on any day.

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

1. Provision of the submitted parking and turning area prior to the development being brought into use and its retention for the life of the development.
2. The development shall be restricted to a maximum of 9 horses.
3. The proposed manege shall only be used by horses which are stabled at the site.

The **County Footpaths Officer** indicates that the application does not recognise the existence of Public Footpath Nos. 134 and 123 Kidsgrove paroch which runs along the private track which gives access to the proposed development. The development does not appear to affect the public right of way, however, the attention of the applicant should be drawn to its existence.

Kidsgrove Town Council has not provided any comments by the due date of the 19th February.

Representations

2 letters of representation have been received raising the following concerns/comments:-

- Lodge farm is situated behind the bungalow 'Kenwood' on the A34 at Talke. The single track access road to Lodge farm is also the access road to the 'Kenwood' property and is not solely for Lodge Farm. It is jointly owned by Lodge Farm and Kenwood from the A34 to the garage behind 'Kenwood'. After this the road is single track and is solely owned by Lodge Farm. This joint ownership of part of the access road is not clear in the application.
- The planning application does not state whether the stable and manege application is for personal or commercial use. The request to open the manege 7am - 7pm, 7 days a week has raised concerns that the application may be for commercial use. Discussions with Lodge farm have indicated that this is not the case but the application isn't clear.
- There are concerns that any increase in the volume of traffic using the Farm would pose serious risk of accident to vehicles accessing the A34 from the single track road. The access road is on the brow of the hill and visibility for vehicles entering and exiting the single track road is poor. Slow moving vehicles such as horse boxes/trailers contain livestock would particularly be at risk of collision. The track is not wide enough to take more than one vehicle at once.
- It is pleasing that the farm is once again being used for livestock and that it's maintenance is now ongoing.

Applicant/agent's submission

The requisite plans and application forms have been submitted, the documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00062/FUL>

Background Papers

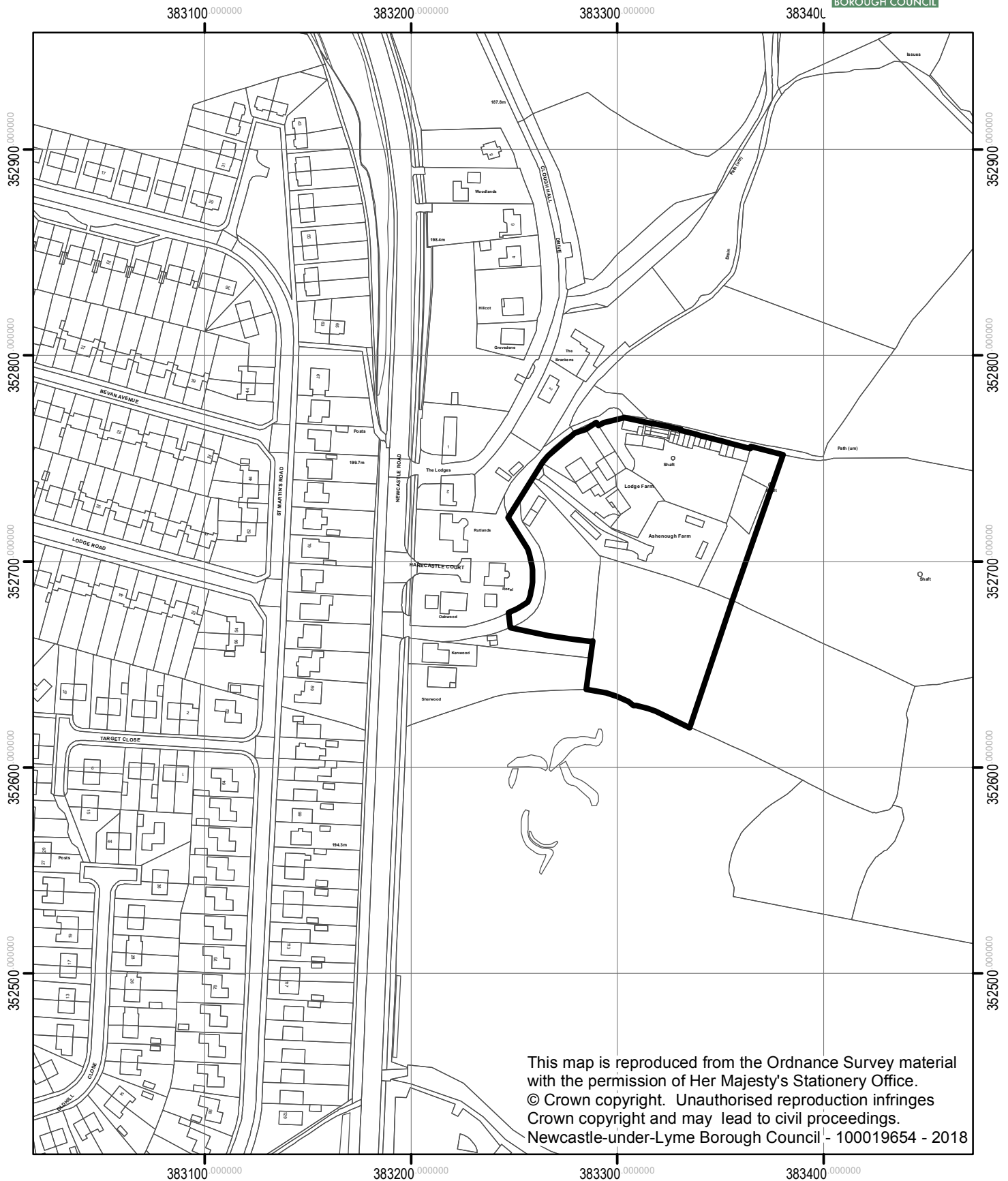
Planning File
Development Plan

Date report prepared

4th May 2018

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18/00062/FUL
Lodge Farm, Newcastle Road, Talke.



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1 INGLEWOOD DRIVE, PORTHILL
MR RAJ AASHT

18/00162/FUL

The application is for the conversion of a single house into four apartments, comprising of 3 one bedroom apartments and 1 two bedroom apartment, with associated parking and landscaping.

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

The 8 week period for the determination of this application expired on 25th April 2018, but has been extended by agreement with the applicant to the 28th May 2018.

RECOMMENDATION

REFUSE for the following reason:-

1. **Without an appropriate secured financial contribution relating to public open space the additional demands upon open space arising from the additional dwellings as proposed would not be suitably addressed. As such the development would be contrary to policies on the provision of open space for residential development, contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011, Newcastle under Lyme Borough Council Supplementary Planning Document on Development Contributions (2007), the Newcastle-under-Lyme Open Space Strategy (March 2017), and the aims and objectives of the National Planning Policy Framework (2012).**

Reason for Recommendation

The contents of the Councils Open Space Strategy (as a material planning consideration) trigger's a public open space financial contribution for the development. This is in line with the approach taken to other decisions for minor residential development within the Borough, also recently supported at appeal. An application for the development proposed has already been determined by the Council with only the lack of a legal agreement to pay a financial contribution of £19,732 (equating to £4933 per apartment) towards the upgrade of public open space provision as the reason to refuse planning permission. The applicant has submitted the current application with additional financial information which seeks to demonstrate that the public open space contribution required to comply with policy will render the scheme unviable. The validity of that argument is being independently reviewed and the outcome of that review is awaited. A further update will be given taking into account that expected information.

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 validity of viability argument made by the applicant is being independently assessed and when received that will be taken into consideration.

Key Issues

The proposal has already been subject to planning decision under application reference number 17/00850/FUL (under delegated powers). The application was refused on the basis that:-

1. *Without an appropriate secured financial contribution relating to public open space the additional demands upon open space arising from the additional dwellings as proposed would not be suitably addressed. As such the development would be contrary to policies on the provision of open space for residential development, contrary to Policies CSP5 and*

CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011, Newcastle under Lyme Borough Council Supplementary Planning Document on Development Contributions (2007), the Newcastle-under-Lyme Open Space Strategy (March 2017), and the aims and objectives of the National Planning Policy Framework (2012).

All matters with respect to the appearance of the scheme, the impact to residential living conditions and highways impacts have previously been found to be acceptable. There has been no material change in planning circumstances that would warrant further consideration of such matters. As such the main issue for consideration in the determination of this application is whether or not it is appropriate for the Council to seek a financial contribution towards public open space and whether, in light of the viability argument put forward by the applicant, such a financial contribution should be secured.

1. Is it still appropriate for the Council to seek a financial contribution towards public open space in light of the viability argument put forward by the applicant?

Saved Local Plan policy C4 (part of the approved development plan) does not support the seeking of a contribution for developments of less than 10 units or less than 0.4 ha. Policy CSP5 of the more recent Core Spatial Strategy (also part of the development plan), indicates that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery interalia of the Urban North Staffordshire Green Space Strategy and any approved revisions or replacement strategies. There is such a replacement strategy, the Open Space Strategy that was adopted by Cabinet at its meeting on the 22nd March 2017.

The recommendation contained within the Development Strategy of the OSS was that as good practice for residential development 0.004 ha per dwelling of open space should be provided for the total number of dwellings; and that such open space will be provided in areas of not less than 0.1 ha regardless of development size. It goes on to indicate that a cost model for offsite contributions will need to be agreed based upon a Table contained within the OSS that is itself an update of the cost model that was contained within the 2007 Urban North Staffordshire Green Space Strategy.

In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £5,579 per additional residential unit.

Both the Local Plan and the Core Spatial Strategy form part of the approved development plan for the area. Para 215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that can be given).

A new draft Framework currently being consulted on by Central Government takes a broadly similar approach to that of the current Framework. Additionally it sets out that where proposals for development accord with all the relevant policies in an up-to-date development plan no viability assessment should be required to accompany the application. Whilst that is acknowledged it is the contents of the existing Framework which carry the most weight in forming a decision on the proposal. And those are the terms now applied.

In this case the CSS is more up to date than the Local Plan. In addition the application of the Open Space Strategy in the determination of planning application is consistent with paragraph 73 of the current Framework (and paragraph 97 of the draft) which indicates that policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Both the current and draft Framework also sets out that information gained from the assessment should be used to determine what open space, sports and recreational provision is required.

The development applied for is well below the Local Plan (LP) policy C4 trigger threshold and it could be argued that the request is contrary to policy. It is, however, considered that the

contribution accords with the CSP5 of the Core Spatial Strategy which, as indicated above, specifies that developer contributions will be sought in accordance with the Green Space Strategy or any approved or replacement Strategy. As this policy is more up to date and is fully compliant with the Framework it should be given greater weight than LP policy C4.

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 floor space of no more than 1,000 square metres. The proposal is such a development.

A tariff style contribution is defined as one where the intention is to require contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The LDS have indicated that the contribution in this case would be applied to Bradwell Lodge, within the Park, which is approximately 250m from application site, so whilst the amount is calculated on a “sum per dwelling” basis it does not meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

The current and draft Framework advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

The contribution being sought is considered to meet the statutory tests. It 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, per residential unit. Having said that these calculations are based upon the provision of family homes and as such an element of the contribution is for play areas. Given that the accommodation proposed will not be occupied by families an adjustment would need to be made to the level of contribution to deduct the element towards play. The OSS details that £512 of the total £4,427 capital element is for play areas and therefore reducing the required sum by that amount as well as a proportionate amount for the maintenance element which equates to £134, the reduced amount would be £4,933 for each of the three additional units proposed.

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

It is acknowledged by the Councils Supplementary Planning Document on Developer Contributions highlights that in some circumstances an applicant may believe what is being asked for by the Council will render a scheme unviable. Paragraph 173 of the current Framework also states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other

requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

In such circumstances, for the Council to be persuaded to reduce its requirements, the onus is on the applicant to justify how and why special circumstances apply. The applicant has submitted some financial information to make a case that the development will not be viable with such an obligation. The information received is also subject to an independent viability appraisal to further to examine the financial impact of seeking the contribution specified, the outcome of which are awaited. A further report will therefore be provided following receipt and assessment of the independent appraisal information anticipated.

APPENDIX

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

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

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open space, sport, recreation
Policy CSP10	Planning Obligations

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

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy C4	Open Space in New Housing Areas

Other Material Considerations

National Planning Policy Framework (March 2012)

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

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

[Draft revised National Planning Policy Framework](#)

Supplementary Planning Documents/Guidance

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

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

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

Planning History

17/00850/FUL	Conversion of a single house into four apartments, comprising of 3 one bedroom apartments and 1 two bedroom apartment, with associated parking and landscaping	Refused 2017.
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Views of Consultees

The **Environmental Health Division** has no objections subject to a condition restricting hours when construction takes place.

The **Highway Authority** has no objections subject to:-

1. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with drawing number 5609-003 A and shall be surfaced in a porous bound material and thereafter retained for the lifetime of the development.
2. Prior to first use of the development, secure (and weatherproof) cycle parking shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained and maintained for the life of the development.

Landscape Development Section has no objection to this proposal subject to planning condition requiring approval of landscaping proposals. In addition if the development is approved they request a S106 contribution by the developer for capital development/improvement of off-site open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution: £5,579 per dwelling. This would be used for improvements to surfacing at Bradwell Lodge (within the park) which is a 250 meter walk from the site.

Representations

4 letters of representation have been received raising the following concerns:-

- Aggravation of parking problems.
- The development will cause access problems for neighbouring residents using the road and at the junction shared with Porthill Bank. As well as residents accessing privately owned garages.
- Vehicles already park on the pavement to the detriment of public safety.
- The road is used as a short cut to Porthill Bank.
- The proposal is out of keeping with the character of the area.

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00162/FUL>

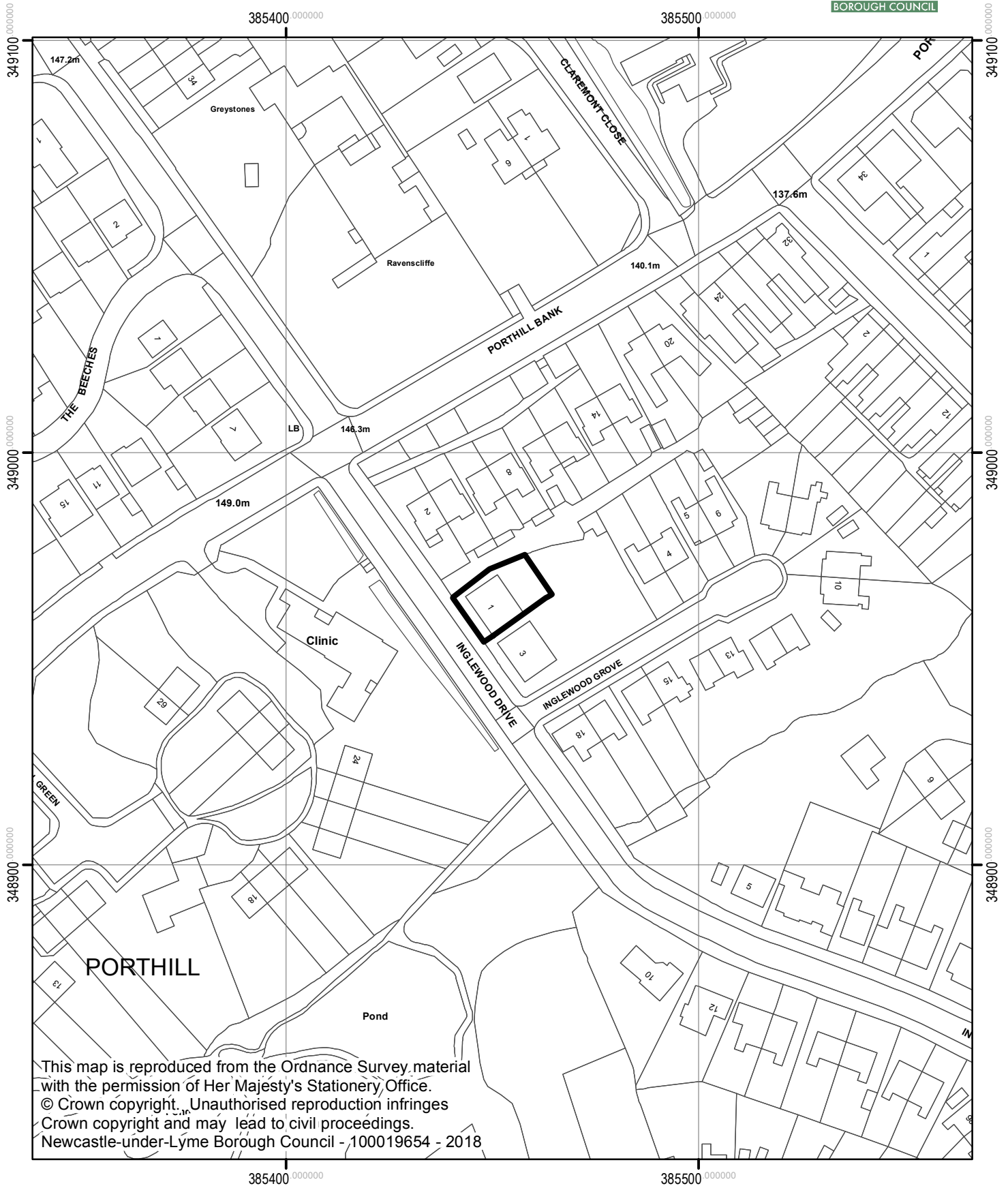
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

8th May 2018.

18/00162/FUL
1 Inglewood Drive, Porthill



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LAND AT WEDGWOOD AVENUE, WESTLANDS
MR RICHARD WHALLEY

18/00167/REM

The application seeks the approval of reserved matters relating to access, layout, scale, appearance and landscaping in respect of a residential development of 2 dwellings.

The application has been called-in to Planning Committee by two Councillors due to residents' concerns regarding access onto Emery Avenue, loss of trees and the size of the properties and their effect on the street scene.

The site lies within the Newcastle Urban South and East Area of Newcastle as indicated within the Local Development Framework Proposals Map.

The statutory 8 week determination period expired on 25th April however an extension has been agreed until 26th May 2018.

RECOMMENDATION

Approve subject to conditions relating to the following

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Acoustic fence to be erected in accordance with the approved details prior to occupation of any of the dwellings.**
- 4. Retain garages for vehicles only**
- 5. Parking and Turning Areas on site prior to occupation**
- 6. Prior approval of Construction Method Statement**
- 7. Provision of a surface water drainage interceptor to rear of highway**
- 8. Gates 5m back into site**

Reason for recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout. Subject to confirmation that trees within the site that contribute positively to the street scene can be retained, the proposal is considered to be acceptable.

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

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

KEY ISSUES

The application seeks permission for the reserved matters relating to access, layout, scale, appearance and landscaping in respect of a residential development for two detached dwellings.

The principle of the residential development on site was agreed under approved application 16/01108/DEEM4, and as such the key issues to consider in the assessment of the application are as follows;

- Design, and impact upon the character of the area and street scene
- Impact upon residential amenity
- Highway and parking implications

- Impact on trees

Design Impact upon Character of the Area and Streetscene

The current NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The draft NPPF, at section 12, also sets out policy which aims to achieve well-designed places.

The proposal includes two detached four bedroom dwellings of traditional design, including red brick elevations and tiled, pitched roofs and a large glazed entrance feature. Attached double garages are proposed to the front of the dwellings.

The dwellings are sited so that they face towards, and have access from, Emery Avenue. Whilst the proposed dwellings are large, five bed properties, their scale and design are appropriate for the size of this corner plot. Notwithstanding the objections received they would not be out of keeping with the character of the surrounding area and would not result in an incongruous addition within the street scene.

It is recommended that a condition is attached to the decision notice to ensure that suitable materials are used in order to ensure the use of high quality materials.

Impact upon Residential Amenity

The current NPPF states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings. Similar policy is set out in the draft NPPF

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The proposed layout of the detached dwellings would ensure that sufficient space would be provided between the proposal and neighbouring dwellings in accordance with the guidance. The proposal would not result in any overbearing impact, loss of light or privacy.

During the course of the application details of an acoustic fencing, measuring 1.8m in height, have been provided to address noise arising from the adjoining tennis courts. The Environmental Health Division has confirmed that the fence as proposed is acceptable.

Highway Implications

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.

Policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. Maximum parking standards are provided, within table 3.2 of Appendix 3, which sets the level of parking for community centre, which are Class D2 uses, at 1 space per 10m². The existing community centre floor area is 87.6sqm including a 4.4sqm kitchen area and to accord with Local Plan policy a maximum of 9 parking spaces are required.

The outline application dealt with the redesign of the carpark to the adjoining community centre provide 29 spaces in total, which whilst above maximum standards was accepted. The current application does not alter this element of the scheme at all, and whilst objections have been received

regarding parking to the community centre this element does not form part of the current application and has already been given planning permission.

The proposal provides parking for at least three vehicles and as such would comply with Local Plan policy. In addition it is considered that the provision of access onto Emery Avenue is acceptable, and is supported by the Highway Authority.

Overall the development is considered to be acceptable and would not result in any unacceptable highway safety concerns.

Impact on trees

The proposal involves the removal of a number of trees along the boundary of the site with Emery Avenue and Wedgewood Avenue. All the trees to be removed have been categorised in the Arboricultural Impact Assessment that has been submitted with the application as category C (of low quality) or U (of such a condition they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years). All other trees within the site, which have been categorised as B (of moderate quality) and C, are proposed to be retained. The views of the Landscape Development Section have been sought and their response including their comments on whether the trees can be retained as proposed will be reported.

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

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

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

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N2: Development and nature conservation – site surveys
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](#)

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

16/01108/DEEM4	Outline planning permission for two detached dwellings	Approved April 2017
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Views of Consultees

The **Highway Authority** raises no objections to the proposal subject to conditions securing the following:

- Provision of access and parking before occupation,
- Provision of a surface water drainage interceptor immediately to the rear of the highway,
- Gates set back a minimum of 5 metres, garages retained for vehicle parking
- prior approval and implementation of a construction method statement.

The **Landscape Development Section** requested the submission of an arboricultural impact assessment. This has now been provided and comments are awaited.

The **Environmental Health Division** has no objections and state that details of the acoustic treatment to the boundary as submitted is acceptable.

Representations

Three letters of representation were received during the course of the application raising the following concerns

- Issues regarding access given the narrow width of Emery Avenue which is used by large volumes of traffic.
- The improved front car park to the community centre is not sufficient for its purposes.
- Discharge of water onto the road caused by the proposed driveways
- Concerns about the scale of the proposed dwellings – site too small to accommodate two detached dwellings
- Issues with parking overspill from the community centre

Applicant/agent's submission

The application is supported by a Planning Application, Plans, Phase 1 Geo Assessment and forestry information.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00167/REM>

Background Papers

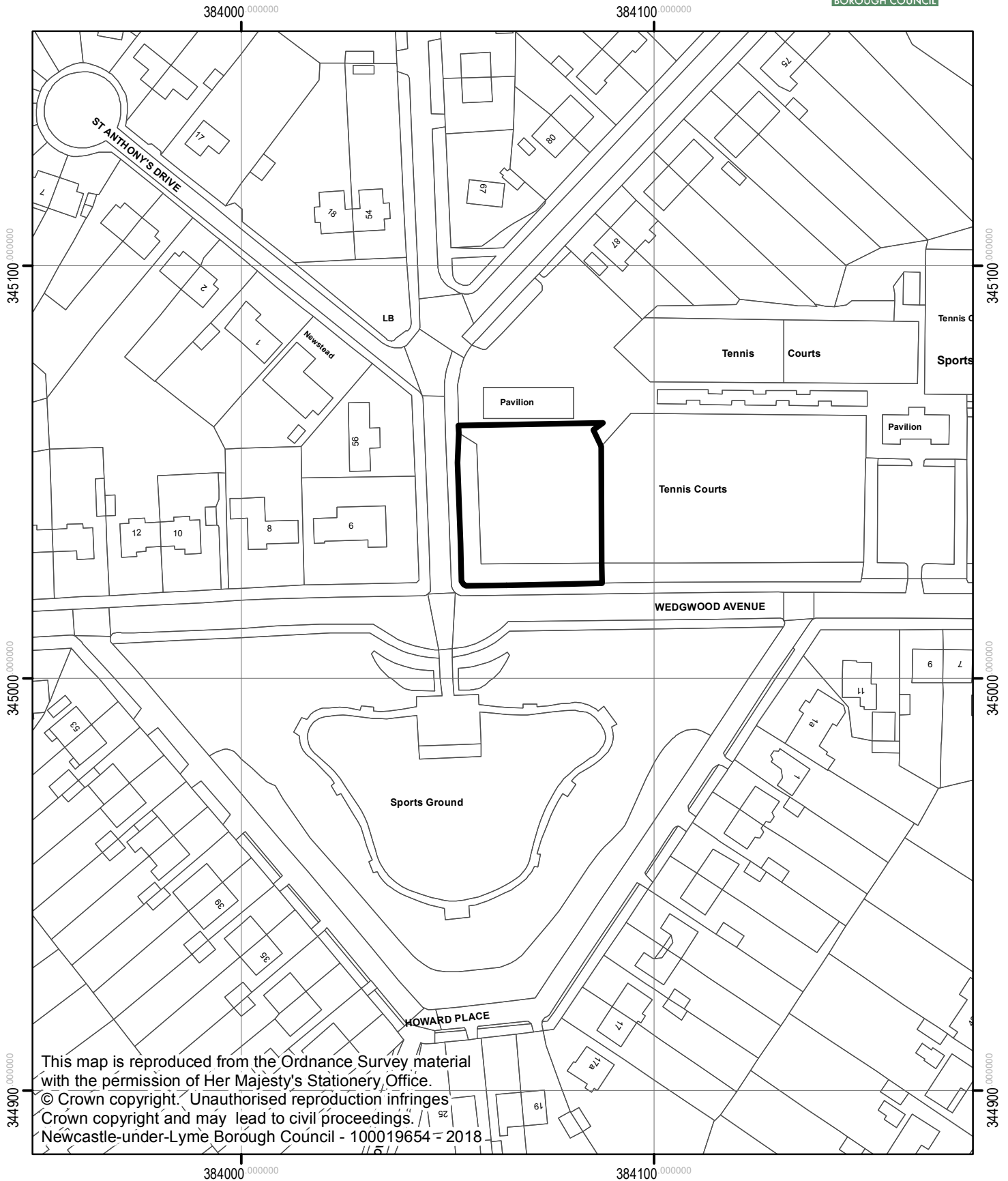
Planning File
Development Plan

Date report prepared

27th April 2018

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18/00162/FUL
1 Inglewood Drive, Porthill



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Planning Committee site visit dates for 2018/19

It has been the practice of the Committee to annually agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary at a meeting of the Committee.

Although Council is yet to formally agree at Annual Council the Municipal Calendar for 2018/19 the likely dates of Planning Committee meetings, to which Development Management items are likely to be brought, are known. It is recommended that the Committee should now agree, as they did in May last year, to a programme of dates upon which the Planning Committee visits will be held during the 2018/19 municipal year. Members are reminded that the policy of the Committee is that in the event of a site visit being held, only members who have attended the site visit may then take part in the discussion and determination of the application which has been the subject of the site visit.

Date of Planning Committee at which decision to hold a site visit is made	Date of site visit	Time of site visit
Thursday 24 May 2018	Thursday 14 June 2018	6.15pm
Tuesday 19 June 2018	Thursday 12 July 2018	6.15pm
Tuesday 17 July 2018	Thursday 09 August 2018	6.15pm
Tuesday 14 August 2018	Thursday 06 September 2018	6.15pm
Tuesday 11 September 2018	Saturday 06 October 2018	9.15am
Tuesday 09 October 2018	Saturday 03 November 2018	9.15am
Tuesday 06 November 2018	Saturday 01 December 2018	9.15am
Tuesday 04 December 2018	Saturday 15 December 2018	9.15am
Thursday 03 January 2019	Saturday 26 January 2019	9.15am
Tuesday 29 January 2019	Saturday 23 February 2019	9.15am
Tuesday 26 February 2019	Saturday 23 March 2019	9.15am
Tuesday 26 March 2019	Thursday 18 April 2019	6.15pm
Tuesday 23 April 2019	Monday 20 May 2019	6.15pm
Thursday 23 May 2019	Thursday 13 June 2019	6.15pm

If any additional meetings of the Planning Committee, to which Development Management items are brought, being held, it will be necessary in the event of the meeting agreeing to defer an item for a site visit, to also agree at that meeting an appropriate date and time for that site visit

Recommendation

That the above list of dates and times for possible Planning Committee site visits for 2018/19 be agreed

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APPEAL BY MR & MRS C & R MCCARTHY AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR THE PROPOSED DEMOLITION OF AN INDOOR MODEL CAR RACING BUILDING AND ERECTION OF A DETACHED DWELLING AT THE OLD STABLES AND TAWNEY COTTAGE, BARTHOMLEY ROAD, KNOWLE END, AUDLEY

<u>Application Number</u>	17/001590/FUL
<u>Recommendation</u>	Approval subject to securing of a planning obligation
<u>LPA's Decision</u>	Refused under delegated authority 12th October 2017
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	11th April 2018

The Appeal Decision

The Inspector identified the main issues to be;

- Whether the proposal is inappropriate development in the Green Belt;
- The effect of the proposal on the openness of the Green Belt;
- Whether the proposal would provide a suitable location for housing having regard to the proximity and accessibility of services; and
- If the proposal is inappropriate development, whether the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances to justify the development.

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

Inappropriate development

- The proposal involves a new dwelling which does not meet any of the exceptions identified in the National Planning Policy Framework (NPPF).
- The proposal is contrary to Policy S3 of the Local Plan. The Inspector gave this policy moderate weight as it has a degree of consistency with the NPPF.

Openness

- The demolition of the adjacent commercial building and return of that land to agriculture would in itself increase openness in that location. However the construction of a new dwelling and introduction of domestic paraphernalia would in themselves harm openness.
- Whilst some forms of development could be controlled by a condition removing permitted development rights in accordance with Planning Practice Guidance and the NPPF, such a condition would be rarely justified and its use should only be in exceptional circumstances. Whilst such exceptional circumstances to justify removing such rights could exist in this case some elements which would have an impact on openness within the domestic curtilage could not reasonably be controlled through such a condition.
- The scale and appearance of the proposed house would be a matter for subsequent consideration but the proposed house would be unlikely to be as large as the commercial building or have such an extensive footprint.
- It is not possible to determine exactly what the extent a potential reduction would have on openness could be as the details are not known. In any case the proposed development would lead to the creation of a domestic curtilage on an area of currently undeveloped land which appears to be of a greater area than the plot presently occupied by the commercial building. Therefore there would probably be some reduction in overall impact on openness but this is likely to be minor

Suitable location

- The appeal site lies next to a small collection of buildings in open countryside.
- Barthomley Road is a narrow, unpaved lane. The site is around 2.5km from Audley. There is no public transport. The unlit and narrow nature of the lane would tend to discourage walking or cycling. The occupants of the proposed dwelling would most likely have to use a motor vehicle to access shops, services and facilities.
- Since the appeal site is not within a village and some distance from the nearest one, the proposed development would fall into the category of an isolated home in the countryside which paragraph 55 of the NPPF seeks to avoid. It would also be contrary to the penultimate bullet point of paragraph 17 of the NPPF which, amongst other things, seeks to actively manage patterns of growth to make the fullest use of public transport, walking and cycling.

Other considerations

- As the commercial building and the area surrounding it is within the appellants' control demolition and returning the land to agriculture could be secured by condition or obligation.
- The removal of the building, the palisade fence surrounding the building and the hardstanding would have some visual benefits to the appearance of the area although this would be balanced against the visual impact of the new dwelling on the appearance of the area. The Inspector gave moderate weight to this consideration.
- Limited weight was given by the Inspector to the removal of the traffic movements and noise and disturbance associated with the legitimate planning use of the commercial building as there was no evidence that the building caused noise and disturbance or resulted in highway safety issues.
- The Inspector noted the considerable shortfall in the supply of housing land, that the Parish Council provided qualified support of the proposal and that the construction of the new dwelling would bring some limited economic benefits.

Conclusion

- Collectively the benefits do not clearly outweigh the totality of the harm which has been identified. Accordingly very special circumstances do not exist to justify the proposed development.

Your Officer's comments

That the appeal decision be noted.