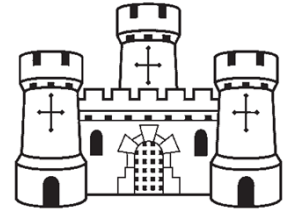


Public Document Pack

Date of meeting Tuesday, 17th July, 2018
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

1 CHAIR

In the absence of both the Chair and Vice Chair for this meeting, Councillor Northcott – Portfolio Holder for Planning and Growth has been appointed as Chair by a vote of the Planning Committee members prior to the meeting.

This has been arranged in order that a Chair's briefing could take place in advance of the meeting.

2 APOLOGIES

3 DECLARATIONS OF INTEREST

To receive Declarations of Interest from Members on items included on the agenda.

4 MINUTES OF PREVIOUS MEETING(S)

(Pages 5 - 6)

To consider the minutes of the previous meeting(s).

5 APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 17/01004/REM

(Pages 7 - 18)

6 APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. HILBRE HOMES. 18/00225/REM

(Pages 19 - 28)

Working to be a co-operative council

7	APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD AND NORTH WEST OF LOWER ROAD, HOOK GATE. COUNTY TOWN HOMES - HARPREET RAYET. 17/01001/FUL	(Pages 29 - 44)
8	APPLICATION FOR MAJOR DEVELOPMENT - LAND AT WEST AVENUE, KIDSGROVE. WESTLEIGH PARTNERSHIPS LTD, REVELAN LIMITED & REVELAN PROPERTIES LTD. 18/00239/FUL	(Pages 45 - 56)
9	APPLICATION FOR MAJOR DEVELOPMENT - THE ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME. ABODE RESIDENCIES. 18/00183/FUL & 18/00367/LBC	(Pages 57 - 70)
10	APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER OXFORD ARMS PUBLIC HOUSE, MORETON PARADE, MAY BANK. DEO PROPERTY DEVELOPMENTS. 18/00334/FUL	(Pages 71 - 76)
11	APPLICATION FOR MAJOR DEVELOPMENT - FORMER WOODSHUTTS INN, LOWER ASH ROAD, KIDSGROVE. NOVUS PROPERTY SOLUTIONS LTD (FOR ASPIRE HOUSING). 18/00418/FUL	(Pages 77 - 82)
12	APPLICATION FOR MINOR DEVELOPMENT - STONE QUARRY BARN, HIGH STREET, ALSAGERS BANK. MR S EVANS. 18/00330//FUL	(Pages 83 - 90)
13	APPLICATION FOR MINOR DEVELOPMENT -SILVER BIRCH PH, 129 -131 CHURCH STREET SILVERDALE . DWELLSTAR DEVELOPMENTS LTD. 18/00148/FUL	(Pages 91 - 100)
14	APPLICATION FOR OTHER DEVELOPMENT - THE MILL CONGLETON ROAD, BUTT LANE. FLOOR TO CEILING DEVELOPMENT. 18/00430/COUNOT	(Pages 101 - 108)
15	HALF YEARLY REPORT ON PLANNING OBLIGATIONS	(Pages 109 - 122)
16	DRAFT MAER CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT	(Pages 123 - 158)
17	APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND FOR ST PETER'S CHURCH, MAER (Ref: 18/19001/HBG).	(Pages 159 - 160)
18	APPEAL AND COSTS DECISION - MONUMENT HOUSE. 17/00838/FUL	(Pages 161 - 164)
19	DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2017/2018	(Pages 165 - 174)
20	OPEN ENFORCEMENT CASES	(Pages 175 - 176)
21	QUARTERLY ENFORCEMENT MANAGEMENT REPORT	(Pages 177 - 182)
22	DISCLOSURE OF EXEMPT INFORMATION	

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraphs 6 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

**23 QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT (Pages 183 - 186)
CASES WHERE ENFORCEMENT ACTION HAS BEEN
AUTHORISED**

24 URGENT BUSINESS

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

Members: Councillors Burgess, Mrs J Cooper, Fear (Chair), Maxfield, Northcott, Pickup, Proctor, Reddish (Vice-Chair), Spence, S Tagg, G Williams and J Williams

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

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

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

FIELD_TITLE

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

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

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

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

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE REAR OF THE ASPIRE HOUSING OFFICE OPPOSITE THE CIVIC OFFICES. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

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PLANNING COMMITTEE

Tuesday, 19th June, 2018
Time of Commencement: 7.00 pm

Present:- Councillor Andrew Fear – in the Chair

Councillors Burgess, Mrs J Cooper, Holland, Northcott, Pickup, Proctor, Reddish, Spence, S Tagg, G Williams and J Williams

Officers Geoff Durham - Mayor's Secretary / Member Support Officer, Jennet Hough, Elaine Moulton and Trevor Vernon - Solicitor

Apologies Councillor(s) Maxfield

1. APOLOGIES

Apologies were received from Councillor Maxfield.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 24 May, 2018 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 17/01004/REM

Resolved: That, due to amended details being received, the application be deferred to a future meeting.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. HILBRE HOMES. 18/00225/REM

Resolved: That, due to amended details being received, the application be deferred to a future meeting.

6. APPLICATION FOR MINOR DEVELOPMENT - LODGE FARM, NEWCASTLE ROAD, TALKE. MS R LARGE. 18/00062/FUL

Resolved: That, as resolved at the meeting held on 24 May, 2018, the Head of Planning will be exercising the delegated authority to permit the application subject to conditions relating to matters referred to in the report.

7. **APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT TO 1, 3 AND 5 HAMPTON COURT. MR NATHAN COOK. 18/00284/FUL**

Resolved: That the application be permitted subject to a condition that lists the approved plans.

8. **APPEAL DECISION - LAND NORTH OF MUCKLESTONE WOOD LANE, LOGGERHEADS. 17/00450/FUL**

Resolved: That the appeal decision be noted.

9. **TREE PRESERVATION ORDER - LAND OPPOSITE THE OLD SWAN, MADELEY HEATH. TPO 192**

Resolved: That Tree Preservation Order No.192 (2017), Land opposite the Old Swan, Madeley Heath be confirmed as made and owners of the site to be informed accordingly.

10. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 7.40 pm

**LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY
PRIME DEVELOPERS (CREWE) LTD**

17/01004/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 42 dwellings.

This application follows the granting of an outline planning permission in April 2015 for residential development of up to 42 dwellings (13/00990/OUT). Details of access from the highway network were approved as part of the outline consent.

The application site lies on the western side of Moss Lane and, except for its access point onto Moss Lane, outside the village envelope of Madeley and within the open countryside and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site area is approximately 1.65 hectares. There are trees subject of a Tree Preservation Order (TPO) on and adjoining the site.

This application was reported to Committee on 19th June, however a decision could not be reached at that meeting following receipt of an amended plan which triggered the requirement to notify Madeley Parish Council and give them an opportunity to comment upon that amendment. The views of the Parish Council are awaited at the time of writing.

The 13 week period for the determination of this application expired on 3rd April but the applicant has agreed an extension to the statutory period until 19th July 2018.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Development to be carried out in accordance with the approved plans (to be listed within the condition) unless otherwise required by condition of the permission.**
- 2. Prior approval of precise details of the following, and implementation of the approved details:**
 - Existing and proposed levels, and finished floor levels of the dwellings.**
 - All external facing materials and hard surfacing materials.**
 - Boundary treatment taking into consideration the comments of the Crime Prevention Design Advisor.**
- 3. Revised Tree Protection Plan**
- 4. Detailed Arboricultural Method Statement**

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 Supplementary Planning Document. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Amendments have been sought from the applicant and obtained and the proposal is considered now to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 42 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00990/OUT for up to 42 dwellings in April 2015. Details of the access from the highway network were approved as part of the outline consent and a non-material amendment to the position of the access was subsequently approved in July 2015 (13/00990/NMA).

1.2 The outline consent for the site was granted subject to a condition that required the submission of a revised Design and Access Statement that takes into account the recommendations of Urban Vision to be submitted as part of any reserved matters applications for the site. Such a Design and Access Statement has been included as part of the application.

1.3 Discussions have been ongoing between the applicant and Staffordshire County Council Flood Risk Team (LLFA) during the application process. Additional information has been provided by the applicant in response to the comments of the LLFA and further information is expected. To date, however, the LLFA has not been able to confirm that the proposed layout is compatible with an acceptable drainage strategy and it cannot be guaranteed that they will have done so by the date of the Committee despite the applicant's endeavours to resolve this issue. It should be noted, however, that the absence of such confirmation from the LLFA that the layout is compatible with an acceptable drainage strategy does not prevent a decision being reached on this reserved matters application. Whilst drainage details need to be agreed to satisfy condition 26 of the outline planning permission they are not required to be submitted as part of the determination of this application for reserved matters. It will be necessary, however, for the applicant to seek approval of any revisions to the layout if permitted should it be necessary to make amendments to that layout to accommodate a suitable drainage scheme.

1.4 It should be noted that one of the recommendations of Urban Vision was that a comprehensive sustainable drainage solution should be provided to deal with the tendency of the site to retain standing water, including the provision of a central feature with amenity and biodiversity benefits. The information submitted does acknowledge this recommendation however the applicant argues that a central water feature is not necessary and would conflict with the design concept. If it is accepted by the LLFA that such a water feature is not a necessary component of a drainage strategy for this development it is not considered that the absence of such a feature would justify refusal of the application, notwithstanding the recommendation of Urban Vision.

1.5 The Key issues now for consideration, taking into consideration the above, are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on trees within and adjoining the site?
- Would there be any material adverse impact on residential amenity?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Is the affordable housing layout acceptable?

2.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on trees within and adjoining the site?

2.1 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.

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document

states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

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

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

2.5 RE2 of that document states that new development associated with existing villages should retain, enhance and incorporate some of the existing features and characteristics of the settlement pattern, wherever possible.

2.6 RE5 states that new development in the rural area should respond to the typical forms of buildings in the village or locality. RE6 states that elevations of new buildings must be well composed, well-proportioned and well detailed. At RE7 it states new buildings should respond to the materials, details and colours that may be distinctive to a locality.

2.7 The proposed layout comprises 28 detached dwellings (14 four and 14 five bed); 12 semi-detached dwellings (4 three bed and 8 two bed); and a pair of 2 bed semi-detached bungalows. The dwellings are predominantly two storeys, although there are a number of dwellings with three storey front elevations and two storey rear elevations (14 in total) all with pitched roofs and gable and bay window features. The two bungalows are single storey with similar design details to the dwellings. The dwellings predominantly front onto a looped access route through the site with just six dwellings accessed off short private drives. The parking spaces are located at the front of the houses resulting in limited opportunity for landscaping.

2.8 The site is largely to the rear of existing dwellings on Moss Lane and The Bridle Path and has only a relatively narrow site frontage onto Moss Lane. As a consequence the nearest dwelling to Moss Lane is more than 40m from Moss Lane beyond the first stretch of the access which is set within a landscaped area containing existing trees, including a TPO protected Sycamore. Whilst the design and layout of the proposed dwellings are more suburban than is ideal in this village location it could not be argued that it is not harmful to the appearance of the village given that it will not be prominent in views from any public vantage point.

2.9 Overall it is considered that the house types and design as proposed are acceptable and in accordance with condition 5 of the outline planning permission which specifies that the development shall include a range of house types including bungalows.

2.10 One of the recommendations of Urban Vision was that good connectivity with the village centre should be secured and a good quality environment setting for all dwellings in the development, including the affordable houses, with the more urban forms of development nearest to the village and the lower density parts nearest to the open countryside. The outline planning permission was granted with one point of access onto Moss Lane and there are no opportunities to provide any further pedestrian routes from the site. The density of the layout is consistent across the site and the affordable houses are integrated into the layout and as such have the same quality of environment as the remainder of the proposed houses. This recommendation of Urban Vision has only been complied with in part, therefore, but the development is nevertheless acceptable.

2.11 There are a number of protected trees that are located within and adjoining the site. The access as approved does encroach into the root protection area (RPA) of a protected Sycamore and it was initially proposed within this application that this tree should be removed. The removal of the tree is not, however, considered acceptable or necessary provided the construction methodology for the construction of the access, as previously agreed, is implemented. In light of this the applicant has

now confirmed that the tree will be retained and has repositioned parking spaces that would have been in the RPA of that tree so that is no longer the case. The Landscape Development Section (LDS) has confirmed that this is acceptable.

4.12 A further three protected Oak trees are located close to the boundary of the site to the rear of properties on The Bridle Path. In response to concerns expressed by the LDS the development has been amended so that no levels changes are proposed in the RPAs of such trees. In addition the concerns initially expressed by the LDS about the proximity of the siting of two of the proposed dwellings to a tree has been addressed by a reconfiguration of the layout removing a dwelling from the north east corner where TPO 3 (as named on the submitted layout plan) is located providing a greater separation distance from the tree. LDS have confirmed that this is acceptable.

3.0 Would there be any material adverse impact on residential amenity?

3.1 Paragraph 17 of the current NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similar policy is set out at paragraph 126 of the draft revised NPPF.

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

3.3 A number of the proposed dwellings (six in total) back onto the rear of properties on The Bridle Path and a further two are either "side on" or angled towards such existing properties. One of these dwellings, within plot 30, has been amended from one which is has a three storey front elevation and two storey rear elevation, to a standard two storey dwelling.

3.4 The guidance set out in the SPG indicates that the minimum separation distance where rear elevations containing principal windows, as defined in the SPG, face each other is 21m. This separation distance is exceeded even when rear extensions on properties on The Bridle Path, which are not shown on the plans, are taken into consideration.

3.5 The guidance set out in the SPG which applies where principal windows do not directly overlook each other, but are not otherwise obscured, where dwellings are angled indicates that the 21m distance may be reduced to 17m. This is achieved taking into consideration rear extensions not shown on the plan.

3.6 Where principal windows face the wall of a two storeys dwelling that contains no windows or obscure glazed windows then the required separation distance as set out in the SPG is 13.5m and this is more than achieved in respect of the proposed dwelling that has a side elevation facing the rear elevation of dwellings on The Bridle Path.

3.7 Greater separation distances are achieved between the proposed dwellings and the adjoining properties on Moss Lane and this relationship is also acceptable.

3.8 In conclusion the layout achieves an acceptable relationship between the proposed dwellings and suitable private garden space.

4.0 Is the internal road layout and parking provision acceptable in highway safety terms?

4.1 The means of access to the site was determined at outline stage, with vehicular access provided off Moss Lane. The principle of a development of this scale in terms of its impact upon the highway network has therefore been agreed.

4.2 The level of parking spaces proposed has been increased in response to concerns expressed by the Highway Authority. All the four and five bed dwellings now have three parking spaces with the remainder having two. Such a level of parking is considered to be acceptable.

4.3 Further information has also been submitted demonstrating that a refuse lorry can manoeuvre within the proposed access roads and that the visibility splays and radii at a junction within the

development are of adequate dimensions which the Highway Authority has confirmed is acceptable. In addition a storage area has been provided in the revised layout where waste and recycling receptacles can be stored on collection days for those dwellings that are served off a private drive to address the concerns expressed by Waste Management.

4.4 Overall there proposal does not raise any highway safety issues and is acceptable in this regard.

5.0 Is the affordable housing layout acceptable?

5.1 A Section 106 planning obligation that was entered into when outline planning permission was granted requires the provision of affordable housing within this development. The proposal includes the provision of 11 affordable houses, which is 25% of the total number of dwellings proposed and as such accords with policy. The 11 dwellings which have been identified as being affordable are one 3 bed semi, all 8 two bed semis, and the two bungalows.

Whilst the views of Housing Strategy have not been received in writing it has been confirmed verbally that the locations, number and type of the dwellings that are proposed to be affordable houses are acceptable to them.

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing

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

Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Draft revised National Planning Policy Framework](#)

[Supplementary Planning Guidance/Documents](#)

[Affordable Housing SPD](#) (2009)

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

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

Relevant Planning History

13/00990/OUT	Residential development of up to 42 dwellings including means of access – Permitted.
13/00990/NMA	Slight variation in the approved access for both horizontal alignment and method of construction to pass TPO trees - Permitted

Views of Consultees

The **Highway Authority**, following consideration of additional information, has no objections subject to conditions relating to the following:

- No occupation until access from Moss Lane is completed, and internal site roads, parking and turning areas provided.
- No commencement until details of surfacing materials for the private driveways, parking and turning areas and means of surface water drainage for such areas have been approved and implemented.
- Prior approval of a Construction Method Statement.

The **Environmental Health Division** has no comments to make and requests that the applicant is reminded of the conditions on the outline planning permission.

Staffordshire County Council as the **Rights of Way Authority** states that no Public Rights of Way cross the application site and that no application has been received to add or modify the Definitive Map of Public Rights of Way which affects the land in question.

The **Education Authority** states that a Section 106 Agreement was signed when the outline application was granted, and the education contribution amount and terms should be calculated in line with this.

The **Crime Prevention Design Advisor** says that the proposed layout has much to commend it as follows:

- Single access/egress point and no through route is ideal in terms of crime prevention. The self-contained development should enable a strong sense of community to form.
- The position of the properties is very sound. The properties are outward facing and a certain proportion will have rear gardens backing onto each other or existing properties. The properties that will be closest to Bower End Lane will be protected to some extent by the existing hedgerow/undergrowth and the drop in levels. Natural surveillance throughout the site should be good.

The most vulnerable portion of the site is likely to be the corner where the SUDS is proposed. Appropriate measures should be put in place to substantially reinforce the site boundary to prevent unwanted intrusion into the site at this point. The plots with side gardens should have their boundary treatments inset slightly and hedge planting added externally to reinforce these boundaries.

It is noted that the parking provision does not appear overly generous, notably only two parking spaces for both four and five-bedroom houses, which make up the bulk of the site. Along with an absence of visitor parking, this could result in on-street parking and possibly a rather congested site. On occasion, parking issues can result in ill-feeling between residents and conflict arising.

The **Landscape Development Section** initially objected to the application but in response to the revised plans the LDS has confirmed that they have no objections subject to a revised Tree Protection Plan and detail Arboricultural Method Statement being conditioned.

Madeley Parish Council objects on the following grounds:

- The amount of 5 and 4 bedroom houses is disproportionately higher than affordable houses and bungalows, namely 28 of the 42 houses and with only 2 bungalows stated.
- The larger 4 bedroom and 5 bedroom houses are planned along the boundary with properties on The Bridle Path and given the size and height of these this will cause a disruption to the outlook of the already existing properties on The Bridle Path. In particular plot number 29 and plots 23 to 28.
- Tree screening, the developers are still vague about what trees might be planted and where. Given the proximity of The Bridle Path and other existing dwellings it is important the detail is given and found to be the most effective to mitigate the effects of the development.
- Sewage and surface water disposal - there still remains considerable concern over the ability to effectively remove both the above given the nature and flow of the ground and standing water/drainage issues. This needs to be effectively mitigated to a professional's satisfaction by the developer and proposer. It is relevant that the proposed development area was part of "The Moss" in medieval times and not used as agricultural or settlement land.
- The development is outside of the village envelope.
- It objects to the use of the Greenfield site when there are Brownfield sites in neighbouring Stoke-on-Trent that have been identified as part of the joint plan with that authority.
- The Council would question the proven need for such housing in this semi rural area.
- The Council would question the need to construct yet more four and five bed roomed "executive" homes and is disappointed at the low numbers of planned two bed roomed semi detached properties (8) and only two 2-bedroomed bungalows.

- The site is totally unsuitable as regards ground conditions. The area is boggy and will be prone to flooding. The suggestion that the new occupants of the properties would be expected to maintain the drainage system themselves is impracticable and will cause long term flooding problems in the area.

Whilst recognising that outline permission has already been granted, Madeley Parish Council still have grave concerns re the lack of sustainability for such a major development in Madeley i.e. Increase in traffic on already narrow country roads also causing an increase in air pollution in the locale, and capacity in the local schools, and health providers.

The **Waste Management Section**, in response to the revised plans, welcomes the loop design of the development on safety grounds. The addition of the bin store should assist in deterring residents from these properties being tempted to leave their containers out between collections, and thus should improve the appearance of the location and prevent complaints. It is noted that the use of the bin store as the method of storage for these properties is to be incorporated into the deeds for these properties, hopefully making use of the store easy to maintain.

Network Rail indicate that the initial holding objection has been withdrawn subject to a condition being included requiring agreement of the design and location of the proposed attenuation pond which will avoid water infiltration draining towards the direction of the railway and that it doesn't affect the stability of the cutting. In response to an approach from the developer, Network Rail have indicated that it has no objections in principle to developments, the potential to impact upon the existing operational railway must be considered and mitigation measures provided by outside parties.

The NPPF states that, "103. *When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.*" They recognise that councils are looking to proposals that are sustainable, however, they would remind the council in regards to this proposal that it should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land.

Network Rail further advises that it is aware that the area around the development is problematic and that the geology is not favourable. Infiltration of surface waters could result in the failure of the cutting slope. Network Rail would need to review the outside parties final design, where apart from fulfilling the hydraulic requirements, they will need to demonstrate that the lining is non-porous, its lifespan, maintenance regime, pumping system. *A condition within the planning consent (if approved) stating the above would be requested in order to ensure the continued safe operation of the railway infrastructure (both during construction works and as a permanent arrangement).*

Given the geology of the area and the nature of the layout and works they believe that a holding objection was fair.

Staffordshire County Council Flood Risk Team states that they are not able to confirm that the proposed layout is compatible with an acceptable drainage strategy as there are a number of outstanding issues.

The views of **United Utilities** and the **Housing Strategy Section** have been sought but no response has been received and as such it is assumed that they have no comment on the proposal.

Representations

79 letters of objection, including one from **Cllr Simon White** and one from **Cllr Gary White**, have been received raising concerns regarding the following:

- When outline planning permission was granted it was agreed that the properties built alongside The Bridle Path would be bungalows which is not the case in this submission.
- The five bedroom, 3 floor houses are too tall and do not fit into the local area.
- The dwellings adjoin The Bridle Path will result in loss of privacy and light.
- The outlook from rear of the dwellings on The Bridle Path will be adversely affected by development that is out of keeping with this rural village.

- The relationship of the dwelling on plot 29 and dwellings on The Bridle Path is not acceptable, given that it is a 3 storey dwelling, and will result in the loss of sunlight.
- Only two bungalows are proposed.
- The submission is vague about what tree planting is to take place
- The site is prone to flooding and given that the street drains from Moss Lane and Bower End Lane deposition onto the site it makes the proposed build too risky without an appropriate and revises SUDS plan in place.
- The submitted amended plans result in more parking and less garden increasing issues with surface water runoff
- Two sewage pumping stations are needed but only one is shown on the plan.
- The doctor's surgery is already at capacity and does not have any room for extra patients or extra car parking resulting in parking on The Bridle Path and traffic problems.
- It is an unsustainable location for new dwellings due to lack of employment opportunities and lack of capacity in local schools.
- The proposed development was originally passed on the grounds that it would provide affordable housing, however given the number of 4 and 5 bedroom dwellings that are proposed this is clearly not the case.
- There are land instability issues.
- Only one access could present problems in an emergency.
- The development is going to cause dust, pollen and will raise air pollution levels which is potentially damaging to health.
- The site is an ideal environment for newts.
- There remains inaccuracies on the plans as extensions of adjoining properties are not shown, boundaries at the rear of The Bridle Path are not correct and the position of trees are not correctly shown.
- Has consideration been given to the suitability of the internal access roads for fire emergency vehicles?

Further comments relate to the issue of the principle of this development which is not a consideration in the determination of this application.

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement, Flood Risk Assessment and Arboricultural Report.

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/01004/REM>

Background papers

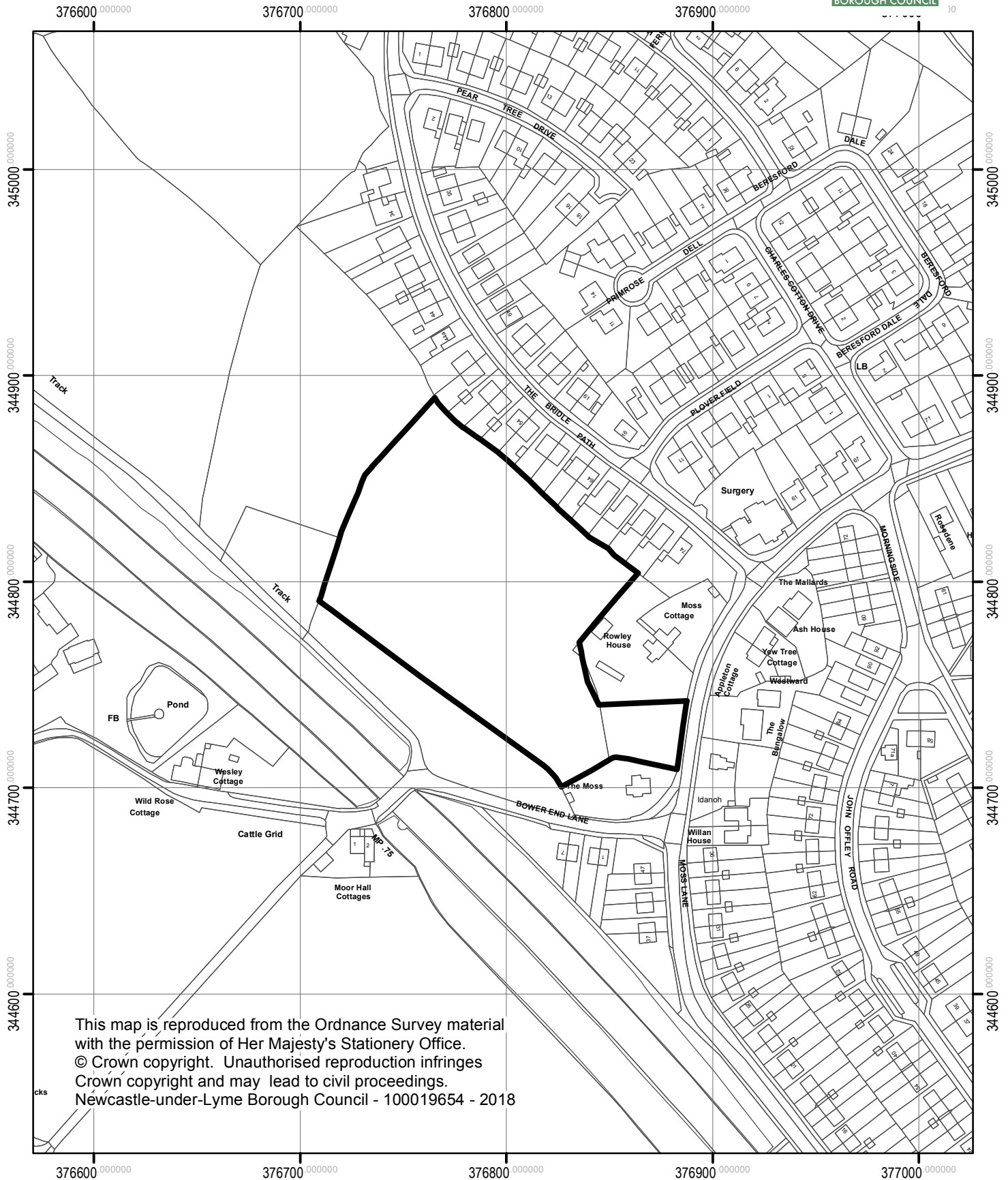
Planning files referred to
Planning Documents referred to

Date report prepared

29th June 2018

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17/01004/REM
Land adjacent to Rowley House,
Moss Lane, Madeley



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LAND AT NEW ROAD, MADELEY
HILBRE HOMES

18/00225/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 32 dwellings.

This application for the approval of reserved matters follows the granting of an outline planning permission in April 2015 for residential development of up to 32 dwellings (14/00930/OUT). Details of access from the highway network were approved as part of the outline consent.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Trees bordering the site are the subject of Tree Preservation Order no.3.

This application was reported to Committee on 19th June, however a decision could not be reached at that meeting following receipt of amended plans which triggered the requirement to notify Madeley Parish Council and give them an opportunity to comment upon that amendment. The views of the Parish Council and of the Landscape Development Section are awaited at the time of writing, but this item is placed on the agenda to avoid any further unnecessary delay.

The 13 week period for the determination of this application expired on the 20th June 2018 but the applicant has agreed an extension to the statutory period until 20th July 2018

RECOMMENDATIONS

Refuse for the following reason:-

1. The proposed development by virtue of its design and layout is likely to result in the loss of visually significant and protected trees, which is a fundamental characteristic of this site, which would not enhance the character and quality of the landscape and area in general. It would therefore not be a sustainable form of development of the site and would accordingly be contrary to policies N12, N17 and N20 of the Newcastle-under-Lyme Local Plan 2011, policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, along with policies in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document and the requirements and guidance of the National Planning Policy Framework 2012.

Reason for Recommendation

The proposed development for 32 dwellings provides an acceptable level of off street car parking, pedestrian connectivity and relationship with neighbouring properties and whilst the applicant has submitted amended plans to seek to address concerns regarding the loss of visually significant and protected trees, your officers cannot be satisfied that an acceptable layout can be achieved until comments are received from the Landscape Development Section. The loss of trees would be to the detriment of the character and quality of the landscape and visual amenity of the area.

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

The applicant has been given a number of opportunities to address concerns of the proposals however they have been unable to overcome the principle concern with the scheme proposed.

Key Issues

1.1 The Application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 32 dwellings. The principle of the residential development of the site has been established by the granting of outline

planning permission 14/00930/OUT in April 2015. Details of the access from the highway network were approved as part of the outline consent.

1.2 The applicant has sought to address concerns raised by your officers and the objections of the Landscape Development Section (LDS) and amended plans were received prior to the 19th June planning committee. The Parish Council and a number of consultees, including LDS, have been given a further opportunity to make comments on the amended plans.

1.3 The key issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?
- Would there be any material adverse impact on residential amenity?
- Is the internal road layout, pedestrian connectivity and parking provision acceptable in highway safety terms?
- Sustainable development considerations, and
- Is the affordable housing layout acceptable?

2.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?

2.1 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 revised NPPF, at section 12, also sets out policy which aims to achieve well-designed places.

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of Section 7 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are:-

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

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

2.5 Section 10.5 of the Urban Design SPD referring to new development in the rural area indicates (RE1) that new development in the rural area should retain and enhance features that contribute to the landscape character and ecological diversity of the area, including trees and at RE3 that development must respond to and should not harm the setting of the village in the landscape.

2.6 R14 states that developments must provide an appropriate balance of variety and consistency.

2.7 The key characteristics of the site are its edge of village location, which slopes from north to south, and the natural hedgerows and mature trees on the site boundaries. The trees are covered by a TPO and are proposed (within the application) to be retained as part of the development.

2.8 The layout of the scheme has been amended in an attempt to address objections from LDS in terms of the impact of the design and layout of the scheme on visually significant and protected trees which are a fundamental characteristic of this edge of village location. The amended layout remains similar to the indicative site layout presented during the outline planning application with houses fronting New Road. Amended streetscene plans have been submitted and whilst the amended scheme results in the frontage to New Road not being as attractive as the original scheme submitted with this application it still demonstrates that an attractive frontage could be achieved (with a range of attractive house types). Therefore, if it can be shown that the amended scheme can retain existing hedgerows and mature trees, along with additional new planting then the scheme proposed would maintain the character of the area.

2.9 The proposal responds well to the topography of the land, but the scale of plots 1-12 (on the southern part of the site) and the relationship with existing properties on Woodside will be assessed in section 3 of this report.

2.10 As discussed, a fundamental characteristic of this edge of village location are the natural hedgerows and mature trees on the site boundaries that would need to be retained and supplemented by additional landscaping before a development of this nature could be considered acceptable.

2.11 LDS have not made comments on the amended plans and information submitted. Comments are expected in advance of the Committee meeting and their views will be reported but in the absence of their comments there is no certainty that the amended scheme and information demonstrates that existing visually and protected trees would not be lost. Therefore, whilst the design of the dwellings are considered acceptable the layout is likely to result in significant harm and loss to visually significant and protected trees and your officers consider that the loss of these trees would not enhance the character and quality of the landscape and visual amenity of the area – this would be contrary to saved policies N12, N17 and N20 of the Local Plan, policy CSP1 of the CSS, along with the requirements and guidance of the Urban Design SPD and the National Planning Policy Framework.

3.0 Would there be any material adverse impact on residential amenity?

3.1 Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

3.2 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

3.3 As discussed, the layout proposed is similar to the indicative site layout presented during the outline planning application. It was acknowledged in the determination of the outline application that the relationship between proposed dwellings towards the southern boundary of the site and existing properties on the neighbouring Woodside would be a fundamental consideration of any reserved matters application due to the topography of the site with properties on Woodside being at a lower ground level.

3.4 The proposed scheme has six detached properties and a block of six flats adjacent to the southern boundary of the site. These would be split level properties with the front elevations appearing as two storey properties and the rear elevations (facing that boundary) being three storey.

3.5 The rear elevations of the proposed dwellings would have principal windows that would face towards the rear elevations of properties on Woodside which are also likely to have principal windows. The Council's SPG advises that at least 21 metres should be maintained between dwellings where the facing walls contain windows of principal rooms. However, the SPG also advises that where one or both facing dwellings are over two storeys high the distance between principal windows will be 21m

plus an additional set back of 3 metres for each additional storey. Any difference in ground levels should also be taken into consideration.

3.6 The application is supported by ground level details and site sections which show the separation distances and the difference in ground levels. The separation distances between proposed and existing dwellings varies from 21 to 25 metres. Amended plans have also been received which change the internal layouts of the houses on plots 1 and 2 so that no principal windows are now located above the second storey on the rear elevation. The internal layouts for the houses on plots 3-6 also show no principal windows above the second storey on each of the rear elevations of the proposed dwellings. Therefore, the separation distances between principal windows of the proposed and existing properties should be 21 metres, subject to the difference in ground levels also being considered.

3.7 The submitted site sections show the ground levels and the relationship between proposed and existing properties. In particular, the relationship of the proposed first floor principal windows of plots 1 and 2 and the existing principal windows at ground floor of existing properties at 2 & 4 Woodside need to be considered. It is acknowledged that there would be some loss of privacy to the existing properties on Woodside due to the relationship between proposed first floor windows and the existing ground floor windows of properties on Woodside, owing to a difference in ground levels between them. However, the applicant has submitted cross sections which show the separation distances, along with the ground levels differences between the dwellings and on this basis it is not considered that the resultant relationship would be so severe that the living conditions and residential amenity levels, in terms of privacy, loss of light or overbearing impact, of properties on Woodside would be significantly harmed to the extent that a reason for refusal could be justified.

3.8 In respect of the block of six flats, which are again on of a split level design and would have principal windows at first and second floor, they would not directly face principal windows of neighbouring properties.

3.9 The application has demonstrated that the proposed scheme for 32 dwellings can achieve acceptable residential amenity levels for future occupiers of the dwellings and maintain an acceptable level of living conditions for existing neighbouring properties. Boundary treatments and soft landscaping would also help to secure acceptable privacy levels which could be secured by conditions.

4.0 Is the internal road layout, pedestrian connectivity and parking provision acceptable in highway safety terms?

4.1 The details of the access onto New Road was accepted as part of the outline consent but the internal access arrangement, disposition of buildings and car parking provision is now for approval.

4.2 NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. LPAs have also been encouraged not to set maximum limits on the amount of parking either.

4.3 The Highways Authority has raised no objections to the application subject to conditions. In doing so they accept the proposed parking levels but on the basis that garages are retained for parking of a vehicle with the applicant confirming the internal dimensions of the garages that would be large enough for a vehicle to park comfortably. Conditions are requested by the Highway Authority regarding road and driveway gradients, surfacing, surface water drainage, minimum driveway lengths and the dwellings not being occupied until the access, internal roads, private drives and parking areas have been provided in accordance with the approved details.

4.4 A pedestrian link in the form of a crossing point of New Road is proposed outside of plots 29 and 30 which would provide a link from the development to the footpath on the east side of New Road

which would provide connectivity to the village centre. It would have been preferable for a footpath to be proposed on the western side of New Road which could link to the existing footway near to Woodside. But it is acknowledged that trees and ground levels/ gradients may have made this more problematic and the proposed pedestrian link is accepted. Although concerns have been raised by other parties about the location of the crossing, the Highway Authority do not share such concerns. The link should be provided before plots 20, 21, 22, 23, 28, 29 and 30 are occupied and this can be secured via condition.

4.5 Subject to the above conditions the proposed development is unlikely to lead to significant highway safety implications and an acceptable level of off street car parking is proposed. The development would therefore meet the guidance and requirements of the NPPF.

5.0 Sustainable development considerations

5.1 Policy CSP3 of the CSS indicates that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

5.2 Paragraph 93 of the NPPF also recognises that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

5.3 The outline permission secured a sustainable drainage strategy and the reserved matters submission reflects this with the LLFA raising no objections.

5.4 Environmental Health and the Parish Council both encourage the provision of facilities within the development for the charging of electric vehicles for each plot and shared parking areas. EHD indicate that this can easily be achieved by installing appropriate cabling and ducting during the build process. This will help facilitate the installation of EV charging facilities by the future occupiers. The applicant has confirmed that they will provide the necessary infrastructure and this is to be encouraged. However there is at present no specific Local Planning policy requirement for this type of provision in residential developments (that is a matter than can and indeed should be addressed within the emerging Joint Local Plan) or specific reason to single out this particular development, so it would be inappropriate to require such provision by condition. The provision of SuDS and the pedestrian link to the development are positive sustainable development features to be taken into account.

6.0 Is the affordable housing layout acceptable?

6.1 A Section 106 planning obligation, entered into when outline planning permission was granted, requires the provision of affordable housing within this development. The proposal includes the provision of 8 affordable units, which is 25% of the total number of dwellings proposed and as such accords with policy. The 8 units comprise of 6 flats and 2 three bedroom houses.

6.2 Whilst the views of Housing Strategy have not been received in writing it has been verbally confirmed that the locations, number and type of the dwellings that are proposed to be affordable houses are acceptable to them.

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing

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

Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy

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

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

[Draft revised National Planning Policy Framework](#)

Supplementary Planning Guidance/Documents

[Affordable Housing SPD](#) (2009)

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

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

Relevant Planning History

14/00930/OUT Outline planning application for the erection of up to 32 dwellings (including details of access) Permit

Views of Consultees

Madeley Parish Council (MPC) have not yet responded to the latest amended plans. Their objections as previously stated are were;

- The development is outside of the village envelope,
- Whether there is a need for four bedroomed “executive” homes,
- New Road and Heighley Castle Way already struggle to cope with the volume of traffic at peak times: it is narrow and has several blind bends,
- Notes the financial contribution towards education places but questions, in the case of The Meadows Primary School, where additional buildings could be sited,
- There are still issues with the capacity of local health provision to take on more patients,
- The pedestrian crossing is too close to the busy Heighley Castle Way/ Junction where vehicles frequently “rat run” and break speed limits,
- Level of parking is not to Local Plan standards, and

- Electric car charging points should be installed to encourage a more environmentally friendly approach to vehicle transport.

Any further comments received from MPC will be reported to the Committee.

The **Highways Authority** in consideration of the amended layout maintain their no objections to the application subject to conditions relating to the following:

- No occupation until access from New Road is completed, and internal site roads, parking and private drives provided,
- Submission and approval of access gradient, surfacing details and surface water drainage of private drives, parking and turning areas,
- The garages retained for the parking of motor vehicles and cycles,
- The private drives shall have a minimum length of 6m,
- The private drives shall have a gradient not exceeding 1:10 for a minimum distance of 5m.

The **Environmental Health Division** offers detailed advice on information required to satisfy conditions of the outline planning permission. They also recommend the provision of vehicle charging facilities for all plots.

United Utilities (UU) advises that they have previously commented on the Outline Application (Planning Ref: 14/00930/OUT to which the above application relates

The **Landscape Development Section's** current position is that they object on the following grounds;

- Proposals for surfacing exceed the 20% permissible of existing unsurfaced ground (BS5837:2012 para 7.4.2.3),
- The applicant intends to install surfacing that traverses sloping ground within Root Protection Areas, which would not be possible without earthworks and/or retaining structures,
- The retention of protected trees in the long term is likely to be compromised due to pressure for removal/pruning from future occupiers, due to screening/overshadowing/nuisance effects, and real/perceived concerns about the safety of tall trees in the wind,
- Pruning to important retained trees to reduce shading into rear gardens for future occupiers would not be supported,
- There should be no encroachment of retaining walls into RPAs.

Their views on the information received on 19th June have yet to be received.

Waste Management Section, in consideration of additional information, now have no objections.

Crime Prevention Design Advisor says that in general the layout appears well conceived with good natural surveillance. Building on the strong layout, the applicant is advised that from the viewpoint of Staffordshire Police and undoubtedly for the long-term benefit of the future residents, it would be highly desirable for the properties to meet the minimum physical security standards contained within the Secured by Design Homes 2016 document.

Staffordshire County Council Flood Risk Team (LLFA) have no objections on the basis that the submitted drainage plan and layout appears to be consistent with the details submitted with the outline planning permission. However, further details and supporting calculations for discharge of the drainage are still required.

Natural England (NE) advises that they have no comments to make on this application.

The **Education Authority** states that a Section 106 Agreement was signed when the outline application was granted, and the education contribution amount and terms should be calculated in line with this.

The **Mineral and Waste Planning Authority** indicate that they have no comments on this application as the site is not within or near to any permitted waste management facility; and is exempt from the requirements of Policy 3 – Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 – 2030 (site is within the village boundary).

The views of the **Environment Agency** and the **Housing Strategy Section** have been sought but no response has been received and as such it is assumed that they have no comment on the proposal.

Representations

3 letters of objection have been received including one from Madeley Conservation Group. -

Madeley Conservation Group specifically raises the following concerns;

- Site is outside of the village envelope,
- Brownfield land is not given priority,
- Removing one of the last white land sites so little room for future needs,
- There is no proven need for new housing in Madeley,
- Awkward extension to the village would harm the open countryside,
- The development is not sustainable – use of private cars to access services,
- The adjacent roads are not wide enough and future residents will use the same rat run to avoid Monument junction,
- The houses are all four bed with token two bed apartments that offer limited design benefits,
- Further investigations regarding drainage and land stability are required, and
- Highways matter and danger should be considered again,

Other representations received raise the following objections;

- The pedestrian crossing is an unsuitable and dangerous location for cars and pedestrians near to a junction,
- The plans do not appear to account for the significant elevation of the land resulting in loss of privacy and light to neighbouring properties,
- Potential for flooding at the bottom of the south boundary of the site,
- Construction traffic will come through the village which has unsuitable roads,
- Loss of green rural countryside, potential harm to protected large trees and hedgerows, and loss of the wildlife we see using this site, including herons, bats, owls, shrews, garden birds,
- Added pressure upon an already over-stretched and struggling GP practice,
- Increased demand upon local schools, particularly the Meadows Primary School,
- Concerns about noise disturbance and vibration during the development of the site, and
- Additional traffic using Heighley Castle Way as a 'rat run' to access the A531.

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00225/REM>

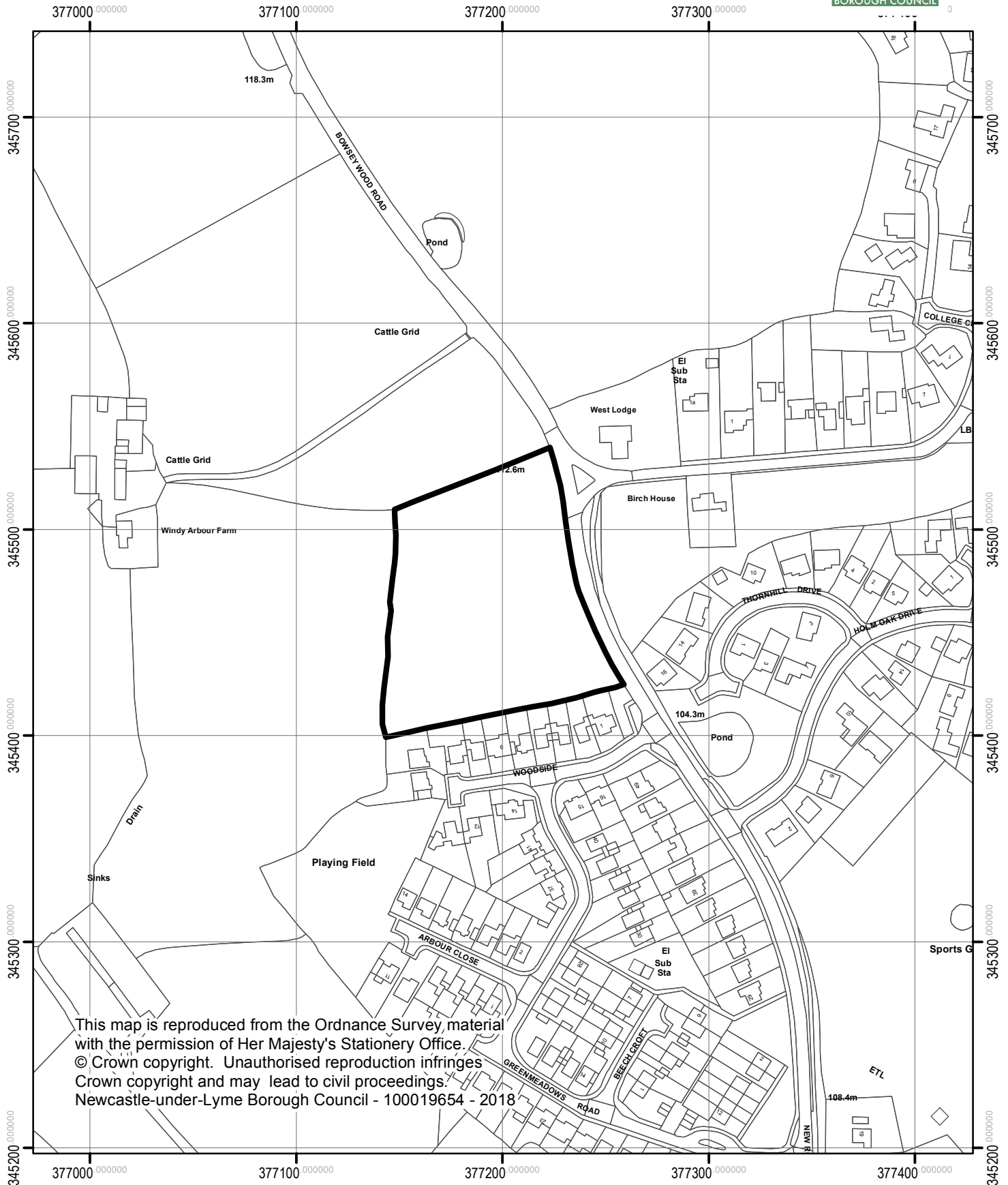
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

4th July 2018

18/00225/REM
Land off New Road, Madeley



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**LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD
AND NORTH WEST OF LOWER ROAD, HOOK GATE
COUNTY TOWN HOMES – HARPREET RAYET**

17/01001/FUL

The Application is for full planning permission for the erection of 22 houses and bungalows with associated access roads and drainage.

The application site lies within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. It comprises three fields and is approximately 1.1 hectares in total.

The 13 week period for the determination of this application expired on 9th April 2018 but the applicant has agreed to extend the statutory period until 20th July.

RECOMMENDATION

A) Subject to the receipt and consideration of independent advice as to what financial contributions this development could support, and a supplementary report to the Committee on this aspect, and, in the absence of a demonstrated viability case, the applicant (providing they first agree in writing to extend the statutory determination period to the 17th August 2018) entering into a Section 106 obligation by agreement by 14th August 2018 to require:

- a. A contribution of £80,562 for the improvement and development of the Burntwood View/Hugo Way play area and open space**
- b. A contribution of £33,244 towards the provision of education places at Madeley High School**
- c. In perpetuity, provision of 25% of the dwellings as affordable units**

PERMIT subject to conditions relating to the following matters:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Construction environmental management plan**
- 5. Artificial lighting**
- 6. Acoustic screening**
- 7. Glazing and mechanical ventilation**
- 8. Waste storage and collection arrangements**
- 9. Details of retaining structures**
- 10. Arboricultural Method Statement**
- 11. Schedule of works for retained trees**
- 12. Details of hedgerow retention**
- 13. Revisions to patio area of Plot 10**
- 14. Boundary treatments**
- 15. Provision of visibility splays**
- 16. Provision of accesses, internal site roads, parking and turning areas**
- 17. Submission of details of surface water drainage and surfacing materials**
- 18. Details of off-site highway works**
- 19. Retention of garages for parking of vehicles and cycles**
- 20. Surface water drainage scheme**
- 21. Protected species mitigation**
- 22. Approval of the design of the acoustic fence**
- 23. Retention of the existing boundary hedgerow at a height greater than that of the acoustic fence**

B) Failing completion by the date referred to 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 the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities, and an appropriate level of affordable housing; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. The adverse impact of the development - principally some limited local impact on the character and appearance of the area – do not significantly and demonstrably outweigh the benefits of this relatively sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough and the provision of some affordable housing in the rural area. Outline planning permission has previously been granted for housing development on this site, albeit for lower numbers of units, and is extant. The details of the scheme now submitted are acceptable. Accordingly permission

should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

The applicant has submitted financial information to substantiate their claim that a policy compliant scheme would be financially unviable. The draft report of an independent valuer setting out his appraisal of the development's viability is being considered and a further report will be brought to members on this issue.

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

Additional information has been requested and provided where necessary to progress the determination of the application. Amended plans have been requested and received and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the erection of 22 houses and bungalows with associated access roads and drainage. The application site, of approximately 1.1 hectares in extent, is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads.

Outline planning permission was granted in 2015 for the erection of up to 16 dwellings on this site (Ref. 15/00448/OUT). That permission remains extant.

Taking into account the development plan, the other material considerations indicated below, including the planning history, and the consultation responses and representations received, it is considered that the main issues for consideration in the determination of this application are:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any adverse impact upon highway safety?
- Would there be any issue of flood risk?
- Would there be any significant impact upon any protected species?
- Is affordable housing provision required, if so how should it be delivered and is the type and siting of the affordable units acceptable?
- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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

The application site lies within the Rural Area of the Borough, outside of the village envelope of Loggerheads, in the open countryside.

This site is not within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in the Development Plan.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47).

The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore is set out in paragraph 14 of the NPPF which sets out that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

As stated above, outline planning permission was granted in 2015 for the erection of up to 16 dwellings on this site (Ref. 15/00448/OUT). At that time the Local Planning Authority accepted that the site was in a suitable location for residential development (in terms of access to services and facilities). Since the consideration of the previous application, a draft revised NPPF has been published. Whilst the draft revised NPPF is only a consultation document, it can be given some weight as it is indicative of the Government's direction of travel, and where there are differences (with the current NPPF) it is indicative that a policy is under review and the circumstances which have led to that review may need to be taken into account. There is nothing in the draft revised NPPF on this matter to suggest that there is a basis for the Local Planning Authority to reconsider its position on this issue and therefore, noting the acceptance in 2015 that the development is in a sustainable location (in terms of access to services and facilities), there is no substantive basis for coming to a different view on this point now.

As stated above, in terms of sustainability, it is considered that the site is in a relatively sustainable location. As paragraph 14 of the NPPF states, the test that has to be applied is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

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

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

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

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

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

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

Paragraph 58 of the NPPF states that decisions should aim to ensure that developments optimise the potential of the site to accommodate development and respond to local character and reflect the identity of local surroundings.

A mix of 2, 3, 4 and 5-bed dwellings are proposed comprising detached and terraced 2-storey dwellings and detached bungalows. Detailing would be simple and unfussy and the materials would comprise brickwork, render and smooth grey roof tiles. The density of the proposed scheme would be 20 dwellings per hectare. This compares with 17.7 dwellings per hectare in the approved scheme (Ref. 15/00448/OUT).

There is a mix of dwelling size and style in the area. There are primarily detached bungalows to the north on Heathcote Avenue and Birch Rise, relatively modern detached two-storey properties to the south-west on the opposite side of Eccleshall Road as well as some more traditional two-storey cottages in the vicinity.

Although objections have been raised on the grounds that the density of 20 dwellings per hectare would be unacceptably high, it is the case that there is a variety of density currently in Ashley Heath. Although the density would be higher than in the previous scheme, it remains relatively low and it is considered that the scheme would strike an acceptable balance between reflecting the character of the village housing and optimising the potential of the site to accommodate development.

The layout as originally proposed was considered by Urban Vision Design Review Panel. That scheme included a balancing pond to the rear of dwellings adjacent to Lower Road and an equipped play area in the southern corner of the site adjacent to Eccleshall Road. A summary of the Panel's comments is as follows:

- The ambition to retain the existing hedgerows was influencing the design layout to its detriment and the complete retention of the hedgerow around the site was not necessary.
- The layout was inward looking and out of keeping with the character of the village. The houses adjacent to Eccleshall Road were unnecessarily orientated side on and turning some to face the road frontages would be a positive move to provide a more attractive, outward facing and in keeping development.
- If some of the houses could front onto the roads, it would be acceptable for the hedgerow to be broken through.
- The introduction of the extensive 2.4m high timber fence would be unsightly and needed reconsidering.
- The play area is poorly located, not well connected to its surroundings and not likely to be well used. The policy (of seeking on-site provision) should be reconsidered.
- A completely enclosed pool at the back of rear gardens could be more of a potential danger than an asset. The need for the balancing pond and its necessity in terms of drainage was questioned. An alternative sustainable drainage system should be considered and the pool omitted from the scheme.
- The Panel queried whether the number of units could be reduced along with a review of the building types/footprints and site layout. This could take advantage of additional land generated by the omission of the play area and balancing pond, maximise the housing mix and provision and create a more attractive and useable residential environment.
- The elevations were overly simplistic and the appearance of the houses lacked differentiation. There should be more variety in terms of materials and detailing.

In response, the applicant has revised the scheme to omit both the play area and the balancing pond. Areas of render have been introduced to selected plots and the dwellings on Plots 16-21 have been turned to face Lower Road and the hedgerow lowered to create a more open effect. The houses along the northern boundary have been brought forward to increase the garden sizes.

Although your Officer agrees with Urban Vision that it would be preferable for the dwellings to front Eccleshall Road, the applicant's agent states that it would mean not achieving the required privacy distances or would result in the loss of plots which is not economically sustainable. The dwellings adjacent to Lower Road have been turned to front the highway and given that the boundary hedgerow would be retained, on balance it is considered that the proposed layout is acceptable.

The application is accompanied by a Noise Assessment which concludes that an acoustic fence of 1.5 to 1.8m in height is required around the rear gardens of those plots which are adjacent to or close to Eccleshall Road because of traffic noise. Subject to the approval of the design of the fence and subject to the retention of the existing boundary hedgerow at a height greater than that of the fence, it is not considered that the acoustic fence would have a significant adverse impact on the visual amenity of the area.

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

This site is within an Area of Active Landscape Conservation and NLP Policy N18 states that development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

Due to the topography of the surrounding area, and the existing hedgerows, views of the site would be limited to those gained in the short distance. Although the development would encroach into the open countryside, it would not extend beyond the built development that currently exists on the opposite side of Eccleshall Road. It is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

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

The site is bounded by Lower Road to the south-east, Pinewood Road to the north-west and the B5026 Eccleshall Road to the south-west. In the previous scheme (Ref. 15/00448/OUT) vehicular access to the development was at three points: from Eccleshall Road approximately midway along that frontage; via a private driveway off Pinewood Road; and a further private driveway onto Lower Road. Details of the means of vehicular access from highway network were part of that outline planning permission. In the current scheme, vehicular access is proposed to the site from two points off Eccleshall Road, with no access off either Pinewood Road or Lower Road.

Highway safety concerns have been raised by residents on the grounds of excessive vehicle speeds and restricted visibility. It is asserted that although Eccleshall Road has a speed limit of 30mph, the majority of vehicles still speed.

A Transport Statement that accompanies the application states that the increase in traffic will be imperceptible and will not have a material impact on the highway network and concludes that there is no highway-related reason to withhold planning permission.

The Highway Authority has no objections to the application subject to the imposition of various conditions.

The NPPF indicates (in paragraph 32) that decisions should take account of whether, inter alia, safe and suitable access can be achieved. That it can be in this case is the view of the Highway Authority

who will have applied the appropriate visibility and junction spacing standards and it is not considered that a refusal on the grounds of highway safety could be substantiated with evidence.

Would there be any issue of flood risk?

Concerns have been raised by residents regarding drainage and potential flood risk. A Flood Risk Assessment (FRA) has been submitted to accompany the application which has been revised following discussions with Staffordshire County Council as Lead Local Flood Authority (LLFA). It states that the site will drain via the existing culvert on the site with storage in the 1 in 100 year event plus climate change held within oversized pipes.

The LLFA is satisfied that the revised FRA is sufficient to demonstrate that an acceptable drainage design can be achieved within the proposed development and has no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk therefore.

Would there be any significant impact upon any protected species?

Representations have been received stating that the development will have an adverse impact on wildlife. Particular reference is made to the location of the site adjacent to the Turner Hodgkiss nature reserve.

An Ecological Survey was submitted to accompany the previous application (Ref. 15/00448OUT). An update to that report has now been submitted which concludes that although the site habitat is sub optimal from an ecological perspective, the adjacent nature reserve and the periphery of the site has potential protected species. Mitigation is therefore considered necessary.

Subject to the imposition of a condition requiring the agreement of mitigation measures, it is not considered that a refusal could be sustained on the grounds of adverse impact on protected species.

Is affordable housing provision required, if so how should it be delivered and is the type and siting of the affordable units acceptable?

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

This application proposes 6 affordable dwellings which equates to 27% of the total. The dwellings will be 2 and 3 bedroom homes and the applicant asserts that this is in line with the 2012 Housing Needs Survey referred to in the Loggerheads Housing Needs Assessment which identified that the greatest requirement was for 2 and 3 bedroom dwellings.

In terms of the nature of the affordable housing, the Council's Affordable Housing SPD states that the affordable units should be split 60:40, i.e. 60% of the total units as affordable or social rented and 40% as shared ownership. It also recommends that the rented units are social rented unless there are reasons to justify changing the tenure to affordable rented. The units proposed in this scheme are proposed to be split 50:50, i.e. 3 units as affordable rented and 3 units as shared ownership. Given the small numbers involved, no objection is raised to the 50:50 split. Regards the tenure, the applicant has advised that the reason for the affordable rented is to ensure their eligibility for grant funding. Your Officer is advised that Homes England (HE) will only accept bids for grant funding for shared ownership or affordable rented units and not for social rented units. Given the importance of the HE grant funding to ensure the deliverability of this scheme, the provision of affordable rented rather than social rented is considered acceptable in this instance. A further point to be borne in mind is that the NPPF definition of affordable housing includes affordable rented units.

In terms of design and layout requirements, the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable

from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and sustainable communities whilst also taking into account housing management and overall site development issues.

The affordable units are proposed in one group to the south-east of the site. The applicant has advised that the preference of the Registered Social Landlord is for new build affordable housing to be clustered in groups of 6-18 units due to the management and future repairs of the dwellings. It is stated that they have delivered over 445 new affordable homes during the past 2 years and this has been implemented across all of their developments.

The affordable units are a mix of 2 and 3 bed dwelling types which is considered appropriate. The appearance, levels of amenity space, privacy and materials of the affordable units would be comparable with the market housing although they are of a terraced rather than detached or semi-detached form. Whilst the dwellings are not spread across the site, this is a small site and therefore one single group is considered appropriate in this instance. The Housing Strategy Section raises no objections and it is considered that the type and siting of the affordable units is acceptable.

What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

Staffordshire County Council as the Education Authority has requested a sum of £33,244 for high school places at Madeley and the Landscape Development Section (LDS) has requested a contribution of £122,738 (£5,579 per dwelling) towards Public Open Space improvements at the Burntwood View/Hugo Way play area and open space. In this case, there is an extant planning permission for 16 dwellings (Ref. 15/00448/OUT) in which a Public Open Space contribution of £2,943 per dwelling was secured (based upon the then current North Staffordshire Green Space Strategy). It is considered reasonable therefore and is consistent with the approach of Officers in other similar situations, to seek the lower figure of £2,943 per dwelling for 16 of the dwellings and then the higher figure of £5,579 per dwelling for the additional 6 dwellings. This gives a total figure of £80,562.

The original scheme as submitted included a play area which has since been omitted. Loggerheads Parish Council has objected to its removal. For developments of between 10 and 200 dwellings the Council's Open Space Strategy recommends the provision onsite of a Locally Equipped Area for Play (LEAP). However, the applicant has advised that although it was originally included at the request of the Parish Council, it is considered to be an inappropriate location for a play area due to the distance from the village and therefore the likelihood that it would be little used other than by children who live on the site. Urban Vision considered that it was poorly located, not well connected to its surroundings and consequently not likely to be well used. It is the case that the site is on the periphery of Loggerheads and there is an existing play area some 1 km away. Given that in relation to the previous scheme for this site (Ref. 15/00448/OUT) the Council accepted the appropriateness of a financial contribution to that play area at Burntwood View/Hugo Way, it is not considered that an objection could be sustained now to such an arrangement.

The financial contributions sought are therefore considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the CIL Regulations.

It is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of

infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

As indicated above Staffordshire County Council has requested an education contribution towards the provision of high school spaces at Madeley High School. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a particular project. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above so compliance with Regulation 123 would be achieved.

A Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable.

The NPPF states in relation to viability that 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 landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to an independent valuer who has the skills required to assess financial information in connection with development proposals for further advice. A draft report has been received and is being considered, and a further report will be brought to Members on this issue.

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

In consideration of the above points, the development would result in some limited local impact on the character and appearance of the area. However, the proposal represents sustainable development and would make a not insignificant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area, albeit relatively few in number. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted.

APPENDIX

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

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

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

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

Policy H1:	Residential Development - Sustainable Location and Protection of the Countryside
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4:	Development and Nature Conservation – Use of Local Species
Policy N17:	Landscape Character – General Considerations
Policy N18:	Areas of Active Landscape Conservation
Policy T16:	Development – General Parking Requirements
Policy C4:	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

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

[Draft revised National Planning Policy Framework](#) (March 2018)

[Planning Practice Guidance](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[Affordable Housing SPD](#) (2009)

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

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

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

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

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

Relevant Planning History

15/00448/OUT Erection of up to 16 dwellings Approved

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, control of dust and mud on the highway, artificial lighting, acoustic screening and glazing and mechanical ventilation.

The **Landscape Development Section** has no objection subject to conditions requiring the submission of the layout and details of all retaining structures, submission of a more detailed Arboricultural Method Statement taking into account final site levels and details of special engineering in the vicinity of trees, a schedule of works for retained trees, further information regarding the retention of hedgerow H1 and the redesign of the patio area of Plot 10. A financial contribution of £5,579 per dwelling is required for improvement and development of the Burntwood View/Hugo Way play area and open space.

The **Highway Authority** has no objections to the proposal subject to conditions regarding visibility splays, provision of accesses, internal site roads, parking and turning areas, submission of details of surface water drainage and surfacing materials, details of off-site highway works, retention of garages for parking of vehicles and cycles and submission of a Construction Method Statement.

The **Education Authority** states that the development falls within the catchments of Hugo Meynell CE (VC) Primary School and Madeley High School. A development of 22 dwellings could add 5 primary-aged pupils and 2 of secondary age. Hugo Meynell CE (VC) Primary School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development but Madeley High School is projected to be full for the foreseeable future. Therefore a contribution of £33,244 (2 x £16,622) is requested towards Secondary places provision.

The **Housing Strategy Section** states 6 units of affordable housing which is policy compliant. The houses will be 2 and 3 bed and the tenure split proposed is 3 affordable rented units and 3 shared ownership (i.e 50:50). The Supplementary Planning Document recommends that the rented units are social rented unless there are reasons to justify changing the tenure to affordable rented. With the shared ownership products within the rural location, it has previously been advocated that they remain affordable in perpetuity by restricting staircasing to 90%. Whilst it is understood that there is an ambition for households to become owners, this has to be balanced with ensuring that affordable housing remains affordable for those in need and does not disappear.

The **Crime Prevention Design Advisor** has no objections to the proposals although it is recommended that vulnerable rear garden boundaries which are those which border Eccleshall Road and Pinewood Road are reinforced with internal fencing to improve security.

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

The **Waste Management Section** state that a number of properties do not front directly onto the highway and in locations where this is the case containers are frequently left out at collection points between collections. This causes long term visual blight and leads to complaints and neighbourhood disputes. The layout also designs in a set of reverses at the cul-de-sac ends. Although the swept path looks acceptable, reversing can lead to health and safety issues. Each property will need to accommodate 3 recycling boxes, a food waste caddy and 2 bins.

Staffordshire County Council as **Minerals and Waste Planning Authority** states that the site lies within a Mineral Safeguarding Area for bedrock sand as defined in the new Minerals Local Plan. Given the size of the site and its location, it is unlikely that any underlying minerals could be viably extracted. Therefore, no objection is raised.

Loggerheads Parish Council objects on the following grounds:

- An additional access is proposed onto Eccleshall Road. Speedwatch data shows that this stretch of road has a high percentage of drivers exceeding the speed limit and so there should be just a single access.
- There should be a play area on site as there are 96 dwellings within 100m of the site.

Representations

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

- Unacceptably high density
- Modern style is not in keeping with the village
- Highway safety issues due to speeding and overtaking on Eccleshall Road.
- Pinewood Road and Lower Road are becoming unsafe for cyclists and pedestrians as they are becoming busier
- Traffic calming measures are required on Eccleshall Rd
- Unsuitable location for housing due to lack of services, employment and public transport links.
- Impact of noise and dust during construction phase
- Impact on views
- Non-compliance with Council's Space Around Dwellings Supplementary Planning Guidance
- Adverse impact on trees
- Potential groundwater issues
- Impact on privacy
- Impact on enjoyment of the Turner Hodgkiss community nature reserve.
- Light pollution
- Impact on wildlife
- Exacerbation of problems experienced during snow.
- Increase in anti-social behaviour
- Increased surface water runoff will make an existing problem with surface water worse
- The site is outside the village envelope and does not accord with the development plan in force for this area
- No infrastructure to support the development – doctors and school are full
- There is no demand for housing in this bracket and there are many houses in the area already on the market
- The Noise Report recommends a 2m high noise barrier along the frontage with Eccleshall Road. This would be out of keeping with the area.
- The hedges and communal areas should be managed under a Management Agreement
- Impact on already overloaded sewage system
- The play area is too far away
- 2 accesses onto Eccleshall Road is unacceptable
- The proposed development is not in accordance with the Parish Council's Development Plan.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design & Access Statement
- Tree Survey
- Arboricultural Impact Assessment and Method Statement
- Transport Statement
- Ground Investigation Report
- Ecological Report
- Noise Assessment
- Flood Risk Assessment
- Urban Vision Design Review Report
- Open Space Assessment
- Affordable Housing Statement

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/01001/FUL>

Background papers

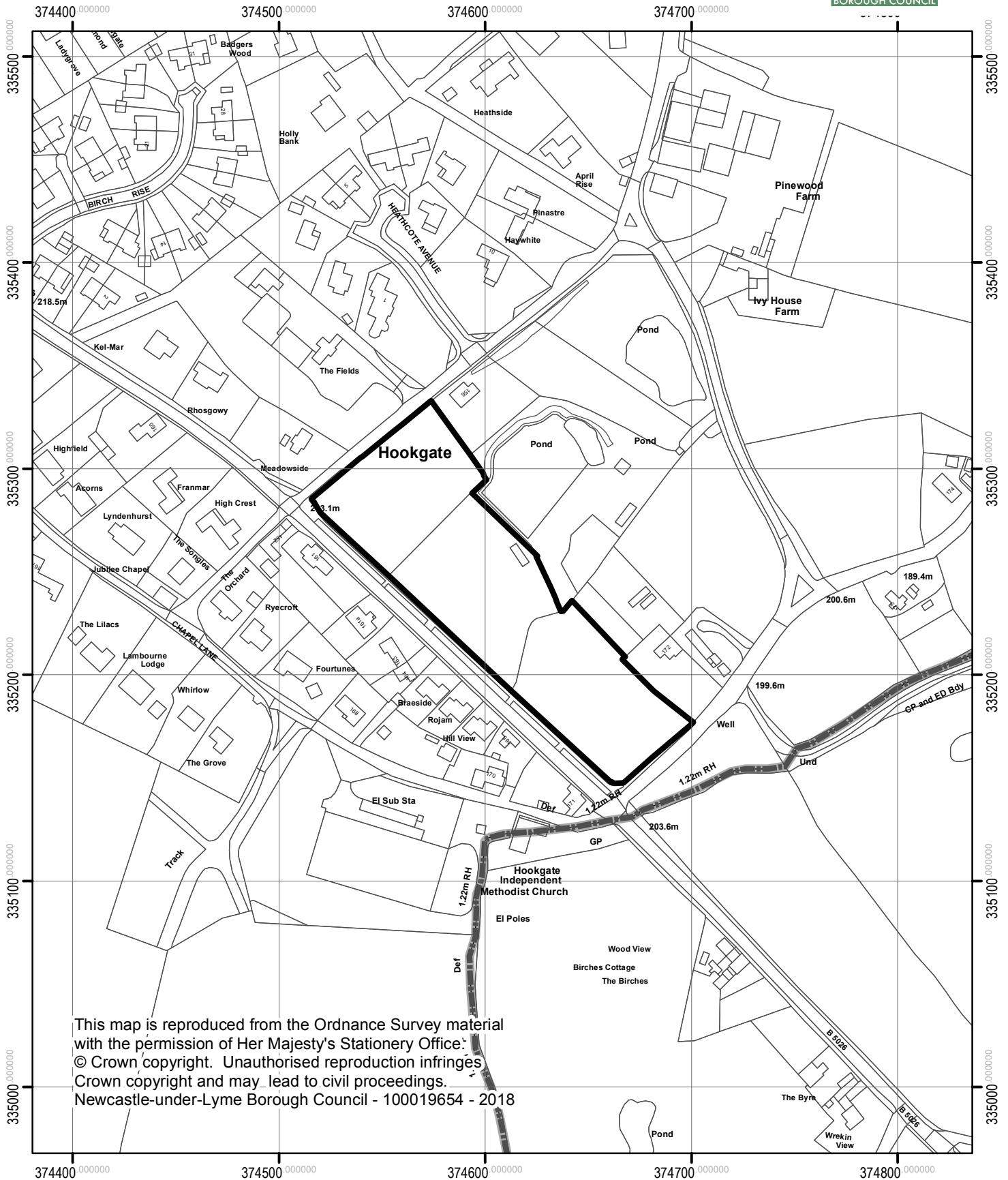
Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2018

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Land to NE of Eccleshall Road, SE of Pinewood Road, and NW of Lower Road, Hookgate



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LAND AT WEST AVENUE, KIDSGROVE
WESTLEIGH PARTNERSHIPS LTD, REVELAN LIMITED & REVELAN PROPERTIES LTD
18/00239/FUL

The application is for full planning permission for 63 dwellings, associated landscaping and access works.

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

The 13 week period for the determination of this application expires on 16th July.

RECOMMENDATIONS

A. Subject to the receipt and consideration of further highway, environmental and tree information; and

Subject to the applicant first entering into a Section 106 agreement by 14th September 2018 to secure a contribution towards Public Open Space of £235,493, or a reduced amount/no contribution dependent upon the conclusion reached on the issue of viability in which case the agreement would secure a review mechanism of the scheme's ability to make a policy compliant contributions to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if found financially viable, PERMIT the application subject to conditions relating to the following matters:-

- 1. Development to be carried out in accordance with the approved plans (to be listed within the condition) unless otherwise required by condition of the permission.**
- 2. Prior approval of precise details of the following, and implementation of the approved details:**
 - Existing and proposed levels, and finished floor levels of the dwellings.**
 - All external facing materials and hard surfacing materials.**
 - Boundary treatments.**
- 3. Tree Protection Plan**
- 4. Approval and implementation of a scheme of hard and soft landscaping**
- 5. Surface water drainage scheme**
- 6. Contaminated land**
- 7. Appropriate mitigation measures to address issues of noise and lighting from the adjoining employment site.**
- 8. Provision of a footway link from the site onto Knowle View or into the Woodland at the rear of the site.**
- 9. Access and parking to be provided prior to occupation**
- 10. Submission and approval of a scheme of coal mining remedial works, and the implementation of such works.**
- 11. Prior approval of a scheme for the provision, in perpetuity, of 16 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforced.**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development and (should there be a viability case for non-policy compliant contributions) there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

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 to be generally 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 Supplementary Planning Document. There are, however, a number of outstanding issues that require further consideration.

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

Amendments and additional supporting information have been sought from the applicant

Key Issues

1.1 The application is for the construction of 63 dwellings, 43 of which are homes for affordable rent and 23 will be shared ownership properties, as such all the dwellings will be affordable homes as defined in the NPPF. The application follows the granting of outline planning permission in 2016 for 44 dwellings on this site. That permission remains extant and capable of implementation (subject to the obtaining of reserved matters approval). As such the principle of residential development on this site has been established and it is not, therefore, necessary to consider whether in principle the proposal is acceptable.

1.2 Certain planning obligations were secured in connection with the outline planning permission for this site, including an primary education places contribution of £99,279 (index linked) based upon advice received from the Education Authority in June 2015 based upon their capacity assessment at that time. In this case, however, the Education Authority have advised that the primary and secondary catchment schools now have sufficient capacity to accommodate the likely demand from pupils generated by this development (assuming that 43 of the properties are RSL rented properties) and as such they have not requested a contribution. In such circumstances it would not be reasonable to secure a financial contribution towards education notwithstanding that such a contribution was required in connection with the development referred to in the extant permission.

1.3 The issues for consideration, taking into account the above, are:-

- Is a development which comprises affordable housing only acceptable?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?
- What financial contributions, if any, are required?

2.0 Is a development which comprises affordable housing only acceptable?

2.1 Policy CSP6 of the Core Spatial Strategy (CSS) indicates that all development involving housing above 15 or more dwellings must make provision for an element of affordable housing to meeting identified need. The target set within the policy is 25% of the total dwellings to be provided.

2.2 The provision of more affordable housing than the target set within policy could not be said to be contrary to that policy. In addition it should be recognised that in many residential developments where the policy requirement is to provide affordable housing it has not been possible to secure a policy compliant level of affordable housing. This development, which provides more affordable housing that is necessary to satisfy policy, will go some, limited, way towards addressing the shortfall on other sites including the residential development on the adjoining site. It should also be noted that affordable rented rather than social rented properties are proposed, the former falling within the government's definition of affordable housing in the NPPF but not that within the Council's Affordable Housing SPD which predated the NPPF.

2.3 A development fully comprising of affordable housing is therefore acceptable and should be supported if in all other regards it is also acceptable. It would be appropriate to require, by either condition or obligation, at least 25% affordable housing, in line with CSS policy CSP6 and the Affordable Housing SPD.

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

3.1 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.

3.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

3.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

3.4 The proposed layout comprises 37 two bedroom dwellings, and 26 three bedroom dwellings grouped in pairs of semi-detached dwellings and rows of 3. There are a number of dwellings that face onto West Avenue to the rear of private drives that run adjacent to West Avenue off the single access point to the development, which is approximately central along the West Avenue frontage. In addition a number of dwellings front onto Knowles View that serves the adjoining residential development.

3.5 At the corner of West Avenue and Knowles View a pair of semi-detached houses are proposed which have front elevations on two planes which, to some extent, reflect the curve of the road and provide a visual focal point whilst travelling around the roundabout at the junction of West Avenue and Knowles View in a westerly direction. The same house types are proposed to either side of a spur off the main internal access road.

3.6 The houses are all of a simple and traditional design, to be constructed in brick with a tiled roof, with either flat or pitched roofed canopies above the front doors.

3.7 Overall it is considered that the house types and designs as proposed are acceptable.

3.8 The Landscape Development Section (LDS) has indicated that existing trees at the back of the site are likely to be significantly affected by the proposals. Such trees form part of the woodland that has been retained and enhanced as part of the adjoining residential development. Loss or damage to trees that would result in an adverse visual impact to that wooded area would not be acceptable. Further information has therefore been requested and is still awaited. It does, however, have to be acknowledged that the principle of residential development of this site has already been approved. Whilst a layout of the site was not approved and the development involved fewer houses the indicative layout showed dwellings with a similar relationship to the trees without objections being raised by LDS, it is anticipated that this concern can be resolved upon consideration of the additional information that has been requested.

4.0 Is the internal road layout and parking provision acceptable in highway safety terms?

4.1 The access to the site is off West Avenue in a position that is fairly central along the West Avenue site frontage. The Highway Authority has, however, raised concerns that the visibility splays that are proposed are not appropriate for the vehicle speeds on West Avenue that were stated in the Transport Statement (which were somewhat above the speed limit applicable to this section of road). They suggest a further speed survey, but also indicate that if the visibility splays were increased to reflect the speeds in the outline application Transport Statement, this would have an effect on private drives – i.e. visibility would be obstructed by parking.

4.2 In addition the Highway Authority have requested a Stage 1 Road Safety Audit to consider the vehicle movements from the private drives within the proposed development that are sited close to the junction with West Avenue.

4.3 Further information is therefore being prepared by the applicant and it is anticipated that it will be submitted prior to the meeting.

4.4 All the dwellings have two parking spaces and this is considered to be acceptable.

4.5 The Highway Authority has requested a footway link from the site onto Knowles View to improve pedestrian connectivity. Such a route would reduce the distance to St Saviour's CE Primary School and it is considered that it would be appropriate and reasonable to secure such a footway. This would, however, involve land that is owned by the developer of the adjoining housing site and the provision of such a footway would need to be negotiated and agreed with that developer, or an alternative route secured, possibly through the woodland to the rear of the site, if levels suit. This could be addressed by condition.

5.0 Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

5.1 Paragraph 17 of the current NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similar policy is set out at paragraph 126 of the draft revised NPPF.

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

5.3 The site is not directly next to existing dwellings and as such no material harm will arise to the living conditions of the occupiers of the nearest houses. In addition it is considered that the separation distances between the proposed properties would not give rise to unacceptable levels of privacy, and that the garden sizes are appropriate albeit that in respect of some of the plots they are below the garden size set out in the SPG (which is at least 65m² where houses have three or more bedrooms).

5.4 The Environmental Health Division (EHD) have requested additional supporting information in the form of an air quality assessment, lighting assessment and noise assessment. The applicant has queried the need for an air quality impact assessment and the response of the EHD is awaited. The applicant has, however, indicated that further information will be provided in response to the request for a lighting and noise assessment.

5.5 Again it has to be noted that there is an extant planning permission for 44 dwellings on this site and it does not appear likely that it would be reasonable to refuse planning permission in the absence of an air quality assessment and it is anticipated that mitigation measures to address any noise and lighting issued could be secured by condition.

6.0 What financial contributions, if any, are required?

6.1 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

6.2 The Landscape Development Section (LDS) has requested a contribution of £5,579 per dwelling, which would equate to £351,477, towards Public Open Space improvements at Townfield Close play area approximately 470m away. In this case, there is an extant outline planning permission for up to 44 dwellings (Ref. 15/00368/OUT) in which a Public Open Space contribution of £2,943 per dwelling was secured (based upon the then current North Staffordshire Green Space Strategy). It is considered reasonable therefore and is consistent with the approach of Officers in other similar situations, to seek the lower figure of £2,943 per dwelling for 44 of the dwellings and then the higher figure of £5,579 per dwelling for the additional 19 dwellings. This gives a total figure of £235,493.

6.3 Given that in relation to the previous scheme for this site (Ref. 15/00368/OUT) the Council accepted the appropriateness of a financial contribution to the play area at Townfield Close, it is not

considered that an objection could be sustained now to such an arrangement even though permission has been given for play areas within the adjoining Taylor Wimpey development which are closer to this site.

6.4 The financial contributions sought are therefore considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the CIL Regulations.

6.5 As indicated above unlike in the case of the extant outline planning permission, an education contribution is not required in connection with this development.

6.6 It is acknowledged by the Council's 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.

6.16 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 final 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 SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy E11: Development of Employment Land for Other Uses
Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Draft revised National Planning Policy Framework](#)

[Supplementary Planning Guidance/Documents](#)

[Affordable Housing SPD](#) (2009)

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

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

Relevant Planning History

2005	05/00551/OUT	Refuse - mixed employment and housing development
2006	06/00777/OUT	Refused and allowed at appeal - mixed employment and housing development
2008	08/00691/REM	Refused and dismissed at appeal - erection of 87 dwellings
2010	10/00244/REM	Approve – 81 dwellings
2011	11/00237/OUT	Approve - full planning permission for residential development comprising 87 dwellings and outline planning permission for the principle of mixed employment use
2015	15/00368/OUT	Approve - outline planning application for residential development for 44 dwellings at West Avenue, Kidsgrove (Phase 4)

Views of Consultees

The **Lead Local Flood Authority** has no objections subject to conditions requiring the submission of a detailed surface water drainage scheme, development to be carried out in accordance with the

Flood Risk Assessment and development to be carried out in accordance with the recommendations of the Site Investigation report.

The **Highway Authority** advises that the application should be refused until the following information is provided:

- Speed survey to demonstrate that it is a 30mph road and that the proposed visibility splays are appropriate.
- Width of carriageway, footways and private drives.
- Stage 1 Road Safety Audit for the two private drives, serving 24 dwelling in close proximity to the junction with West Avenue.
- Provision of a footway link onto Knowles View to improve pedestrian connectivity.

United Utilities recommend conditions regarding drainage.

The **Environmental Health Division** objects due to the absence of the following:

- An Air Quality Impact Assessment
- A Lighting Impact Assessment of the adjacent industrial warehouse
- A Noise Assessment for all noise making activities associated with the adjacent industrial warehouse.

The **Education Authority** states that the development falls within the catchments of St Saviour's Academy and the King's CE (VA) School. The development is scheduled to provide 66 dwellings. Excluding the 43 RSL (i.e. rented as opposed to shared ownership) dwellings from the secondary calculation only, a development of 66 houses including 43 RSLs could add 14 primary school aged children, 3 secondary school aged children and one sixth form aged child. Both schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development.

The **Environment Agency** has no objections in principle and recommend that contaminated land conditions are included.

The **Crime Prevention Design Advisor** is generally supportive of the layout design of the development says that there are many positives to be drawn in terms of the layout but there are a couple of aspects that undermine this:

- The layout does not show the positioning of lockable gates.
- Parking for plots 12 and 13 will not be viewable from those properties.
- Where rear boundaries will abut public open space and will be potentially more vulnerable, consideration should be given to reinforcing them with appropriate landscaping

The **Landscape Development Section** comments that the existing trees at the back of the site are likely to be significantly affected by the proposals and insufficient information has been provided. An Arboricultural Impact Assessment, Tree Removal/Retention Plan and Tree Protection Plan are required.

There are no objections in principle to the soft landscape proposals but the plan does not cover the whole site and proposals for the whole scheme should be submitted.

A contribution, is requested, by the developer for capital development/improvement of offsite 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 will be used for improvements to Townfield Close play area which is approximately 470m away.

The **Coal Authority** has no objections subject to the imposition of conditions to secure the submission and approval of a scheme of remedial works, and the implementation of such works.

Staffordshire County Council as **Minerals and Waste Planning Authority** has no objections.

Natural England has no comments

The views of the **Housing Strategy Section** and **Kidsgrove Town Council** have been sought, but as they have not been received by the due date it is assumed that they have no comments to make on the proposed development.

Representations

None

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00239/FUL>

Background papers

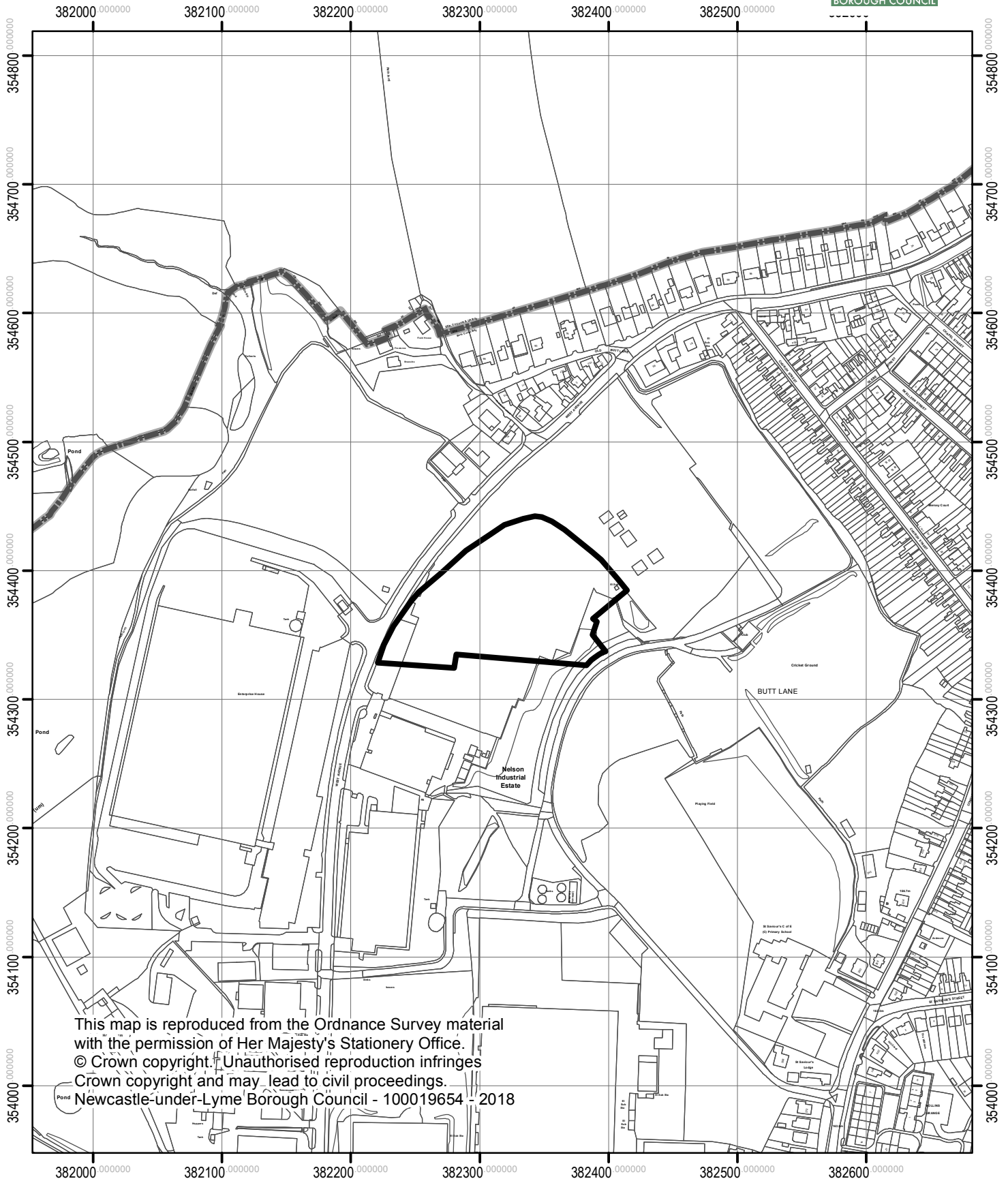
Planning files referred to
Planning Documents referred to

Date report prepared

4th July 2018

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Land at West Avenue, Kidsgrove



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

18/00183/FUL & 18/00367/LBC

The report considers two applications. One is an application for full planning permission for conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation (18/00183/FUL); and the other application is for listed building consent for the alterations to the Listed Building (18/00367/LBC). The site backs onto Buckley's Row, and has frontages to Higherland, Pool Dam, and Orme Road.

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

The former Orme Centre is a Grade II Listed Building.

The 13 week period for the planning application expires on 24th July, and the 8 week determination period for the listed building consent application expires on 11th July but the statutory period for the listed building consent application has been extended by the applicant to the 20th July.

RECOMMENDATIONS

A) With respect to the application for listed building consent 18/00367/LBC

PERMIT subject to conditions relating to the following:

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 18/00183/FUL

(1) Subject to the receipt and consideration of independent advice as to what financial contributions this development could support, and a supplementary report to the Committee on this aspect, and in the absence of a viability case the applicant (providing they first agree in writing to extend the statutory determination period to the 17th August 2018) entering into a Section 106 obligation by agreement by 14th August 2018 to require:

- a. financial contributions to the enhancement and maintenance of Queen Elizabeth Park of £124,560 (allowing for the extant permission) and a travel plan monitoring fee of £2,200
- b. a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems

PERMIT subject to conditions relating to the following matters:

1. Time limit
2. Approved plans
3. Occupation to be restricted to students only
4. Residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied
5. Provision of access
6. Off-site highway works
7. Details of surfacing materials, surface water drainage and delineation of parking bays
8. Closure of existing access
9. Car park access to remain ungated
10. Provision of secure weatherproof cycle parking
11. Travel plan
12. Construction method statement
13. Landscaping and tree protection conditions
14. Contamination conditions with respect to controlled waters
15. Building recording
16. Written scheme of archaeological investigation
17. Construction and demolition hours
18. Piling

19. Dust mitigation
20. Dwelling noise levels
21. External materials
22. Drainage conditions
23. Implementation of security/crime prevention measures
24. Building wide ventilation system for Main Building
25. Heating system of both Main and New buildings
26. Air quality standards
27. Kitchen ventilation system and odour abatement

(2) Failing completion by the date referred to in the above resolution B(1) 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 the public open space needs of the development would not be met and the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

- 1) 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) Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the new building would be acceptable in terms of its scale, design and appearance and it would preserve the setting of the Listed Building. It is considered that sufficient parking would be provided within the application site to ensure that significant additional on-street parking demand is not created by the development that may lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development.

The applicant has submitted financial information to substantiate their claim that the Council's requirements as a Local Planning Authority would render a policy compliant scheme unviable. The draft report of an independent valuer setting out his appraisal of the development's viability is awaited and a further report will be brought to members on this issue.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

These proposals seek full planning permission for the conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation (Ref. 18/00183/FUL). The former Orme Centre is a Grade II Listed Building and listed building consent is also sought for the works of alteration that are involved (Ref. 18/00367/LBC).

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

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

1. 18/00367/LBC - Listed building consent for alterations to the Listed Building

1.1 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). More

recently, listed building consent was granted for minor revisions to the internal works (Ref. 18/00086/LBC). The curtilage listed buildings have now been demolished. This application for listed building consent seeks revisions to the conversion works and the sole issue for consideration now is whether the physical works to the Listed Building are acceptable.

1.2 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.

1.3 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

1.4 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 revised NPPF indicates that Government policy is not set to fundamentally change in the near future.

1.5 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.

1.6 The principal amendment to the approved scheme comprises a change to the internal layout within the former hall of the building. In the approved schemes (16/00798/LBC and 18/00086/LBC), a mezzanine floor was proposed above part of the ground floor of the hall to provide a gymnasium and seminar room at first floor level. A void was proposed towards the centre of the first floor to retain an element of the full height of the hall. In the amended scheme, three bedrooms are proposed at first floor level with a full height ground and first void proposed at one end of the space. The Council's Conservation Officer comments that the revised proposal would result in a slightly larger void than in the approved scheme although she notes that the original scheme allowed all residents to use both floors. It is the case that a void would remain in a portion of the space so that the full height of the room would be open to an extent and on balance, the experience of the space in the hall would still be enjoyed and the special character of the room retained. None of the historic features are being removed; just obscured.

1.7 The Conservation Advisory Working Party (CAWP) considers that the proposals involve an insensitive insertion into the building. They state that the bedrooms 'pod' should be independent of the structure of the building and they wish to see more details as how it will be constructed as well as an artist impression/visualisation of how it will be seen within the hall. It is considered that the detail of the construction of the 'pod' can be required by condition and given that the Conservation Officer raises no objections to the principle of its insertion, the proposal is considered acceptable. There is an indicative section submitted with the application.

1.8 In addition, a change is proposed to the main entrance area on the west facing elevation of the building. In the approved scheme a single large area of glazing was shown but in this amended scheme, three smaller individual windows are proposed. The Conservation Officer has no objections to the works to the Listed Building subject to the imposition of conditions.

1.9 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. 18/00183/FUL – Full planning application for the conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation

2.1 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). Then earlier this year, Members resolved to permit an application for the variation of Condition 5 of that permission which sought to substitute amended plans to allow for elevational changes (Ref. 18/00090/FUL). That resolution was subject to the applicant entering into a Section 106 Agreement which is not yet completed.

2.2 The principal change now proposed is an increase in the number of beds across the site from 96 to 112, in part as a result of the provision within some of the rooms of two beds. The minor elevational changes to the new building proposed in application 18/00090/FUL are also shown. The main issues in the consideration of this application are therefore:

- 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 sufficient parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?
- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

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

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

3.2 The proposed amendments are primarily internal alterations. Externally, the sole change is the insertion of additional windows in the south facing rear elevation of the new building. Although still pending a decision due to a requirement for the applicant to enter into a Section 106 Agreement, the Committee resolved to approve these elevational changes earlier this year (Ref. 18/00090/FUL) and therefore, it would not be reasonable to raise any concerns now.

4. Is enough parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?

4.1 In the approved scheme 20 parking spaces were shown for 96 rooms and in this revised scheme, 25 spaces are proposed for 112 bed spaces.

4.2 Based on the maximum parking standards in the Local Plan relating to student accommodation expected to be provided by Keele University (the closest comparison), the development should not be permitted to provide more than 28 spaces according to the Local Plan.

4.3 Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

4.4 The 20 spaces that were accepted as sufficient for 96 students in the approved scheme equates to 1 space for every 4.8 students. The 25 spaces now proposed for 112 students equates to 1 space

for every 4.5 students so there is a slight improvement in the ratio.

4.5 Given this and given the highly sustainable location of the proposed development it is not considered that an objection could be sustained on highway safety grounds. The Highway Authority has no objections subject to conditions and planning obligations requiring financial contributions to travel plan monitoring and, potentially, subject to the results of 'before' and 'after' surveys of on street parking, to implementation of a residents zone scheme.

5. What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

5.1 In relation to the previous scheme it was concluded that no affordable housing and no education contributions should be required. There is no reason to reach a different conclusion now. However, a financial contribution towards public open space, a travel plan monitoring fee and a contribution towards the establishment of a Resident's parking scheme were considered to comply with both Section 122 and Section 123 of the CIL Regulations and to be what a "policy compliant" scheme would require.

5.2 To comply with policy therefore, a financial contribution of £124,560 to the enhancement and maintenance of Queen Elizabeth Park, a travel plan monitoring fee of £2,200 and a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems, would be required to make the development policy compliant.

5.3 In relation to the previous scheme, the applicant submitted a Viability Assessment which concluded that the development could support no financial contributions. That was assessed by an independent valuer who agreed with its conclusions. That planning permission was subject to a Section 106 Agreement that secured a financial viability reappraisal mechanism should a substantial commencement of the development not occur within 18 months of the date of the decision on the application, and then payment of appropriate contributions, if the development were to found capable of financially supporting these contributions.

5.4 Given the change in circumstances in that the site has now been sold to the current applicant and that 16 additional student beds are proposed, a new viability appraisal has been requested and received.

5.5 The NPPF states in relation to viability that 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 landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

5.6 It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

5.7 The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

5.8 The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to an independent valuer who has the skills required to assess financial information in connection with development proposals for further advice.

5.9 As indicated above the contributions being sought are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

5.10 Your officers will report further on this issue.

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 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 SP1: Spatial Principles of Targeted Regeneration

Policy SP2: Spatial Principles of Economic Development

Policy SP3: Spatial Principles of Movement and Access

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Policy CSP1: Design Quality

Policy 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 H1: Residential Development: sustainable location and protection of the countryside

Policy C22: Protection of Community Facilities

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 \(NPPG\) \(2014\)](#)

[Draft revised National Planning Policy Framework](#)

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

[Affordable Housing SPD](#) (2009)

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

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

[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 beds across the site)	Approved
16/00798/LBC	Listed building consent for the alteration and selective demolition of part of the Listed Building	Approved
18/00086/LBC	Listed building consent for alterations to the Listed Building	Approved
18/00090/FUL	Variation of condition 5 (changes to approved plans) of planning permission	
16/00796/OUT	Resolution to permit subject to S106 agreement	

Views of Consultees

The Council's **Conservation Officer** states that although a mezzanine with 3 bedroom pods are proposed within the hall, a void remains in a portion of the space so that the full height of the room will be open to a slightly greater extent than in the approved scheme. The original approved scheme slotted a floor in the hall with a mezzanine and a void to the centre. This revision has a slightly larger void at one end of the room.. The difference is that the original use was always for all residents to use both floors. On balance, the experience of the space in the hall will still be enjoyed and the special character of the room retained. None of the historic features are being removed; just obscured. The proposal is considered acceptable.

The **Conservation Advisory Working Party (CAWP)** originally objected to the internal changes to the main hall space stating that the proposed rooms and corridor would significantly impact on the light within the space. They commented that this internal space, along with the exterior, is an important part of the significance of this heritage asset, and should be retained. Regarding the amended plans, the Group was pleased that the proposals have developed since they previously commented but still considers that the proposals involve an insensitive insertion into the building. The 'pod' should be independent of the structure of the building and they wish to see more details as how it will be constructed as well as an artist impression/visualisation of how the 'pod' will be seen within the hall.

The **County Archaeologist** makes no comments.

The **Highway Authority** has no objections to the proposal subject to conditions requiring occupation by students only, completion of the access, details of surfacing materials and drainage for the access and car park, delineation of parking bays, a parking survey of residential streets, a car park management scheme, details of off-site highway works, closure of the existing access, car park to

remain ungated, details of secure weatherproof parking for a minimum of 56 cycles, submission and approval of a Travel Plan and submission and approval of a Construction Method Statement.

Section 106 contributions totalling £52,360 are required towards travel plan monitoring and for parking surveys and the implementation of Residents' Parking Zones or parking restrictions if deemed necessary.

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** has no objections subject to conditions regarding a construction environmental management plan, glazing specification, noise assessment, noise from plant and mechanical ventilation, details of ventilation, external artificial lighting, waste storage and collection, air quality standards and provision of a kitchen ventilation system and odour abatement.

The **Landscape Development Section** states that there is proposed tree loss on the site and replacement trees would be required as part of landscaping proposals. T2 which is an important Ash tree is to be retained. The new layout will avoid the Root Protection Area of T2. Full hard and soft landscaping proposals and tree protection proposals are required along with a Section 106 contribution for nearby Public Open Space.

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

The **Crime Prevention Design Advisor** has no issues with the principle of the proposal but states there is a paucity of information in relation to security and student safety. Students can be attractive targets for offenders so it is important that this proposed development guards against this. As well as guarding against acquisitive crime, measures should promote student safety. Before approving this application, the local authority should satisfy itself that a comprehensive security strategy with a range of security measures will be in place, in an effort to provide the students with accommodation within which they will be and will feel safe and secure. Currently the application fails to demonstrate that this will be the case.

The Council's **Waste Management Section** states that no storage is shown for refuse or recycling containment on the site. The preferred location for a bin store would be adjacent to the site entrance. Information is required regarding the frequency of planned collections.

The County Council as the **Mineral and Waste Planning Authority** makes no comments on the application.

Cadent Gas states that there is operational gas apparatus within the application site boundary and if buildings are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.

No comments have been received from **United Utilities**, the **Society for the Protection of Ancient Buildings**, the **Council for British Archaeology**, the **Twentieth Century Society**, the **Ancient Monuments Society**, the **Victorian Society**, the **Council's Housing Strategy Section** and the **Newcastle South Locality Action Partnership**. Given that the period for comment has now expired, it must be assumed that all of the above have no comments to make.

Representations

None

Applicant's/Agent's submission

The applications are accompanied by the following documents:

- Heritage Statement
- Noise Survey
- Air Quality Assessment
- Arboricultural Report
- Bat Survey
- Drainage Strategy

All of these 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/18/00183/FUL>
and

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00367/LBC>

Background Papers

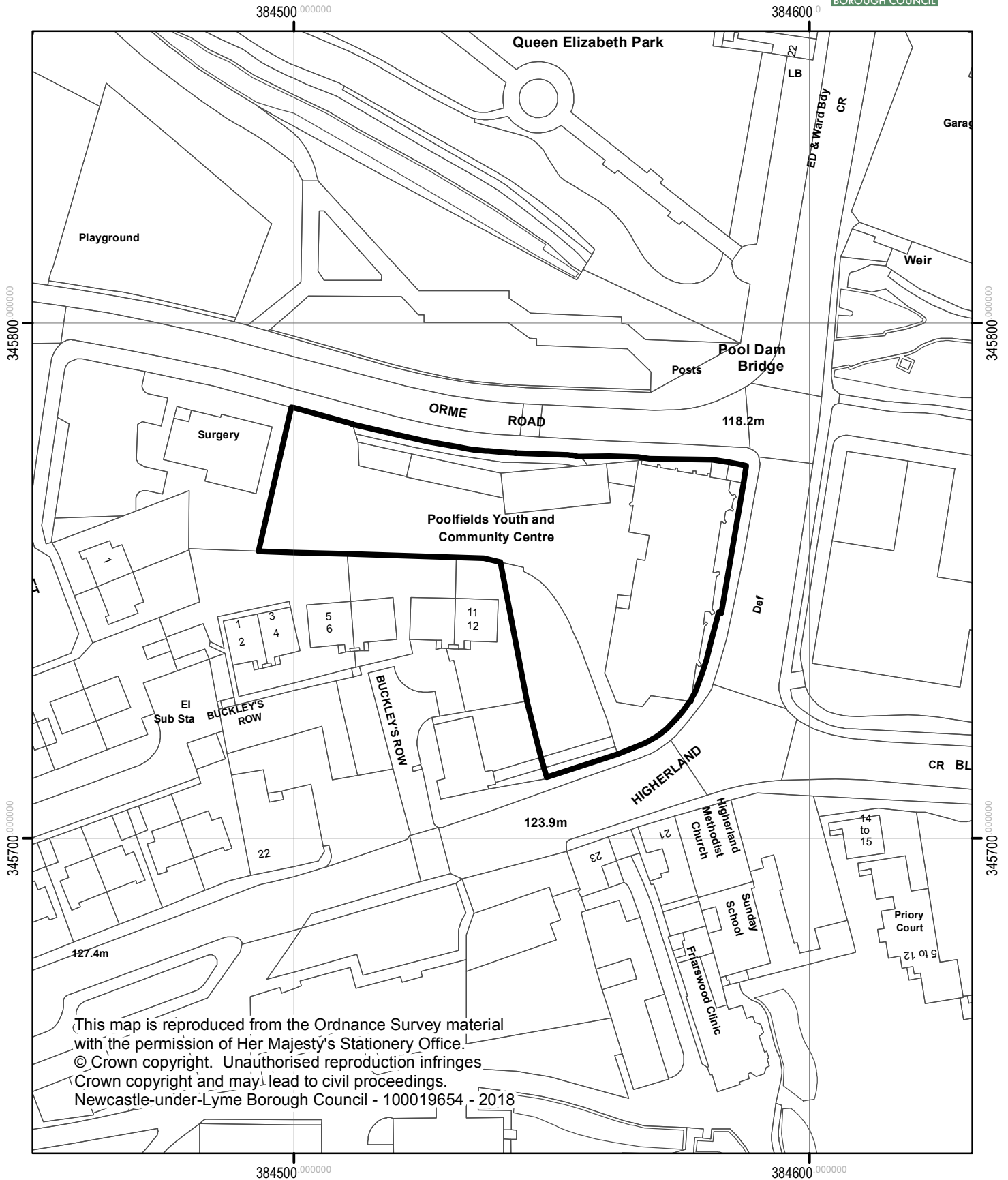
Planning files referred to
Planning Documents referred to

Date report prepared

29th June 2018

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Orme Centre, Orme Road, Newcastle



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**SITE OF FORMER OXFORD ARMS PUBLIC HOUSE, MORETON PARADE, MAY BANK
DEO PROPERTY DEVELOPMENTS 18/00334/FUL**

This application seeks to vary Condition 2 of planning permission 15/00421/FUL which granted planning permission for a residential development of six pairs of semi-detached houses providing 12 dwellings and parking. Condition 2 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for alterations to the parking layout within the site and some minor changes to the landscaping.

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

The 13 week period for the planning application expires on 31st July 2018.

RECOMMENDATION

PERMIT the variation of condition 2 to list the revised plans and subject to the imposition of all other conditions attached to planning permission 15/00421/FUL that remain relevant at this time.

Reason for Recommendation

The revised parking layout is acceptable and there would be no adverse impact on highway safety.

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

Amended plans have been requested and received and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

This application seeks to vary Condition 2 of planning permission 15/00421/FUL which granted planning permission for a residential development of six pairs of semi-detached houses providing 12 dwellings and parking. Condition 2 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for alterations to the parking layout within the site and some minor changes to the landscaping. The development is fully occupied.

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 following the completion of a Section 106 agreement which required a financial contribution towards public open space improvement and maintenance. That financial contribution has been paid in full and therefore there is no requirement for a further Section 106 agreement now. The sole issues for consideration in the determination of this application are therefore whether the revised parking layout is acceptable in terms of highway safety and whether the revised landscaping is appropriate.

In the approved scheme, a turning head was proposed to the rear of the site with tandem parking spaces for four of the dwellings indicated to the south of the turning head. The development has been constructed without the turning head and it is now proposed to provide parking spaces in a single row to the front of the dwellings on Plots 7 to 12 to include two spaces for the dwelling on Plot 5 which is adjacent to the access to the site.

The Highway Authority has no objection to the revised parking layout. Two spaces would be provided for each dwelling, the spaces would be accessible and vehicles would be able to manoeuvre safely within the site. It is not considered therefore that there would be any adverse impact on highway safety.

The changes to the landscaping are very minor. Much of the planting remains as indicated on the approved landscaping scheme with some minor changes to accommodate the changes to the parking layout. No comments have been received from the Landscape Development Section, and it is not considered that any objection could be raised.

APPENDIX

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

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

Policy SP3: Spatial Principles of Movement and Access
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

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

Policy T16: Development – General Parking Requirements

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](#)

Relevant Planning History

10/00777/OUT	Residential development (10 dwellings)	Approved
11/00649/REM	Erection of 6 detached dwellings, 2 semi-detached dwellings (8 dwellings in total), 2 detached garages and formation of new accesses	Approved
14/00973/FUL	Erection of 3 pairs of semi-detached and 4 detached dwellings (10 dwellings in total)	Approved
15/00421/FUL	Erection of six pairs of semi-detached houses providing 12 dwellings and parking	Approved

Views of Consultees

The **Highway Authority** has no objections subject to a condition requiring the parking and turning areas to be clearly delineated.

Regarding the plans as originally received, the Council's **Waste Management Section** was concerned that the spaces then proposed for Plot 5 would restrict their ability to manoeuvre collection vehicles within the site.

The **Environmental Health Division** makes no comments on the application.

No comments have been received from the **Landscape Development Section**. Given that the period for comment has now expired, it must be assumed that they have no comments to make.

Representations

None received

Applicant's/Agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00334/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

25th June 2018

Former Oxford Arms- variation of approved plans 15/00421/FUL



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FORMER WOODSHUTTS INN, LOWER ASH ROAD, KIDSGROVE
NOVUS PROPERTY SOLUTIONS LTD (FOR ASPIRE HOUSING)

18/00418/FUL

The Application seeks to remove condition 14 of planning permission 17/00324/FUL for the construction of 22 affordable dwellings. Condition 14 as worded in the decision notice is as follows:

Within 9 months of the date of this decision an odour abatement system to the kitchen ventilation system of the hot food takeaway adjoining the site on Lower Ash Road shall have been installed in accordance with full and precise details that have been submitted to and approved in writing by the Local Planning Authority beforehand. The system shall be designed to operate in full accordance with the approved details before any of the dwellings hereby permitted are occupied and shall thereafter be maintained in accordance with the approved details. The kitchen ventilation system shall be regularly maintained to ensure its continued operation and the cooking process shall cease to operate if at any time the extraction equipment.

The reason given for the condition within the decision notice was “*In the absence of the provision of a suitable odour abatement system to the kitchen ventilation system of the hot food takeaway adjoining the site on Lower Ash Road there is a high impact risk that odour arising from that premises will adversely affect the living conditions of the occupiers of the development and without such an odour abatement system the residential development is not appropriate for this location.*”

The 13 week period for this application expires on 5th September 2018.

RECOMMENDATION

PERMIT the removal of condition 14 of 17/00324/FUL subject to all the conditions on that permission that remain relevant now that the development has been completed.

Reason for Recommendation

It is considered, on the basis of evidence that has been provided and absence of complaint, that the condition cannot now be considered to meet the tests on the use of conditions as set out in the NPPF. As such the condition should be removed.

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

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

Key Issues

Full planning permission was granted in 2016 for the construction of 22 affordable dwellings, reference 14/00767/FUL. A condition of that permission required the provision of an odour abatement system to the kitchen ventilation system of the hot food takeaway adjoining the site on Lower Ash Road in accordance with details agreed beforehand and prior to the commencement of the development. The condition was imposed in the interests of residential amenity. That condition was subsequently varied, in response to application reference 16/00326/FUL, so that the requirement to provide the odour abatement system was prior to occupation of any of the dwellings within the development rather than prior to the commencement of the development. That amended requirement was subsequently imposed on a later permission 16/00724/FUL which was implemented.

In 2017 a further application, reference 17/00324/FUL, was submitted which sought approval for the removal of the condition. At that time it was concluded that even though some of the development was occupied and no odour complaints had been received, it was still highly likely that the occupants of the residential development would experience issues of odour nuisance from the hot food takeaway. In light of that Committee resolved that the requirement to provide an odour abatement system should remain. The condition was varied, however, so that it required that the odour

abatement system had to be provided within 9 months of the date of decision, rather than prior to first occupation. Such a time frame was considered necessary to give the developer the opportunity to commission and install a suitable odour abatement system without the residents having an unreasonably long period over which odour nuisance arises. In addition this time period would give the developer an opportunity to gather some 'evidence' of a lack of odour nuisance and apply again for the removal of the condition requiring the provision of the odour abatement system if they considered that such evidence demonstrated that there is no need for such a system.

In support of the current application the applicant, the developer, has provided copies of the responses to a questionnaire that was sent to the occupants of the residential development built on this site. The questionnaire asked how long had they been a resident of the property; whether they had experienced an odour nuisance arising from the hot food takeaway; and whether they had had cause to complain to the Borough Council about the odour. Responses have been provided from 11 addresses within the development. The responders have not all answered all of the questions. The responses received are as follows:

- Of those that gave an indication as to how long they have lived at the property 7 said either 1 year or June 2017; 1 said July 2017; 1 said September 2017 and 1 said 3 months (i.e. 10 out of the 11 responses answered this question)
- All 11 indicated that they had not experienced odour nuisance.
- 5 indicated they had not complained to the Borough Council, the remainder did not respond.

In addition the applicant has submitted records indicating that the entire system of exhaust and ducting were cleaned in January this year and that they should be cleaned every 12 months. This appears to be an insurance requirement.

The Environmental Health Division who have previously strongly argued for the need for such odour extraction system, having taken into consideration the supporting information provided and in recognition that no complaints have been received, have raised no objection to the removal of the condition. In light of this it is considered that it cannot now be concluded that the condition remains necessary, relevant to the development that has been permitted and reasonable in all other respects. As such the imposition of the condition does not comply with the tests set out in the current and draft NPPF and should therefore be removed.

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](#)

None relevant

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

None relevant

Other Material Considerations include:

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

[Draft revised National Planning Policy Framework](#)

[Planning Practice Guidance](#) (March 2014) including guidance on the use of conditions

DEFRA "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. (2005)

Relevant Planning History

14/0767/FUL Permit – construction of 22 affordable dwellings on the site of the former Woodshutts Inn. Condition 15 of that permission relating to the requirement to provide odour abatement equipment at the adjoining property was varied under application reference 16/00326/FUL and subsequently condition 24 of that permission relating to the provision of affordable housing was varied under application reference 16/00724/FUL. Subsequently a further application was submitted seeking the removal of the same condition (now number 14), under reference 17/00324/FUL. The removal of the condition was not accepted but it was varied as set out above.

Views of Consultees

The **Environmental Health Division** advises that on the basis of the information supplied and having reviewed their records they do not object to this application.

The views of **Kidsgrove Town Council** have been sought, but as they haven't responded by the due date it is assumed that they have no comments to make.

Representations

None received.

Applicant's/Agent's submission

The application is supported by

- Records of the cleaning undertaken on the existing extraction system at the premises.
- Responses to a questionnaire sent to residents of the development regarding smells that may have been experienced from the takeaway.

All are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00418/FUL>

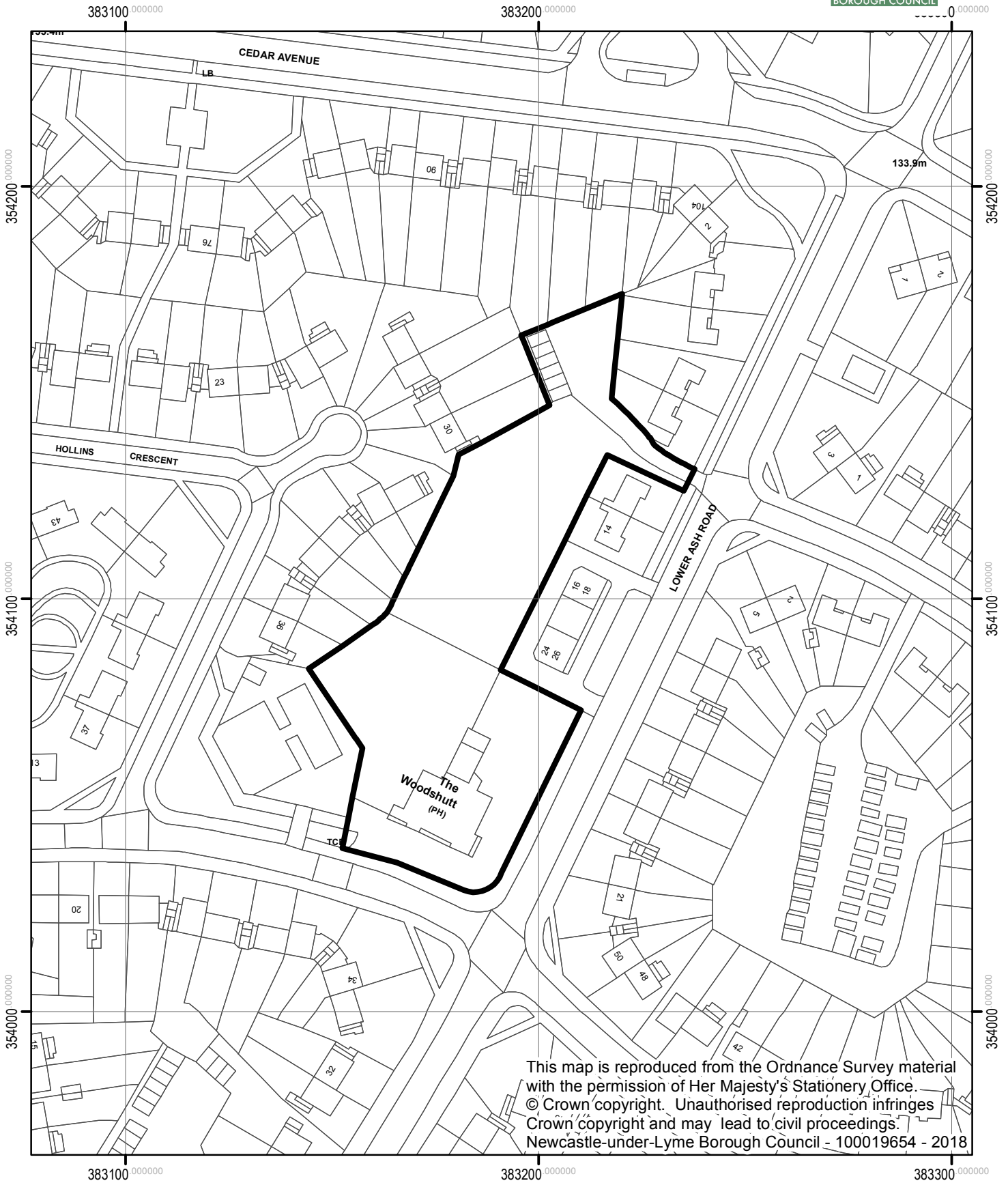
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

2nd July 2018

Former Woodshutts Inn, Lower Ash Road, Kidsgrove



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STONE QUARRY BARN, HIGH STREET, ALSAGERS BANK
MR S EVANS

18/00330//FUL

The application is for the construction of a 40m by 20m manege with associated stables for private use on land adjacent to Stone Quarry Barn, High Street, Alsagers Bank. The application is a resubmission of application 17/00750/FUL for a similar development.

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

The 8 week period for the determination of this application expired on 21st June 2018 but the applicant has agreed an extension of time to the statutory determination period to the 23rd July 2017

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Time limit relating to the commencement of development**
- 2. Approved Plans**
- 3. Prior approval of any external lighting**
- 4. Prior approval of jumps or similar features**
- 5. Prior approval of details for the storage and disposal of waste**
- 6. Non-commercial use only**
- 7. Implementation of approved landscaping scheme**

Reason for Recommendation

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

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

The proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. As such, no amendments were considered necessary to the application.

KEY ISSUES

The application comprises a re-submission of application 17/00750/FUL which was granted planning consent on 2nd February 2018.

As in the case of 17/00750/FUL, full planning permission is sought for the change of use from agricultural land to a use for the keeping and exercising of horses, including the erection of a manege and new stables at Stone Quarry Barn, High Street, Alsagers Bank. The application site is located within the Green Belt, and an area of Landscape Restoration within the rural area, as indicated by the Local Development Framework Proposals Map.

This application includes amendments to the size of the manege area, as well as the inclusion of a footpath adjacent to the manege and also includes enhanced detail in relation to landscaping and tree protection.

The manege as now proposed would measure 40m by 19.6m, smaller than the already permitted manege (which measures 49.8m by 19.6m) and would be situated in a field to the south east of Stone Quarry Barn. The new stable block, as now proposed, is identical to that approved. It is to be sited immediately to the South of the manege and as approved would accommodate, four stables and a separate hay and tack store with the maximum dimensions; 22.8m width by 6.3m depth by 3.6m height.

The principle of the development within the Green Belt was considered acceptable under the previous application however the publication of the Draft National Planning Policy Framework (NPPF) in March 2018 forms a further material planning consideration and so the principle of the development shall be re-visited in this report. It is not considered necessary to explore issues relating to highway safety and residential amenity as the arrangements remain as previously proposed and approved. Both the Highway Authority and Environmental Health Division have raised no objection to the revised application subject to conditions.

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

- Is the development considered appropriate development in the Green Belt? If inappropriate development, are there any very special circumstances to justify approval?
- Is the design of the proposed development acceptable?
- Is the impact on residential amenity and the environment acceptable?
- Is the impact to trees and hedges acceptable?

Is the development considered appropriate development in the Green Belt? If inappropriate development, are there any very special circumstances to justify approval.

Paragraph 79 of the current NPPF indicates that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 goes on to detail 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. Paragraph 90 of the current framework identifies other forms of development, not involving the construction of new buildings, which are also 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. These exceptions are also included in the draft NPPF.

When planning permission was granted for the previous proposals it was concluded that the stables and the manege constituted appropriate development within the Green Belt. The associated change of use of land for the keeping of horses was not considered to be appropriate, however, as changes of use of land is not a listed exception within the NPPF. Notwithstanding this in granting permission it was concluded that given the lack of substantial harm to the openness of the Green Belt the required very special circumstances were considered to exist.

This conclusion, that there are very special circumstances that justify the development, remains valid for the current proposal and there is no basis upon which it would be reasonable to reach a different conclusion at this time. It is, however, relevant to note, that the publication of the Draft NPPF includes a further exception, at paragraph 145, not included in the current NPPF. This relates to the introduction of material changes in the use of land that would preserve the openness of the Green

Belt and would not conflict with the purposes of including land within it. The examples that are set out in the draft are changes of use for outdoor sport or recreation, or for cemeteries and burial grounds.

As this remains a draft document and can't be given the same weight as the existing NPPF the only conclusion that can be reached is that the change of use of land within the Green Belt is, still, inappropriate development. It does, however, offer support to the conclusion that was reached when planning permission was granted previously and for the recommendation set out above.

Is the design of the proposed development acceptable?

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

The application site comprises an area of land approximately 35 metres South East of the dwelling of Stone Quarry Barn. The proposed stables would be sited in the far southern corner of the site, with the manege extending north east from the southern boundary. The proposals for the stables remain unaltered from the previously approved permission and so are considered to be acceptable.

The area of the manege has been reduced from that approved under this revised scheme and now measures 19.6 meters wide by 40 meters long, and so there is a reduction of 9 meters in the length of the arena which removes the need for the gabion basket retaining structure previously approved adjacent to retained tree T6. The arena would still be bounded by 1.2 m high post and rail fencing and surfaced in materials considered appropriate for the use of the development and the rural locality.

The addition of a footpath to run alongside the length of the eastern side of the manege is not considered an unacceptable addition and given the siting of the development and screening of the site would not be an alteration that would be readily visible from wider public vantage points. Similarly the addition of concrete surfacing adjacent to the stables is considered a reasonable addition to the site.

The alterations in levels would remain as previously approved, other than less material being removed from the north/north east of the site given the reduction in the length of the manege. The alterations would be visible from the Audley no. 64 public footpath to the west of the site, however the use of the land as a manege would not be seen as out of context in this rural setting and the manege has been designed to have minimal visual impact on the wider landscape.

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

Is the impact on residential amenity and the environment acceptable?

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

The alterations to the scale of the manege are not considered to have any further impact on the residential amenity of surrounding properties as the siting of the scheme remains similar to that approved by the previous application.

Whilst the Design and Access statement details that the applicant has an agreement with a local farmer for the collection of the manure, this level of detail is not considered to be sufficient at this stage and so it is considered reasonable to attach a condition requesting details of the storage and the disposal of waste associated with that use to be submitted prior to the occupation of the development.

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.

In line with comments provided by the Councils Landscape Officer during the previous application, consent was granted subject to a number of conditions including the requirement for a landscaping scheme to be provided including trees to mitigate the loss of those removed previously and the provision of a Tree Protection Plan and Arboricultural Method Statement.

Under this application the applicant has provided additional details in relation to the above mentioned conditions. The submitted tree protection plan details an area of landscaping and lists the species and density to be planted. Having consulted with the Landscape Officer it was considered that the scheme as initially proposed did not contain sufficient detail in relation to species, density and layout and also would not successfully screen the proposed development. As such a revised scheme has now been received to detail a more varied and substantial scheme which includes the planting of a new hedgerow to the west of the manege as well as the planting of four new trees and a mixed planting area to the south of the site. The revised scheme is considered acceptable and the Landscape Officer raises no objections to the proposals. Therefore it is not considered that the proposed development would have a detrimental impact on the surrounding natural landscape and so would be in accordance with Policies N12 and N17 of the Newcastle-under-Lyme Local Plan.

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

Other Guidance

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

Relevant Planning History

98/00879/COU	Conversion of redundant farm building to form two holiday accommodation units	Permitted 1999
15/00880/COU	Change of use of existing 2 holiday lets (C1) to 1 dwelling (C3)	Permitted 2015
17/00750/FUL	Proposed stables and menage	Permitted February 2018

Views of Consultees

Audley Parish Council indicates that they previously supported the proposal subject to personal use only.

The **Landscape Development Section** initially commented that they had no objections to this proposal subject to conditions to securing appropriate tree protection and landscaping proposals including replacement tree planting and planting to soften the visual impact of the development from the adjacent public footpath. Following the receipt of revised landscaping plans, submitted to avoid the need for pre-commencement conditions, the Landscape Officer now raises no objections.

The **Environmental Health** raises no objections subject to conditions to a secure the future use of the development, external lighting details and information for the storage and disposal of stable waste.

The **Highway Authority** raises no objections to the development subject to a condition limiting the use of the manege for private use only.

Representations

None received

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00330/FUL>

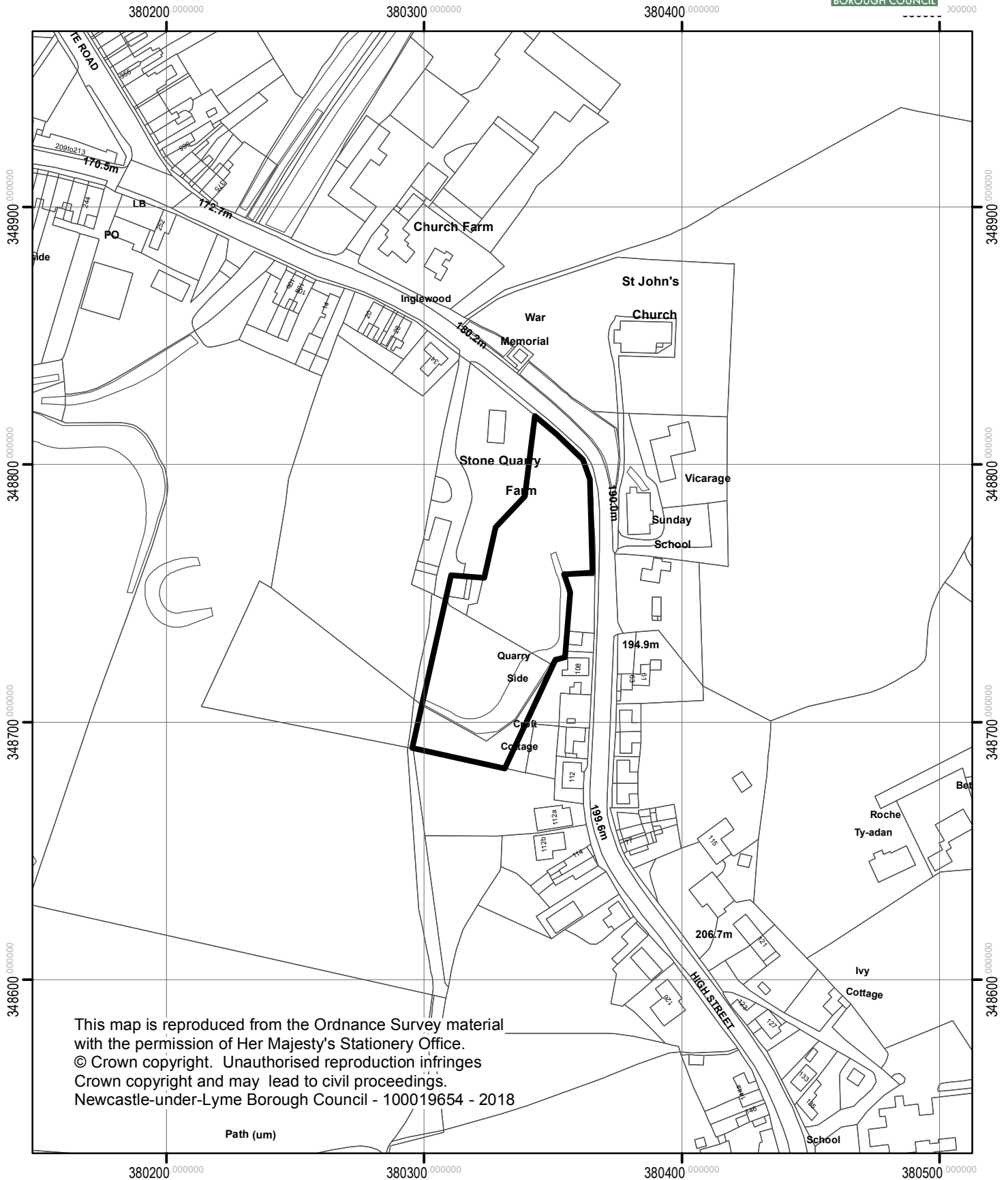
Background Papers

Planning File
Development Plan

Date report prepared

29th June 2018

Stone Quarry Barn, High Street, Alsagers Bank



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SILVER BIRCH PH, 129 -131 CHURCH STREET SILVERDALE
DWELLSTAR DEVELOPMENTS LTD

18/00148/FUL

The application is for the change of use from a public house (with first floor apartment) into 8 no. self-contained studio apartments

The site lies within the urban area 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 the 15th 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

Whilst the principle of the conversion of the public house to 8 residential units is supported; it has been demonstrated that acceptable amenity levels for future occupiers can be achieved and the additional units would not exacerbate an existing on street car parking problem an appropriate financial contribution towards public open space has not been secured. The applicant has provided, in support of the current application, 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 application is for full planning permission for the conversion of the Silver Birch public house in Silverdale into 8 self-contained one bedroom studio apartments single house.

The building is located within the urban area and this part of Silverdale has no specific land use designations, as indicated on the Local Development Framework Proposals Map

Whilst external alterations are proposed they are minor in the context of the conversion works and are considered to be acceptable. The key issues in the determination of the development are considered to be the following:

- The principle of the conversion of a public house into residential units;

- The acceptability of resultant amenity levels;
- Parking and the impact on highways safety; and
- Is a financial obligation towards public open space provision necessary?

The principle of the conversion of a public house into residential units

The existing public house is located within the urban area of Silverdale and local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

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

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

The application involves the conversion of a public house into 8 new one bedroom residential units in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Silverdale with regular bus services to destinations around the borough and beyond. This is a sustainable location for additional residential development.

The loss of the public house is a consideration and policy C22 of the local plan details that development that would result in the loss of an important community facility will need to demonstrate that it can be replaced.

The application is supported by the current owner (landlady) of the public house which sets out that it has been marketed for 3 years with 3 different companies and there has been limited interest in taking over the public house.

There are a number of other public houses within close proximity which offer similar community benefits and it is not considered that the loss of this public house would adversely affect the community or services on offer in the area.

The additional residential accommodation proposed (a net increase of 7 one bed residential units) will make a contribution to the supply of housing land, which can be taken into account when calculating the 5 year supply of deliverable housing sites within the Borough.

The conversion of this public house to residential in a sustainable urban location is considered to comply with policies SP1 and ASP6 of the CSS, and policy H1 of the local plan. However in accordance with paragraphs 14 and 49 of the National Planning Policy Framework (NPPF) such policies are out of date as, in the opinion of your officer, the Authority is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the NPPF due to a lack of a full objective assessment of need.

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

The acceptability of resultant amenity levels

The rear of the building has a large area which is proposed to be used as a communal patio

and garden for future residents. This is considered adequate for future occupiers to sit out, dry washing and store bins and cycles.

The proposed development would therefore meet the guidance and requirements of the current NPPF, in particular paragraph 17.

Parking and the impact on highways safety

NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The current NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. LPAs have also been encouraged not to set maximum limits on the amount of parking either.

The existing public house is situated in a row of terraced properties with terraced properties adjacent also. Therefore there is limited opportunity for off street car parking and it is likely that many residents park on the street. This is a particular character of the area.

If the parking standards as set out at Appendix 2 to the Local Plan (which is 1 space per 6m²) in excess of 40 parking spaces would be required as a maximum. There is no onsite parking provision for the public house and therefore any parking associated with that lawful use would be accommodated on street. The maximum standards are set as 1 space per single bedroom dwellings, plus an additional space for every 3 dwellings for visitors. When such standards are applied to this development a maximum of 11 spaces are required.

Objections have been received regarding existing on street car parking problems in the area and they consider that 7 additional units would exacerbate this problem. The Parish Council have also objected indicating that a new development nearby has not been taken into consideration in the survey. Given that the level of parking required for the residential use proposed compared to the existing use as a public house is considerably less it is considered that this argument would be difficult to sustain.

In addition the application is supported by a car parking demand survey which concludes that surrounding streets can accommodate the proposed car parking demands of the proposed development. It indicates in particular that on-street parking beat surveys have demonstrated that 55 on-street spaces are available in the locality which would meet the demand for the proposed conversion. This report is available for members to view on the planning application file.

The Highways Authority has also raised no objections to the application, subject to a condition that secures weatherproof cycle parking for 8 cycles. There is opportunity for this cycle parking to be provided at the rear of the building.

Subject to the above condition it is concluded that the proposed development is unlikely to exacerbate an existing on street car parking problem and by virtue of the sustainable location and alternative modes of travel on offer - walking, cycling and public transport, the development would meet the guidance and requirements of the NPPF.

Is a financial obligation towards public open space provision necessary

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. In this case 7 units because one unit is discounted owing to the fact that the existing public house has a residential apartment.

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 playground facilities at Silverdale Park which is a 320m walk away from the 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 LDS have also identified another area of POS in close proximity but it is considered that Silverdale Park is more likely to be used by future residents of the proposed development.

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 seven 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. In this case the applicant has stated within their submission that the scheme cannot support the requested policy compliant contribution towards POS and the District Valuer’s advice is being sought by the Authority. 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 C4	Open Space in New Housing Areas
Policy C22:	Protection of Community Facilities
Policy IM1:	Provision of Essential supporting Infrastructure

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 \(September 2007\)](#)

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

[Planning History](#)

None considered relevant to the determination of this planning application.

[Views of Consultees](#)

The **Highways Authority** raises no objections subject to a condition which secures secure weatherproof parking for 8 cycles.

The **Environmental Health Division** raises no objections subject to a condition to limit construction hours and to secure design measures within the development.

Landscape Development Section has no objection to this proposal but 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 contribution would be used for improvements to playground facilities at Silverdale Park which is a 320m walk away or new playground facilities (developer owned off Sutton Avenue) which is 260m walk away.

Silverdale Parish Council objects on the grounds that the parking survey does not take into account the new development which has now restricted parking and the survey is considered out of date. They also do not wish to see another House in Multiple Occupation.

Representations

Four letters of representation have been received, one in support and three objections.

The three letters of objection set out the following concerns;

- Church Street, Silverdale is a narrow street lined with Victorian terraced properties with no other alternative but to park on the main road – for the most part the cars are mounted on the pavement on both sides of the road due to the lack of space;
- The introduction of eight more residential dwellings is likely to bring additional vehicles to an already very heavily congested area. This will have a detrimental effect on road safety and that of its existing residents;
- In recent weeks spare land (often used for parking) on the corner of Chapel Street/Church Street has undergone building development thus reducing the number of areas used for off street parking;
- Church Street is also the favoured road for emergency vehicles (due to the lack of speed bumps as situated on the High Street).
- There is enough building work going on in Silverdale.

The one letter of support is from the owner of the public house and indicates that parking has never been a problem.

Applicant/agent's submission

The planning application is supported by the requisite application forms and indicative plans, along with the following supporting documents;

- Car Parking Demand Report;
- Home Rentals Supporting letter;
- Financial Contributions statement and viability report;
- A statement from the current owner;

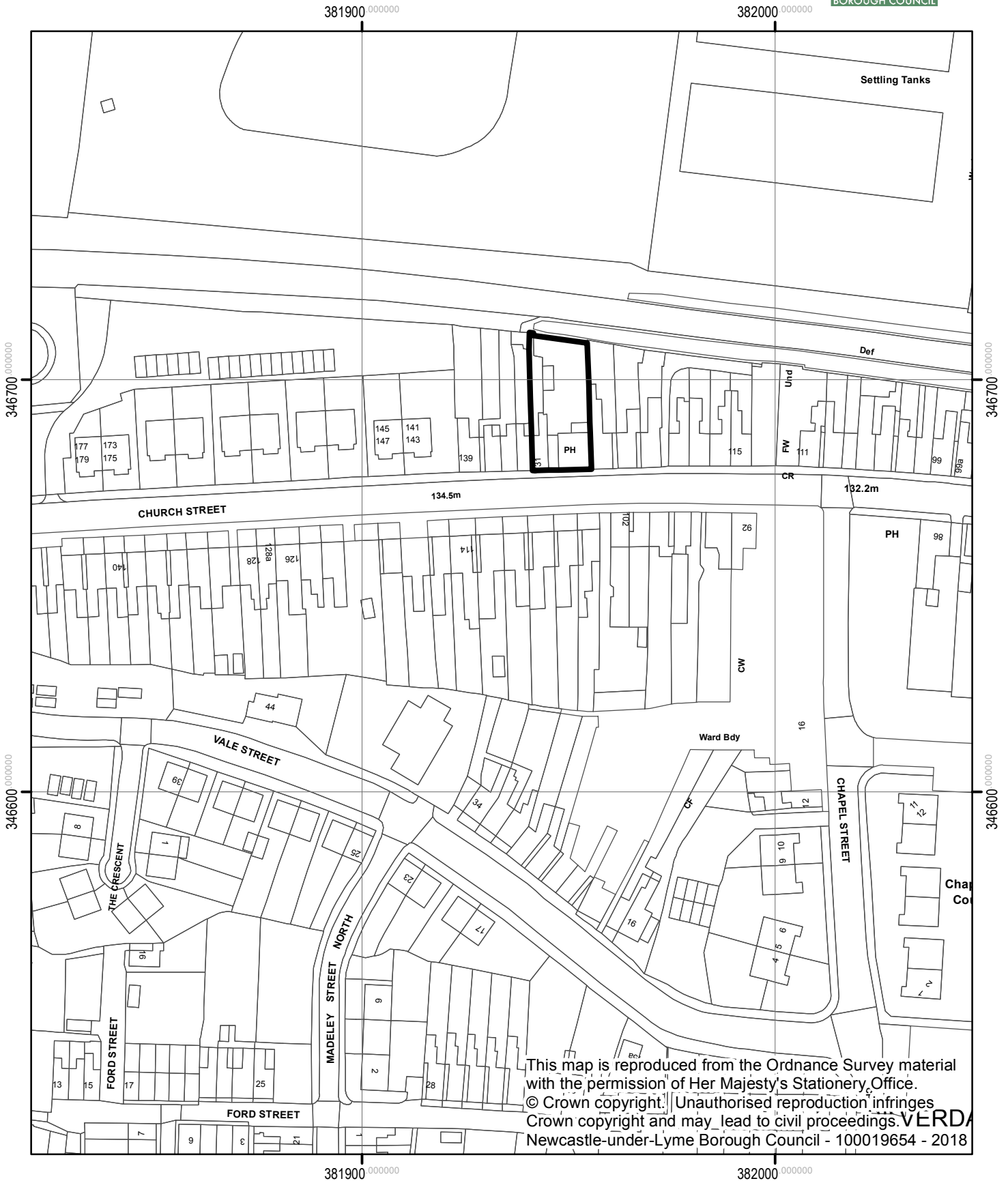
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00148/FUL>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

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THE MILL CONGLETON ROAD, BUTT LANE
FLOOR TO CEILING DEVELOPMENT

18/00430/COUNOT

The application is a notification for prior approval of a proposed change of the use of the property to 15 dwellings (apartments).

Two of the dwellings have 2 bedrooms and the remaining 13 all have 1 bedroom. A total of 17 car parking spaces are proposed to serve the dwellings.

The site is within the Urban Area of Kidsgrove as defined on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 2nd August 2018. the development will be able to proceed as proposed.

RECOMMENDATION

(a) That with respect to the application made for Class O development, prior approval (of the Authority) with respect to the change of use is not required as to the contamination and flooding risks on the site.

(b) That prior approval is required and granted for the transport and highways impacts of the development and impacts of noise from commercial premises on the intended occupiers of the development.

(c) Should the decision on (a) be that prior approval (of the Authority) is required as to the contamination and flooding risks on the site the recommendation is to grant prior approval

Reason for Recommendation

Planning permission is not required for this development, as permitted development rights exist. A condition of such rights, however, is that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority is required as to certain specified impacts of the development and risks on the site.

There are no significant issues arising with respect to contamination, flood risk or noise which count against the application made. The transport and highways impacts of the development are considered to be acceptable taking into account the existing established office use is associated to higher traffic movements than the proposed residential use and also factoring the car parking availability within the site boundary and local bus stop provision within short safe walking distance.

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

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

Key Issues

The application relates to a notification for prior approval for the proposed change of use of a building from an office to 15 residential units.

Permitted development rights exist for the proposed change of use under Class O of Part 3 to the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015, as amended. Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:-

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site;
- (c) flood risks on the site.
- (d) impacts of noise from commercial premises on the intended occupiers of the development.

The Order sets out, at O.1, where development is not permitted by Class O. Taking these into consideration it should be noted that the building is not on Article 2(5) Land (within a Conservation Area). Moreover:-

- The site is not, and does not form part of a safety hazard area or military explosives area.
- The building is not statutory listed, or within the curtilage of a listed building,
- The site isn't, and doesn't contain, a scheduled monument.
- It is not covered by an Article 4 Direction removing the right under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015.

As such the proposal can be considered under this prior notification procedure.

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a significant impact on any of the matters listed. And it is only those particular matters which can be assessed by the decision maker in reaching a determination as to if, firstly, prior approval is required and then, secondly, should it be granted or refused. The PPG describes prior approval as a light touch process which applies where the principle of the development has been established (by Parliament) and that it is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.

1. Transport and highways impacts

The number of units proposed is such that it could potentially generate significant traffic and highway impacts. Prior approval is therefore required as to the transport and highways impacts of the development. Whether prior approval should be granted is considered below.

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

The site is in a highly accessible location close to shops and facilities and to a regular local bus service. The submitted plans show a total of 17 car parking spaces.

Appendix 2 of the adopted Local Plan sets maximum parking standards for different uses. For residential development the maximum standards are set as 1 space per single bedroom dwellings, plus an additional space for every 3 dwellings for visitors, and 2 spaces for two or three bedroom dwellings. When such standards are applied to this development a maximum of 21 spaces are required. The parking standards that apply to the office use (Class B1) are based upon 1 space per every 30m² of floor area, which when calculated amounts to a maximum of 16 parking.

The maximum parking spaces for the proposed residential use is slightly more than the office use, therefore, when Local Plan standards are applied. It is unlikely that the level of

vehicular movements generated by the proposed residential use would be significantly greater than those generated by the existing office use however.

The proximity of the site to public transport links, shops and facilities; and the existing use of the building as offices all have to be borne in mind in assessing the degree of change in relation to transport and highways impacts arising from the proposal. Taking these into consideration it could not be concluded that the impact of the development would be severe. It is noted that the Highway Authority has no objections to the scheme on that basis and there are no other reasonable grounds to suggest the highways and transportation impacts of the development are unacceptable. Prior approval should therefore be granted.

2. Are there any contamination or flood risks or flood risks on the site?

Contamination risks

No significant contamination risks have been identified as such it is concluded that prior approval is not required as to the contamination risks on the site.

Flood risks

No flood risks have been identified therefore the only conclusion which can be prior approval is not required as to the contamination risks on the site.

3. What are the impacts of noise from commercial premises on the intended occupiers of the development and are they acceptable?

Given that the site is located near to operating restaurant and a tyre and battery centre there is some marginal likelihood that the occupiers of the development could experience a small degree of noise associated to that particular use. It is concluded that prior approval is required as to the impacts of noise from commercial premises on the intended occupiers of the development. Whether prior approval should be granted is considered below.

The Council's Environmental Health Division indicates that, given the proposed arrangement of the rooms, it is unlikely that the proximity of the commercial premises to this site will adversely affect the proposed development and as such they raise no objections.

Noise from road traffic is not a relevant consideration for applications under Class O of Order.

As such there is no basis upon which it could be concluded that the impact of noise on the occupiers of the development would be unacceptable, prior approval should be granted.

Appendix

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations

National Planning Policy

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

[Draft revised National Planning Policy Framework](#)

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

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

Supplementary Planning Guidance/Documents (SPG/SPD)

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

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

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

Relevant Planning History

N11198	Use of premises for pottery storage	Permitted 1982
N12426	Continued use of premises for pottery storage.	Permitted 1983

Views of Consultees

The **Highway Authority** has no objections.

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

Representations

None received.

Applicants/ Agents submission

The requisite plans and application forms have been submitted. The submitted information is available at the Guildhall and on the Council's website <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00430/COUNOT>

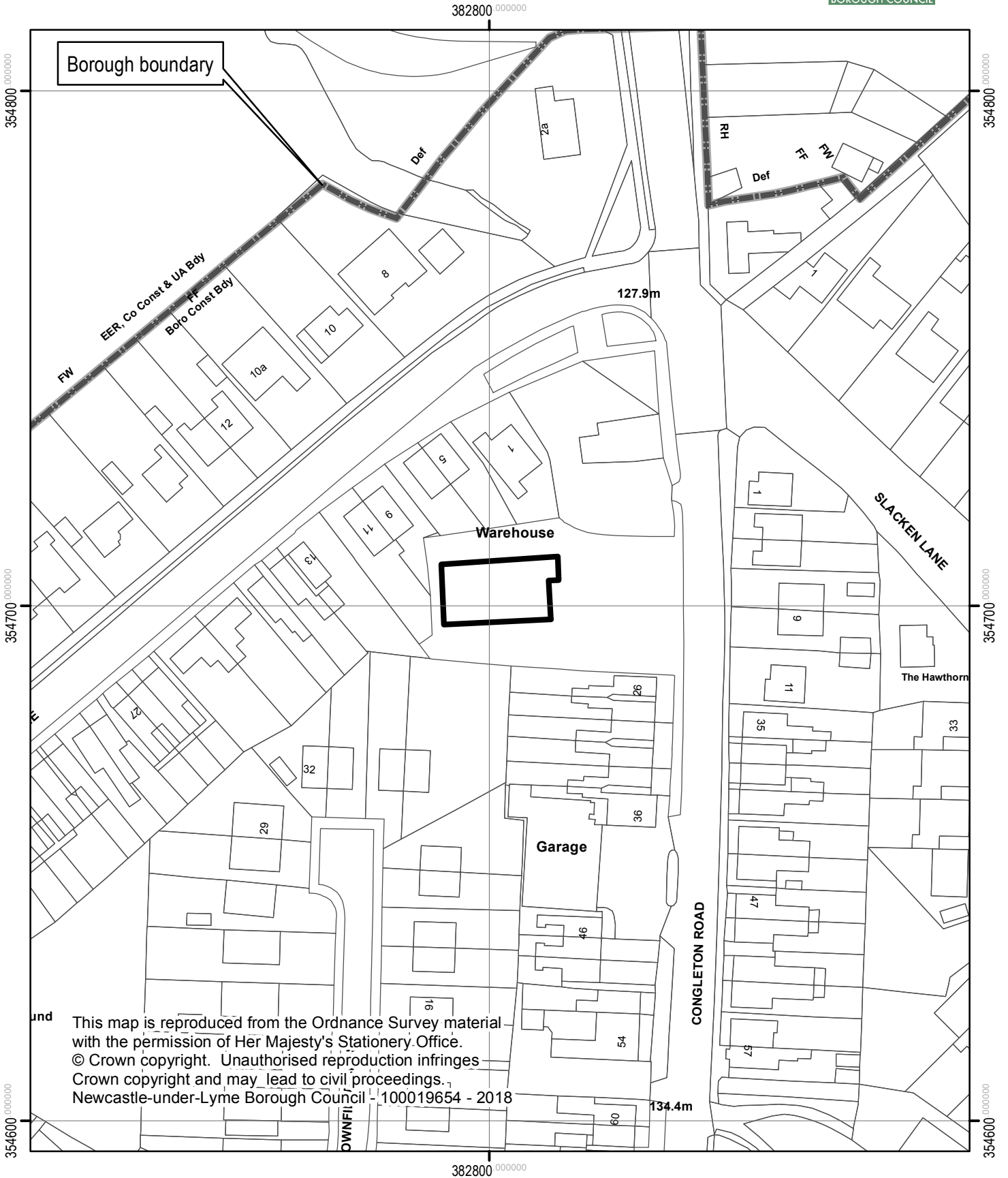
Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

4th July 2018.

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HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Purpose of the Report`

To provide Members with a report on planning obligations which have been secured over the 6 month period referred to in this report, obligations which have been modified either by application or agreement, works that have been funded in part or in whole by planning obligations within this period, and compliance with their requirements

Recommendations

- a) That the report be noted
- b) That officers review the expected new Guidance on the monitoring and reporting of planning obligations and bring forward within the next 6 months a report in the format that is expected to be recommended by the Ministry of Housing, Communities and Local Government (MCHLG).

Introduction

The last half yearly report on planning obligations was provided to the Committee at its meeting on 2nd January 2018 and covered the period between 1st April 2017 to 30th September 2017. This report now covers the period between 1st October 2017 to 31st March 2018 and sets out planning obligations which have been secured during this 6 month period, obligations which have been amended either by application or by agreement, works that are known to have been funded during that period in whole or in part by planning obligations, and compliance with their requirements. Members should however note that the information on payments received and funded expenditure may be incomplete.

Planning obligations can be secured by agreement or by unilateral undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended.

As with previous half yearly reports the relevant Section 106 information is reported in various Tables.

The MCHLG in March 2018 published for reference Draft Planning Practice Guidance in support of their consultation on the revised National Planning Policy Framework. They are proposing that this Draft Guidance will form part of the Government's online Planning Practice Guidance. Members may wish to note that an entire chapter (of this draft Guidance) is devoted to the topic of viability, and within that there is a section on Accountability. The Guidance indicates that Local authorities should monitor and report on developer contributions – on the basis that it is important that developers are accountable to communities and that communities are easily able to see where contributions towards infrastructure and affordable housing have been secured and spent. The half yearly reports that have been submitted to the Planning Committee for the last 5 years or so could be considered to be an important step towards this objective, although they have only been published as Committee Reports so they are not as accessible as the Government clearly envisages they should be.

Local Authorities are expected to use all of the funding they receive in accordance with the terms of the individual planning obligation agreement.

The draft Guidance proposes that using a new Executive Summary that they envisage will be drawn up for each agreement, local authorities should record the details of each planning obligation in what is called an open data format (which is being developed by the MCHLG), and that authorities should be preparing what is called an Infrastructure Funding Statement, again on a standard open data format, that sets out infrastructure requirements, anticipated

funding from developer contributions and the choices local authorities have made about how these contributions will be used. The draft Guidance envisages such a Funding Statement being reviewed annually to report on the amount of funding received via developer contributions and how this funding has been used, and that it should be published annually online and submitted to the MCHLG as well as forming part of the Council's Annual Monitoring Report

Your officers upon the publication of the new Guidance will need to review the content and frequency of this Committee report. Accordingly it is likely that this report will be the last in the current format.

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (1st October 2017 to 31st March 2018)

This Table identifies developments where planning obligations by agreement or by undertaking have been entered into by developers/owners. It does not include the obligations entered into by the public authorities, except where they are the landowner/developer. The cases involve both financial contributions, the provision of development such as affordable housing and obligations which restricts the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment “trigger”), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution and payment should not therefore be assumed. The significant increase in the number of undertakings and agreements entered into over the last 6 months (19) compared with the previous 6 month period ending 30th September (10) reflects the adoption by Cabinet of the Open Space Strategy in March 2017 and its subsequent implementation involving residential developments of all sizes.

Application reference and date of agreement or undertaking	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
16/01106/FUL 30 th October 2017	Former Bristol Street Ford Garage London Road Newcastle Under Lyne	Redevelopment of the site for 499 apartments (student accommodation)	Contribution to public open space and public realm improvement; & the agreement and implementation of a landscaping scheme	£1,199,396
			Travel Plan Monitoring fee	£2,245 (Index Linked)
			A contribution to fund Resident Parking Zones if established to be required	£50,000 (Index Linked)
			Contribution to Real Time Passenger Information displays (and maintenance) at the bus stops on London Road	£10,000 (Index Linked)
			Contribution to Bus shelter upgrades	£5,000 (Index Linked)
			Contribution to Local cycle network improvements from Newcastle Town Centre to Keele University and the provision of introductory bus passes	£25,300 (Index Linked)

17/00552/FUL 1 st November 2017	Corner Of Heathcote Street and Kinnersley Street Kidsgrove	Demolition of existing building and erection of 14 dwellinghouses	Public Open Space contribution towards improvements and maintenance of either Clough Hall Park and/or Birchenwood and/or the playground off Whitehill Way, but only should a financial reappraisal be required and demonstrate one can be provided	£78,106.00 (Index Linked)
			Financial Viability Re-Appraisal Mechanism	Not Applicable
17/00194/OUT 7 th November 2017	Orchard House And No. 35 Clayton Road Newcastle Under Lyme	A) Full planning permission for the demolition of Orchard House together with the conversion of No. 35 Clayton Road (previously offices) into four flats and B) Outline planning permission for the erection of up to 20 dwellings on the remaining part of the site.	25% Affordable Housing	Not Applicable
			Public Open Space contribution towards Lyme Valley Parkway	£2,943 per dwelling (Index Linked)
17/00572/FUL 8 th November 2017	Former Garage Site Land Adjacent To 56 St Martins Road Talke Pits	The construction of a pair of semi-detached houses	Public Open Space contribution towards open space towards improvement and maintenance of Chester Road, Talke play area	£5,579 (Index Linked)
17/00503/FUL 24 th November 2017	Cartref Rye Hills Audley	New infill dwelling between Cartref and extant bungalow	Public Open Space contribution towards improvement and maintenance of Station Road public open space, Miles Green	£5,579 (Index Linked)
16/00902/DEEM4 4 th December 2017	Land Off Deans Lane And Moss Grove Red Street Newcastle Under Lyme	Development of up to 50 dwellings	25% Affordable Housing	Not Applicable
			Contribution towards Secondary Education Places at Chester Community Sports College	£99,732 (Index Linked)
			Public Open Space contribution towards improvement and enhancement of Red Street open space or Barbridge Road play area	£2,943 per dwelling (Index Linked)

17/00722/FUL 13 th December 2017	2-4 Marsh Parade Newcastle Under Lyme	Variation of condition 2 to substitute the approved plans with revised plans which reduce the footprint, along with slight changes to the internal arrangements, alterations to site levels, revised site layout, and external elevations, of planning permission 17/00179/FUL for proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking	Deed of Variation securing the same terms as original agreement concluded on 20 th June 2017.	
17/00617/FUL 15 th December 2017	Land Adjacent To School House The Drive Alsagers Bank	Proposed new dwelling	Public Open Space contribution towards the improvement and maintenance of play area to the south east of Alsagers Bank cricket club	£5,579 (Index Linked)
17/00162/FUL 19 th December 2018	Newcastle Baptist Church London Road Newcastle Under Lyme	Application for the variation of condition 2 of 14/00477/FUL (Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking) to allow for the enclosure of the open air corridors and subsequent changes to the elevations.	Deed of variation securing the same terms as the original agreement concluded on 23 rd October 2015 prior to grant of 14/00477/FUL	

17/00486/FUL 22 nd December 2017	Land Adjacent To Halcyon Tower Road Ashley Market Drayton	Erection of a dwelling and formation of new accesses	Public Open Space contribution towards improvement and maintenance of Burntwood View/ Hugo Way play area and open space	£5,579 (Index Linked)
17/00483/FUL 15 th January 2018	8 Barford Road Newcastle Under Lyne	Proposed demolition of existing bungalow and construction of three dormer bungalows Allowed on appeal	Public Open Space contribution towards improvement and maintenance of Guernsey Drive and/or Wye Road play area/ playingfields	£11,158 (Index Linked) upon occupation
17/00174/FUL 19 th January 2018	Former Savoy Cinema / Metropolis Nightclub Newcastle Under Lyne	Demolition of the former Savoy Cinema/Metropolis Nightclub and erection of a 13 storey student accommodation building, comprising of 232 units Allowed on appeal	Free Bus Pass to each student to travel to the campus at Keele Univaersity, Staffordshire University, Stoke College or Royal Stoke Hospital	Not Applicable
			Public Open Space enhancement contribution	£220,871 (Index Linked)
			Travel Plan monitoring contribution	£2,200 (Index Linked)
			Real Time Passenger Information system maintenance contribution	£8,000 (index Linked)
			Public Realm contribution	£5,000 (Index Linked)
17/00798/FUL 6 th February 2018	The Offley Arms Poolside Madeley	Erection of 3 dwellings and conversion of outbuilding to form 1 apartment	Public Open Space contribution towards the improvement and maintenance of the parish council recreation ground at Birch Dale	£5,579 (Index Linked)
17/00956/FUL 8 th February 2018	Dunkirk Tavern Dunkirk Newcastle-under-Lyme	Change of use from Public House (class A4) into 10 bedroom student HMO (sui generis) with single storey rear extension	Public Open Space contribution towards the improvement and maintenance of Wilson Street play area or facilities at the Wammy	£4,933 (Index Linked)
17/00709/OUT	Land Off Audley Road	Residential development	Public Open Space contribution towards the	£5,579 per

9 th February 2018	Audley Road Chesterton	(maximum two dwellings)	improvement and maintenance of the play area immediately east of the site	dwelling (Index Linked)
17/00953/FUL 28 th February 2018	The Hawthorns, Keele Village And Barnes, Keele Campus, Keele	Variation of conditions H2 (changes to approved plans), H4 (provision of site accesses), H20 (further site investigations) and H22 (remediation scheme) of the Hawthorns part of planning permission 15/01004/FUL for residential development of 83 dwellings with school drop off point, shop and areas of greenspace	Deed of Variation securing the same terms as original agreement concluded on 30 th March 2016	
17/00689/OUT 8 th March 2018	Land South Of Appleton Cottage Coneygreave Lane Whitmore	Outline planning application for 3 dwellings with some matters reserved	Public Open Space contribution towards the improvement and maintenance of play area at Whitmore Village Hall	£5,579 per dwelling (Index Linked)
15/01074/FUL 6 th March 2018	Old Springs Farm Stoneyford Market Drayton	Extension to 2 existing agricultural buildings joining them	Deed of Variation securing the same terms as original agreement concluded on 12 th October 2015 under planning application 13/00245/FUL which secured a routeing agreement.	
16/00866/DEEM4 21 st March 2018	Land off Eccleshall Road, Loggerheads	Residential development for up to 55 homes with associated landscaping and infrastructure	Management agreement for the long- term maintenance of the open space on the site	Not applicable
			Contribution towards the provision of education places at Madeley High School	£99,732 (index linked assuming up to 55 dwellings with 8 being social rented housing units)
			25% affordable housing	Not applicable

Table 2 – Developments where planning obligations by developers/owners of land have been agreed to be modified or discharged by application or by agreement (1st October 2017 to 31st March 2018)

This Table identifies developments where planning obligations by agreement or undertaking have been modified or discharged. The list includes decisions made under Section 106A (to vary or discharge the terms of an obligation), , and where the Council has, without a formal application having been made, agreed to amend or modify an existing agreement .

Application Number (if applicable) & Reference Number of original related permission and date of modified /discharged agreement	Location of Development	Application	Decision
Nil	-	-	-

Table 3 - Development where financial contributions have been made (1st October 2017 to 31st March 2018)

This Table identifies the developments where a planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution, or the application of indexation. Because of difficulties experienced in obtaining this information it may be incomplete particularly with respect to contributions that may have been made directly to the County Council. Whilst some information has been received from the County Council the Table may be incomplete. If an update is available prior to the meeting then one will be provided.

Permission reference	Location of development	Development	Purpose of the obligation(s) subject of contributions received	Contribution made and to whom
11/00430/FUL	Land off Keele Road, Thistleberry	Replan of part of the development, incorporating 13 additional units	Public Open Space Contribution	£41,527.67 NBC
16/00958/FUL	(Marks and Spencer) Wolstanton Retail Park, Newcastle	Variation of condition 3 (To increase the amount of floorspace within the M&S store that can be used for convenience goods sales to 1,496sqm) of planning permission 11/00611/FUL - Demolition of existing retail warehouse units, distribution unit and redundant methane pumping station. Construction of new retail store with ancillary refreshment facilities, new and altered car parking, servicing and sewerage facilities	Business Improvement Contribution	£11,221 NBC

Table 4 - Development where financial contribution have been spent. (1st October 2017 to 31st March 2018)

This Table identifies those developments where the spending authority has advised the Planning Authority that they have spent within the above period a financial contribution secured via planning obligations. The Table is intended to cover expenditure both by the County Council and by the Borough Council and accordingly may be incomplete particularly with respect to the former. In the next 6 monthly report an update will, hopefully, be provided. The Table only refers to the spending of financial contributions, it does not refer to on-site affordable housing that has been provided as a consequence of planning obligations.

Permission associated with the planning obligation as a result of which funding was received	Location of development referred to in the permission	Development	Amount received as a result of planning obligation and purpose of contribution as indicated in the planning obligation	How the contribution has been spent
Nil	-	-	-	-

Table 5 - Developments where apparent breaches of planning obligation has been identified

This Table identifies developments where either the triggers for the payment of financial contribution have been reached and no payment has yet been received, or there is some other current breach in terms of the obligation/undertaking. It also includes cases brought forward from previous periods, which have not yet been resolved, and cases reported in the last half yearly report which have now been resolved and can be considered "closed".

Permission reference & Date of Obligation	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
99/00918/FUL 13 th Feb 2012	Land off Grange Lane Wolstanton Newcastle	Residential development	Provision of toddlers play area at the bottom of Minton Street no later than the date upon which 214 dwellings completed or 13 th Feb 2015 which ever is the sooner. The toddlers play area was not provided when it should have been which was a breach of the S106 obligation.	Bloor Homes have now provided the toddlers play area and subject to them agreeing to maintain it for a period of 12 months the Landscape Development Section has confirmed that they are happy that the breach has now been resolved. <i>This case is now considered closed.</i>
12/00701/FUL 13 th May 2013	Former Randles Ltd, 35 Higherland, Newcastle Under Lyme	Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access	A financial contribution of £36,017 (index linked) towards the Newcastle (urban) Transport and Development Strategy (NTADS) is required to have been paid prior to the commencement of the development. That has not happened	The ground floor of the building has been operating as a Tesco food store for over a year. The County Council and the Borough Council have requested the outstanding amount which will need to have index linking applied, and in the event of payment still not

				<p>being made further action may need to be taken.</p> <p>Efforts have been made to contact the owner but no response has been received. The matter has been passed to the County Council's legal/ monitoring section to progress.</p>
<p>15/00329/FUL</p> <p>27th May 2015</p>	<p>The Skylark High Street Talke</p>	<p>Demolition of existing public house and erection of ten dwellings</p>	<p>A financial contribution of £15,000 (index linked) towards Public Open Space enhancements and maintenance at Chester Road playground should have been made within 9 months of the commencement of the development. The applicant previously confirmed that the development commenced in September 2015. Therefore the payment was due by the end of June 2016. The contribution was not paid by that date.</p>	<p>The development has now been completed and the ten dwellings have been sold without the payment being made. The developer has gone into administration.</p> <p>The Unilateral Undertaking provides that liability for the payment transfers to any person who subsequently becomes the owner of the land which is the subject of the undertaking.</p> <p>Accordingly the individual houseowners were pursued for payment of their "share" of the outstanding amount.</p> <p>Eight of the 10 accounts have been settled which leaves approx. £3,150 still owed. Further efforts are being made by the Finance</p>

				Section to recover the outstanding amount with the home owners concerned.
11/00430/FUL 10 th May 2012	Land off Keele Road, Thistleberry	Replan of part of the development, incorporating 13 additional units	The obligation secured an additional POS contribution of £38,259 (index linked) to reflect the additional number of units. The payment should have been made prior to the commencement of the construction of the 48 th dwelling within the 61 unit development, but was not.	As reported in table 3 (above) the outstanding amount with index linking applied has been paid. <i>This case is now considered to be closed.</i>
16/00609/FUL 24 th November 2016	Land Adjacent The Sheet Anchor, Newcastle Road, Whitmore	The construction of 7 new houses with access road and associated landscaping	A financial contribution of £20,601 towards public open space and £19,339 towards off site affordable housing was secured. Half of the off-site affordable housing contribution and the full amount of the POS contribution was required to be paid on or prior to the commencement of the development. That has not happened	The Council has been chasing payment of £30,781.32 (with index linking applied). The developer has recently paid £5,700 but due to the delay in payment further index linking has been applied and the outstanding balance owed is £25,127.55.

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DRAFT MAER CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT

Purpose of the Report

To seek approval of the draft Appraisal and Management Plan for Maer Conservation Area Supplementary Planning Document (SPD) for public consultation purposes

Recommendations

- 1. That the submitted document is approved for public consultation purposes.**
- 2. That a further report is received on the outcome of the public consultation, before adoption of the SPD is considered.**

Reasons

1. The proposed draft SPD seeks to provide additional information to ensure that the Borough's Conservation Areas are safeguarded for the future to supplement the objectives and policies contained in the emerging Joint Local Plan. In accordance with the statutory regulations, an SPD has to undergo a consultation process before it can be adopted.
2. The proposed draft SPD proposes the making of an Article 4 Direction which can help to protect historic features and the character and appearance of Conservation Areas and areas of high amenity.

1.0 Background

- 1.1 Members may recall that a report was considered in February 2011 for a programme of Conservation Area appraisals and Management Plans (CAAMPs).
- 1.2 The preparation of an SPD for a CAAMP for a Conservation Area is in line with the National Planning Policy Framework which endorses protecting heritage assets which are considered to have heritage significance.
- 1.3 Once adopted the SPD will supplement the objectives and policies contained in the Local Development Framework. It will be regarded as a "material consideration" in the determination of planning applications, and the fact that it has undergone some form of statutory preparation process increases its status. A draft SPD for consultation purposes has now been prepared for the Maer Conservation Area, the existing boundary of which is indicated on the Map attached as Appendix One. The Draft SPD is presented for consideration as Appendix Two to this report, together with its Townscape Appraisal Map (MA2) (Appendix three) and a Proposals Map (MA3) that also shows proposed extensions to the Conservation Area boundary (Appendix four).

2.0 Content of the SPD

- 2.1 A key purpose of the SPD through the Conservation Area Appraisal is to redefine the special interest of the Conservation Area, identify the issues which threaten these special qualities and to provide recommendations and guidance to manage change and suggest potential enhancements through the Management Proposals. The appraisal considers the present boundary of the Conservation Area. Maer Conservation Area was designated in 1970, nearly 50 years ago and the review has reconsidered the special character of the Area including its boundary. The Management Proposals suggest amending the boundary to include two additional areas within the historic parkland setting. One area is to the west of the current boundary to match with

Registered Historic Park and Garden boundary and the other recognises the full designed vista from the Hall southwest across the garden up to the hillside beyond (see Appendix 4 - MA3).

- 2.2 The Conservation Area Appraisal highlights the key characteristics and issues which are relevant in the Conservation Area, namely what makes it special by the combination of its history and development, its historic buildings, materials, trees, landscape setting and important views. The Management Proposals provides a framework for future actions.

3.0 Consultation Arrangements

- 3.1 The consultation will run for 6 weeks and it is proposed to hold a consultation event for residents and interested parties with the Parish Council within the Conservation Area. The draft SPD will be publicised on the website and made available at the Council offices. The Council will use its e-Panel and its website to raise awareness of the SPD.
- 3.2 All representations received will be considered and a report submitted to the Planning Committee with recommendations for changes, if appropriate, to the draft document.
- 3.3 Once adopted, the Conservation Area Appraisal and Management Plan SPD will carry more weight in giving advice and determining planning applications in the Conservation Areas or in any planning appeals.
- 3.4 The Conservation Advisory Working Party has considered the draft document at its meeting on 3rd July and recommends that the Planning Committee approves the attached draft Maer Conservation Area Appraisal and Management Plan Supplementary Planning Document for consultation.

4.0 Legal and Statutory Implications

- 4.1 The Council has a statutory obligation to review its Conservation Areas from time to time and to consider new areas. It also must publish from time to time its proposals for the preservation and enhancement of Conservation Areas and consult the local community about the proposals.
- 4.2 The Council has legal and statutory duties in relation to the production of the SPD to undertake public consultation as set out in its adopted Statement of Community Involvement under the Local Development Framework. This Statement demonstrates the Council's commitment to using its best endeavours to consult and involve the community in the most effective way possible.

5.0 Background Papers

English Heritage: Guidance on conservation area appraisals and management Feb 2006

6.0 List of Appendices

Appendix One – MA1 Map of the current boundary of the existing Conservation Area

Appendix Two – Draft Maer CAAMP SPD

Appendix Three – MA2 Maer CAAMP Townscape Appraisal Map







Appendix Four - MA3 Conservation Area proposals including boundary extensions

Date report prepared 4th July 2018

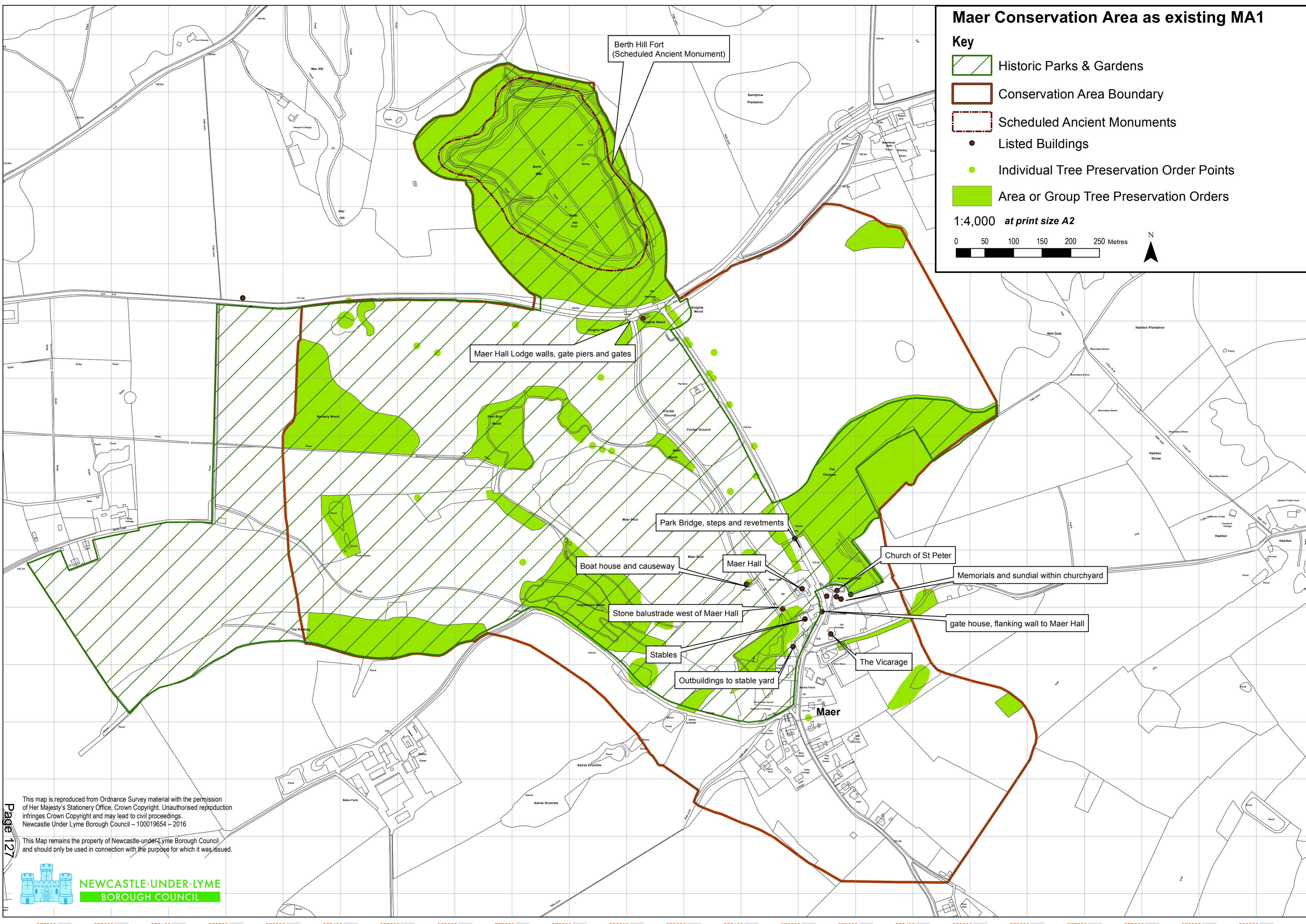
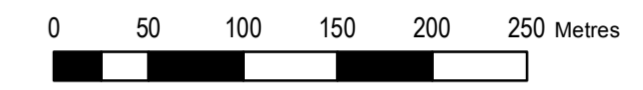
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Maer Conservation Area as existing MA1

Key

-  Historic Parks & Gardens
-  Conservation Area Boundary
-  Scheduled Ancient Monuments
-  Listed Buildings
-  Individual Tree Preservation Order Points
-  Area or Group Tree Preservation Orders

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Berth Hill Fort (Scheduled Ancient Monument)

Maer Hall Lodge walls, gate piers and gates

Park Bridge, steps and revetments

Boat house and causeway

Maer Hall

Church of St Peter

Memorials and sundial within churchyard

Stone balustrade west of Maer Hall

gate house, flanking wall to Maer Hall

Stables

The Vicarage

Outbuildings to stable yard

Maer

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DRAFT

**Maer Conservation
Area Appraisal and
Management Plan**

June 2018

Contents

1. Introduction

Summary of Characteristics and issues
Conservation Area boundary plan –
showing Historic Park and Garden boundary,
Listed Buildings and Tree Preservation Orders
Planning Policy context and Local Policy
framework

2. Location Setting and activities

Topography and Geology
Relationship of the Conservation Area to
its surroundings

3. Historic development

Archaeology and Historic Development

4. Spatial and Character analysis

Layout and Street pattern
Approaches to the village
Open spaces, trees and landscape
Boundaries and gate piers
Focal points, focal buildings, views and
vistas

5. The Buildings of the Conservation Area

Listed Buildings
Buildings of local architectural or historic
interest
Building analysis, Details Materials and
Colours

6. Summary of issues

Character of Keele Conservation Area -
Positives issues
Negative issues and features that detract
from the special character

Appendices

Townscape Appraisal Map MA2

Community Engagement

Consultation Statement

This document has been written involving Maer and Aston Parish Council.

The Draft Appraisal and Management Proposals will be discussed with the wider community in a consultation for 6 weeks. Following this consultation the documents will be adopted by the Council as Supplementary Planning Documents to the Local Plan

If you have any queries about this document, would like further information please visit the Council website at

www.newcastle-staffs.gov.uk/conservation

Tel. 01782 742408 or email the Conservation Officer at planningconservation@newcastle-staffs.gov.uk

1. Introduction

Maer Conservation Area

This appraisal is part of a rolling programme of appraisals of Conservation Areas in Newcastle-under-Lyme Borough. The Borough Council has an obligation under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review, from time to time, its Conservation Area designations, & under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas.

The Maer Conservation Area was designated in 1970, nearly 50 years ago. The boundary at this time was chosen to encompass the village and the Maer Hall estate and parkland. It also includes Berth Hill on the north side of the A51 which includes an Iron Age hillfort, designated as a Scheduled Ancient Monument. The village of Maer is located south of the A51 and includes Maer Hall and estate including Maer Pool, a former mere from which the village probably takes its name. The house and garden is designated as a Historic Park and Garden (Grade II), although the boundaries of the Park and Garden and Conservation Area do not match completely in that the former extends further to the west. See plan MA1 on page 6. The Historic Park and Garden was entered onto the Register in 19919, after the designation of the Conservation Area.

The omission of any particular feature in either the Character Appraisal or the Management Proposals does not imply that it is of no interest.

Summary of key characteristics and issues

This Character Appraisal concludes that the key positive characteristics of the Maer Conservation Area are:

- An historic village in a rural setting and an informal organic layout, nucleated around the Hall, its outbuildings and the Church.
- Topography which creates a secluded undulating pastoral landscape punctuated by sandstone ridges and woodlands.
- An estate village formed and influenced by various key owners of the adjacent country house mansion in the 19th and 20th Centuries.

- A village with a range of modest architectural features creating a village vernacular.
- A landscape where the stone boundary walls, hedges, woodlands and specimen trees make a significant contribution to the character and appearance of the area.

The Character Appraisal concludes that the key issues in Maer village are:

- Retaining the landscape character of the village and high density of mature trees, woodlands and hedgerows.
- Ensuring the right balance is struck between the nature and heritage conservation for the mere and parkland features.
- Maintaining the historic sandstone walls along the roads within the village
- Protecting architectural features on buildings and preventing incremental residential alterations to houses.
- Modern farm vehicles through the village.

Conservation Area boundary

- The key historic areas of the village are recognised within the current boundary but it is considered that there is merit in considering a change to the Conservation Area boundary to incorporate additional area of landscape to the southwest which forms part of the designed view from the hall. Consideration will also be given to extending the boundary to match the Park and Garden boundary since it currently heads southwards across the parkland arbitrarily cuts through the old trackway and through the middle of the woodland. The adjacent farm and estate buildings to the south and Primrose Cottage to the east are also considered and discussed in further detail within the management proposals.

Planning Policy Context

The National Planning Policy Framework (NPPF) sets out recognises that a core role of the planning system is to conserve heritage so it can be enjoyed by future generation and sets out the wider social, cultural, economic and environmental benefits of heritage. Conservation Areas are termed designated

heritage assets in the Framework. Consequently their importance is elevated by this designation.

Section 12 of the NPPF sets out the main policies in respect to the historic environment. The key messages are:

- Local planning authorities should set out in the Local Plan a positive strategy for the conservation and enjoyment of the historic environment
- The value of the historic environment in creating sustainable and viable communities, including the benefits to the local economy
- When considering the designation of Conservation Areas, the area's special architectural or historic interest should justify designation, otherwise the concept is de-valued
- When considering the impact of proposals on a designated heritage asset great weight should be given to the asset's conservation. Substantial harm should be exceptional, whilst less than substantial harm should be weighed against the public benefits of the development
- In Conservation Areas and within their setting, there are opportunities for new development to enhance or better reveal their significance (such as by replacing inappropriate development or enhancing key spaces and views)
- Not all parts of the Conservation Area will necessarily contribute to its significance. However, loss of a building or structure that contributes to the significance of the Conservation Area will amount to substantial or less than substantial harm, taking into account the impact upon significance of the Conservation Area as a whole.

Section 11 sets out the means to conserve and enhance the natural environment, protecting designated sites. Maer Village is within the open countryside as indicated on the current Local Development Framework Proposals Map so appropriate policies also apply.

These policy documents will provide a firm basis on which applications for development within the Maer Conservation Area can be assessed.

Local Policy Framework

This Character Appraisal, with its associated Management Proposals, should be read in conjunction with the wider policy framework as set out in various policy documents, particularly the NPPF. The Development Plan for the Borough currently consists of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy and saved Local Plan Policies and the emerging Joint Local Plan with Stoke on Trent City Council. More information about the planning system can be found on the Borough Council's website: www.newcastle-staffs.gov.uk/planning

Relevant Supplementary Planning Documents

Design Guide

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD) focuses on principles of creating better places and emphasises the importance of how a development should relate to its context. It is a practical tool and can be viewed on the Council's website [Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](http://www.newcastle-staffs.gov.uk/urban-design-guidance-supplementary-planning-document) (2010)

Register of Locally Important Buildings

The Council produced a Register of Locally Important Buildings and Structures which describes the process by which buildings are added to the list and the criteria which is applied. Information about the Register and the current list is available to view online at www.newcastle-staffs.gov.uk/localregister. The list is generally updated every two years.

2. Location, setting and activities

Maer is a village in north Staffordshire, approximately 6 miles south west of Newcastle-under-Lyme. The Conservation Area is separated by the former turnpike Stone/Nantwich A51 Road, with Berth Hill on the north side of the road and the village, Hall and parkland on the south side.

Maer village is relatively remote and has a secluded character as one enters the village south along the road, bounded by tall hedges and woodland which rises up on the left. The parkland setting abuts the main road and extends to the west of the Conservation Area boundary and beyond. The lodge marks the edge of the great hall along the curving private drive. The public road runs south to the village in between the hall and the church and the rest of the village is below the former Vicarage. The village church is located high above the narrow road which has a high stone boundary wall holding back the embankment. To the right are stone walls marking the estate of Maer Hall.

Maer Hall is located in the centre of the village and stands at the south-east corner of an extensive park. The parkland setting marks the character from formal gardens with lawns and designed landscape and large pool surrounded by planted woodland which becomes less formal and more agricultural. The fields and parkland contribute to create a rural setting.

The houses were former farmhouses, labourer's and estate workers cottages and have modest gardens and fields are located to the rear of the gardens.

There is a village hall, some converted estate buildings used as holiday lets. The cricket ground and pavilion building are still shown on the maps but no longer in use. All other amenities have since closed and Maer is now a residential village with no amenities.

Topography and Geology

Maer village, including the pool and parkland is located at the eastern end of a flat bottomed valley characterised by undulating low hills and mounds and extensive areas of woodland covered by large irregular-shaped fields divided by hedges. The land slopes steeply up to the western ridge and then rises up to the

east and a large area of woodland culminates at the edge of the churchyard of St Peters Church.

The small sandstone ridges cut across the plain and are very prominent. Maer and Hanchurch are significant and are characterised by steep sides and woodlands which are frequently ancient. The plains are remnants of the glaciers and hence the landscape is punctuated by many ponds and meres. This has produced very fertile clay soils. The clusters of meres and mosses are ecologically significant and nationally important in the case of Maer pool, designated as a Site of Special Scientific Interest (SSSI).

Within the parkland the Maer Pool stands in the centre as the main feature. This is the start of the River Tern and was one of the glacial meres. This is shown on William Yates's Map of Staffordshire (taken from Andrew Dobraszczyc's social history walks around the village, 2007). The main road that now runs into the village was diverted from between the lake and hall by Josiah Wedgewood II in 1807. He also carried out other 'improvements' such as draining land. More detail can be found in the Historic Development section of this Appraisal on page 8.

Relationship of the Conservation Area to its surroundings

The areas outside the Conservation Area boundary significantly contribute to the rural village scene, namely the extensive parkland landscape beyond the boundary; and the rolling lowland landscape which surrounds the village. More estate cottages and a farm are located south of the village along Maer Lane and another former farm to the west and outside the Conservation Area, which also used to form part of the estate.

3. Historic development and archaeology

Archaeology

There is an iron-age hill fort at Berth Hill, formerly called Byrth Hill, 600m north of Maer Hall. Often these hillforts were linked by ancient trackways along the ridges. The site covers approximately 9 acres with some natural springs which used to supply the village with water via a terraced aqueduct built by the Wedgewood family, but this is no longer the case. Many villagers allude to this in their accounts in the book which was compiled in 2012 (The Life and Times of the Villages Maer, Chorlton and Blackbrook). The site is designated as a Scheduled Ancient Monument (SAM) and has no public access.

The SAM description reveals that the fort is a good example of a fortified enclosure with defensive ramparts. It describes how the hillfort is a terracing and steepening of a natural hill and importantly that it includes the remains of an 19th Century ornamental landscaped garden which is a key part of the history of the site. Certainly this aspect deserves further research.

Historic Development

Ancient history of this area is evident in the hillforts around the area. The village of Maer, variously spelt Mere, Meave and Maer in the early records, takes its name from the lake or mere that lies in the grounds of the Hall to the west of the present village. It is probable that a Saxon settlement existed where Maer village is now. There are records relating to times shortly before the Norman Conquest and details of changes of ownership of the manor of Maer. Maer's existence is recorded in the Domesday Book.

Places of settlement would have been created on tracts of higher land where forests gave way to a more sparsely covered area or open heathland. It is known that an iron-age fort preceded the village settlement on land known as Byrth Hill (see above)

At the base of Berth Hill, on the A51, opposite the junction of the road leading to Maer Village can be seen the War Memorial. This was erected by public subscription and is of interest as it displays only two figures, representing the Army and the Navy.

One of the oldest buildings in the village is St Peter's Church, the deeds of which date back to the 16th Century. It is believed that the original church was built on the same site in about 1200 A.D. The present church seems to have been erected in about 1610, one of the first to have been built after The Reformation. The church was heavily restored in the 19th Century.

The former vicarage to the church is now a private house. The original two-storey sandstone building was constructed in the late 16th Century and was considerably altered in the 19th Century using red brick.

The owners of the hall have historically shaped the parkland and the village. The present appearance of Maer Estate and village owes much to events after 1800, when Josiah Wedgewood purchased Maer Hall in 1802 and proceeded to enclose large areas of its land to the North of the village. An area that appears on Yates' map of Staffordshire in 1775 identified as Maer Heath. In 1807 a plan was submitted to Staffordshire Quarter Sessions proposing an alteration to the road from the turnpike from Lichfield to Nantwich to the village of Maer. The Ordinance Survey Map of 1883 shows the new road system in place separating the village from the mere, including it in the parkland and allowing the estate to become more private.

Josiah Wedgewood II owned the whole of the north side of the village. This position is still the same today as the current owner also owns the estate, its buildings north of the village, much of the parkland up to and across to the west including also Berth Hill. Wedgewood's daughter was the mother of Charles Darwin and Darwin married his cousin Emma Wedgewood in 1839. Darwin is said to have been a frequent visitor at Maer Hall.

Wedgewood built stone walls and extended the pool to run in front of the house. This is now set further back so that the boat house is no longer on the edge of the pool. The 1880 map shows another boathouse on the opposite edge of the lake. Following the death of Wedgewood II the house was sold and the particulars set out what was part of the estate at this time. The walled garden in the village was in place at this time. (extract and map, Dobraszczyc 2007)

The present appearance of the Village and of the Hall is owed primarily to the fact that

between 1802 and 1963 the major land owners and local employer was one of three families:

- 1802-1847 Josiah Wedgwood II
- 1847-1892 William Davenport
- 1892-1963 Frederick James Harrison and his family.

The Davenports added wings to the hall (Culshaw) built a sandstone bridge carrying a footpath over the road from Maer Hall to the church. They also extended the stable yard buildings and a new estate yard (now Maer holiday cottages) and he bought most of the land in Maer Parish. It is fair to say the appearance of the village estate and park were substantially altered and added to during this time.

Harrison, a Liverpool ship owner, spent vast sums of money on the Hall making it into a 'grand spacious mansion'. The Hall provided a great deal, if not all employment in the village. The Harrison families, as the Davenports before them, were enthusiastic members of The Hunt and played a prominent part in the social life of Staffordshire. In the sale particulars of the Maer Estate in 1846 the parkland is described as picturesque commanding romantic views and scenery, and to the visitor today this statement remains the as valid as it did then.

Most of the properties in the village were rebuilt in the 19th Century by the Harrison family, meaning that there are very few properties that relate to earlier times. This included, the Laundry, the former school, former school, now village hall and cottages. Only the Hall itself, the church and the vicarage can reveal any link with earlier centuries.

Since the Harrison family owned most of the properties in the village they were able to prevent any development that did not suit them, e.g. there is, and has never been, a Public House in the Village. This means that the village has altered little since the beginning of the century. The Harrison family had a new school built at Blackbrook in 1897 to 'keep the noise of the children out of the village'. He also replaced Holme Farm with the current building, now called Bates Farm in 1900 and Weston Meres Farm on the edge of the village in the early 20th Century.

The Hall was sold by the Harrison Estate in the early 1960's and since that time the houses in the village have steadily become privately owned. Until the 1970's there was a Village Shop, a Post Office and a Wheelwright business. Of the current properties in the Village only a very small number have been built in the last 25 years.

The new properties are relatively discreet some set behind historic walls, built from red brick so that they blend into the character of the vernacular.

Dr J M Tellwright purchased the Hall in 1963 and removed the Victorian extensions that had been added to the Hall by the Harrisons and it is now largely back to its original 17th Century size.

Reference is made in the village publication about the air raid shelter in the grounds of the hall which deserves a mention here as part of the village history. There was a separate entrance for the villagers and one for the owners of the hall.

4. Spatial and Character analysis

An analysis in plan form is given on the Townscape Appraisal Map.

Layout and street pattern

The Conservation Area is formed around the extensive grounds of Maer Hall and the small village including the road junctions of Haddon Lane and unnamed roads running southwest from the village centre. Entering the Conservation Area from the main A51 Stone/Nantwich Road opposite the War Memorial which stands at the base of Berth Hill one travels through a sunken road and passes under the bridge past the church set on a hill with the wooded slope as its backdrop.

The gentle curve of the road around the village past the gatehouse to the Hall and the topography of the village with the high walls give a feeling of enclosure and seclusion.

Haddon Lane travels westwards into the centre of the village opposite the Maer Hall holiday cottages up towards Chapel Chorlton. Further south a lane heads northwest upwards towards Bates Farm (outside the Conservation Area). Both are narrow lanes with no pavement and steeply incline out of the valley.

The road through the village has a narrow pavement on one side and continues to Weston Mere Farm (outside the Conservation Area) and to Standon beyond the Borough boundary.

The dwellings within the Conservation Area include a range of building forms. They include semi-detached estate houses, a few large detached houses in larger plots, converted farm buildings. The overall pattern of growth of most of the historic village was heavily influenced in the 19th Century when Harrison was the owner.

The plot sizes, shapes and length of frontages in the village centre vary although most houses are close to the road with small front gardens set behind the stone walls and some are closer to the road with a more informal planting to the front boundary.

The layout of the Conservation Area is within the valley and essentially is ribbon development along the road through the village and around the road junctions, close to the church and the hall. A number of public

footpaths and rights of way are located within and outside the Conservation Area boundary extending northwards after the bridge to the A51, one that travels south past Leas Yard and another which goes north from Haddon Lane.

Approaches to the village

The approach to the village from the north along the Stone/Nantwich Road is through open countryside with boundaries to the fields beyond the road formed by sandstone walls topped by hedges. Entering the village from the south, past Weston Meres Farm and cottages, there are hedges on both sides of the lane. Walls are retained behind the overgrown vegetation but at this end the walls are not visible.

Open spaces, trees and landscape

Maer is a rural Conservation Area with no public open space as such but the private and semi-private open spaces are crucial to creating the character and appearance of the Conservation Area and its setting.

The fields around the village are crucial to creating the agricultural setting for the village and some views into and out of it. Similarly the open parkland around the Hall provides a stunning landscape. There are many historic woodlands, some planted by Josiah Wedgwood II during his improvements to improve the setting and provide privacy to the hall. Much of the Conservation Area is unbuilt environment albeit the parkland is managed differently from the agricultural land.

The church yard set on steep ground, around the Church of St Peter is substantially enclosed by woodland to north and east. The grass bank and shrubbery and hedge on the ramped approach to the church form an important visual component of the Conservation Area. Access from the ramp to the former Vicarage is via path into the walled brick garden which is well screened from public view by the trees and planting.

Trees and Hedges

Trees hedges and vegetation play an important role in Maer Village Conservation Area in defining boundaries, screening and shaping views. It has been historically described as handsome parklike pastures and the hills around creating an Amphitheatre

around the Hall. This is the same today with a predominantly agricultural, parkland and garden environment.

The main areas of woodland and plantations were planted by Josiah Wedgewood II to Webbs' design and said to be principally of larch and oak. Webb was working to the principles of garden design in the 18th Century and at Maer he worked on enhancing and manipulating the natural landscape using the mere, trees, topography to create vistas. The further owners of the estate all clearly added to the areas of woodland and their management according to their style and the fashions of the day.

There are extensive areas of woodland planted as part of estate improvements and are named on the maps as Knights Wood, by the lodge, Bath Wood and Pool End Wood and Hogshead Wood surrounding the pool. Nursery Wood is on the western edge and The Ridding to the south western corner the latter of which is designated as ancient woodland, although not all of this woodland is currently within the Conservation Area boundary it is within the Park and Garden boundary. The Thickets is dense woodland on a hill to the rear and north of the church creates a large band of trees and screens the village when viewed from the north. Berth Hill is also heavily wooded although said to be overrun with Bracken. The latter also contains pleasure grounds and wooded walks laid out in the 19th century. Ashes Drumble frames the view from the Hall to the southwest.

The areas of woodland are all protected by either an area Tree Preservation Order or as single specimen trees. The single trees are within the parkland, down the main road into the village and on the boundary between 2 and 3 Maer Village. The hilly knolls on the eastern edges of the boundary, one in the north and one towards the south are also protected.

Hedges often top the walls of properties within the village, for example at Home Farm and towards the southern edge of the Conservation Area boundary hedge has completely covered the walls, but members of the village confirm the walls are still present.

A key landscape feature which appears on the 1900 OS map shows the ornamental gardens north of the church from the bridge over the road in a series of criss-cross pattern of woodland walks. This is not evident on the ground anymore.

Other frontage boundaries

Through the whole of the village from the Lodge and war memorial, the lane is characterised by stone boundary walls. As one approaches the Hall and Church these walls very high and imposing marking the edges of the road and demarking the boundaries of the properties and against the church holding back the hillside. South through the village, the walls continue some regular coursed and some irregular but they are one of the most significantly unifying features of the Conservation Area and village.

Very few unsuitable new front boundaries have been erected in the Conservation Area, only one pair of estate cottages has altered the appearance of the wall by adding a decorative suburban feature wall.

Gate piers

In line with the prevailing understated rural character of the Conservation Area, few of the properties within it have dramatic gates or gate piers at the entrances to the properties. There are some piers at Croft House adjacent to the Maer Estate Cottages; some at the Parish Hall and closer to the Hall are a series of piers announcing entrances to the hall outbuildings.

Focal points, focal buildings, views and vistas

Views tend to be restricted due to the topography, trees and vegetation, and orientation of the built form creating an enclosed feeling and character within the village. There is a strong contrast in landscape character between the ridges and surrounding plain which provides for expansive views, notably across the landscape to Berth Hill and Maer Hills from the southwest

There are panoramic views of the Hall and its outbuildings and the backdrop of the countryside from the churchyard. There are many striking views also from within the parkland landscape not least the vista from the Hall up to the SW ridge which is framed by the garden balustrade and groups of trees.

There is an impressive view of the village and from the roadway south to the ridge which marks the SW CA boundary. Another key view is across the fields behind the Old Laundry to the grassy knolls with clumps of trees. The knoll in the top northwestern corner

below Maerfield Gate Farm is a distinctive landscape feature.

The most obvious focal point of the village is the Church which stands on the edge of an embankment but due to the topography of the village and the curve of the road it is not seen until nearly upon it. Equally the gatehouse and its flanking walls is a dramatic structure within the centre of the village but not seen until one ventures towards it.

The former garden wall is another important feature within the centre of the Conservation Area both as an attractive large structure and as part of the history of the estate.

The War Memorial, on the main road at the bottom of Berth Hill is a key focal point for the entrance to the village and what it represents.

5. The Buildings of the Conservation Area

Listed Buildings

The buildings within Maer Conservation Area which are of the highest architectural or historic interest are on the statutory list of buildings of architectural or historic interest. They are all listed at Grade II except the Church of St Peter and Maer Hall gatehouse and walls which are Grade II*. They are:

Church of St Peter. The Parish church is on a medieval site and has some 12th and 13th Century fabric with 14th Century additions. It was rebuilt in the 17th Century and restored in 1870. The tower is thought to be early 17th Century (Pevsner). Built from coursed and ashlar sandstone with decorative fish scale tile roof.

Memorials and features in the Churchyard. There is a early 19th century stone sundial and 3 chest tombs all listed Grade II. The mid 19th Century tomb, dedicated to the Harding family has collapsed due to a tree which appears to have grown through one end of the tomb.

Maer Hall (Grade II) has mid 17th Century origins but is much altered. It was extensively extended in mid – late 19th Century by Culshaw and later by Francis Doyle for Harrison but then reduced to remove the Victorian additions to its original size in the 1960s by the next owner Mr Tellwright.

Gatehouse, flanking walls and bollards (Listed Grade II*) constructed from sandstone in late 18th Century with a stone slate roof this impressive clockhouse was built by Wedgewood II as an entrance to the yard. This has some structural problems and is on Historic England Buildings at Risk Register but has currently been temporarily stabilised.

Lodge, Gate Piers and gates (Grade II) dated 1860 built from sandstone with stone slate roofs in Jacobean style and stone gate piers with cast iron gates.

Stable block at Maer Hall, built by Wedgewood II but extended by Davenport family. Grade II Listed Building it includes a coachmans house and is now partly residential and partly garages for the current owner. The original stables are still intact.

Outbuildings in outer stable yard SE of the Hall, series of outbuildings including stables/coach house, dovecote and other

building. These brick and tile buildings were probably built by mostly by Davenport as he expanded and improved the estate towards the village.

Boathouse and attached causeway (Grade II) built for Thomas Harrison in the late 19th Century formerly on the edge of the lake when it came further up to the house. The causeway links from the stone balustrade and runs for about 20 metres.

Stone balustrade (Grade II) built from ashlar sandstone this low open balustrade is approximately 200 metres in length interrupted by 5 short flights of steps into the lower garden. This was added in the 19th Century when the formal gardens were laid out for Harrison.

Park Bridge, steps and revetment walls (Grade II) built by Harrison in the mid 19th Century the bridge carries the footpath over the road. One side leads down steps with low copings and piers down to the grounds of the hall and the other leads to the church through former gardens. There are high revetment walls to the north and south with a steep approach to the church from the road opposite the hall.

The (Old) Vicarage (Grade II) The former vicarage is partly late 16th Century but altered and extended in mid to late 19th Century. Large chamfered plinth of sandstone and purple-brown brick to the 16th Century part and red brick to later section.

Buildings of Local Architectural or Historic Interest

There are many buildings of interest which were all part of the estate within the village. All of the houses are mentioned in the local book produced for the village and it is not the intention to repeat that information for the review, but a few buildings require mention.

The now village hall was built as school but this became the Institute when Harrison arranged for a school to be built outside the village on the main road (now the Barbour outlet store)

Kitchen Garden wall, part of the former estate, now houses a modern property, but lies within the centre of the village and has aesthetic and historical significance to the village.

The Old Laundry, built by Harrison after 1893, is set back off the road and brought by cart from the hall.

Agricultural workers dwellings were also built and form the pairs of semidetached estate dwellings which are south of the hall. All built from red brick (some painted) with clay tiled roofs (fishscale) simple half gable dormers with barge boards and small ground floor bay windows with tile roofs. Windows in the village tend to follow the pattern of 2 light casement windows, all replaced. To the south are later pairs of estate semis of similar design with simple open porches or door canopies.

The Old Post Office and Bothy House, located in the centre of the village form a group around the road junction close the former garden house. Built from red brick with two storey and one and a half storeys the properties are set back from the road close to the road edge with small informal front gardens.

Home Farm (now residence) located south of the hall was built by Josiah Wedgewood II in spacious grounds set back from the road. Built from brick (painted) with a hipped roof, symmetrical with grand central entrance with full height pillars and unusually shaped casement windows.

Ice houses in Hogshead Wood – supposedly 2 ruinous ones and one underground chamber, although only one ruinous one was visible during the review.

Maer Mews, are the converted farm buildings which originally belonged to Home Farm. They were converted in 1993 into 3 dwellings and a bungalow.

Stone Cottage originally had outbuildings and New House is now located on the site. The only house in the village built from stone it was probably built in by Davenport and the 1880 OS map shows it may have been the post office.

Holly Cottage, built in the early 1920's in an area known as Leas Yard. It is highly visible from the south heading towards the village. Set on the side of the hill it was commissioned by Misses Harrison to house the governess at the school. 1 and 2 Lea's Yard were built around 1935 in a similar style to Holly Cottage, both since have been extended.

The Council has produced a Register of Locally Important Buildings and Structures. The list was last updated in 2016. www.newcastle-staffs.gov.uk/conservation.

There are currently no buildings or structures which have been nominated or added to this Register within Maer. Buildings can be added to the list during a review of the local register and some have been suggested within the Management Proposal section.

Building Analysis - Details materials and colours

Building styles

As in most areas, the buildings have a hierarchy of visual importance, dependent upon a range of factors, including their size, location and orientation, prominence, materials, design and function. It is also the combined effect of the buildings and their relationship with their layout, the landscaping, topography and vegetation which creates the character appearance and significance of the village.

Principal Buildings

The main buildings which have presence and landmark status within the village are the hall, the church, the gatehouse and the stone walls which line the village. One also cannot ignore the bridge which announces the village.

Positive Buildings and structures in the Conservation Area

It is notable that many of the smaller houses which make up the building stock of the village outside the hall are modest brick estate style cottages. 1,2 3 & 4 are of similar design and are painted brickwork. 5 & 6 are unpainted and slightly larger The Old Post Office and former bothy are prominent in the streetscene at the junction up to Leas Yard and the lane up to Bates Farm. Home Farm and its outbuildings are prominent within the village. Positive buildings are marked on the appraisal map MA2.

Details including materials and colours

Some historic buildings have been painted but the appearance of the basic building material of the buildings in the Conservation Area is red brick for the buildings and stone for most of the walls although some walls around the Vicarage and lower estate yard are brick.

Roofs tend to have Staffordshire small plain clay tiles with some apex dormers. Roofs fascia boards and some have gable overhangs. Some buildings have patterned roofs with fish-scale tiles.

6. Summary of Issues

Since the Conservation Area was designated in 1970 there have been a few changes, but for the most part these have been conversions replacement houses or extensions which have not harmed the overall character of the Conservation Area. A number of newer houses have been built but they have not had a harmful effect because they are set back from the road frontage and key views, often also set behind historic walls and hedges so blend into the character of the area.

The general arrangement of the roads and layout of the individual plots, the greenery and stone walls provide a feeling of intimacy and seclusion to Maer Conservation Area. This is supplemented by the presence of many mature trees and woodlands as well as the topography and landscape features. Together these aspects combine to make an important contribution to the character of the Conservation Area.

Maer has retained its distinct and special character and appearance over the last 50 years.

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Draft Management proposals for Maer Conservation Area

Contents

1. Introduction

The purpose of the Management Proposals

2. Legislative Background

The implications of conservation area designation

3. The Management of the Historic Environment

New Development guidelines

Article 4 Directions

Management of the Hall and Parkland estate

Positive buildings and buildings on the Register of Locally Important Buildings

4. The Conservation Area Boundary review

Proposed changes – Additions and Deletions

5. Implementation

Priorities for action

Appendices

Proposals Map MA3

1. Introduction

The Purpose of the Management Proposals

The purpose is to provide a framework for further actions which although primarily the responsibility of the Borough Council, will also depend on the cooperation and enthusiasm of local people, organisations, those involved in village life and the Parish Council.

Change within historic areas is inevitable and this is also true within Conservation Areas which cannot be left to stagnate or be frozen in time. Living in a Conservation Area does not mean that alterations cannot be made, but it does mean extra care must be taken when considering what changes can be made.

The Council has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to assess proposals for change and whether these would meet the requirement to preserve or enhance the character and appearance of the Conservation Area.

The guidance provides further detail on how new development and alterations in Maer can be designed to make a positive contribution and complement the area's character.

2. Legislative Background

The implications of Conservation Area designation.

Designation as a Conservation Area brings a number of specific statutory provisions aimed at assisting the "preservation and/or enhancement" of the area:-

- The local authority is under a general duty to review designations 'from time to time' and to ensure the preservation and enhancement of the Conservation Area. There is a particular duty to prepare proposals (such as Conservation Area appraisals or grants schemes) to that end.
- In the exercise of any powers under the Planning Acts, in respect of land or buildings in a Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.
- Extra publicity must be given to planning applications affecting Conservation Areas. This is done through a site notice and an advertisement in the local newspaper.

- Planning permission is required for the demolition of any unlisted building in a Conservation Area and the local authority may take enforcement action or consider criminal prosecution if consent is not obtained.
- Written notice must be given to the Borough Council before works are carried out to any tree in the area to give the Council the opportunity to include the tree within a Tree Preservation Order if appropriate.
- The Borough Council may take steps to ensure that a building in a Conservation Area is kept in good repair through the use of Urgent Works Notices and Amenity Notices.
- The energy conservation expectations of the Building Regulations (Part L) do not necessarily apply to buildings within a Conservation Area.
- Powers exist for local authorities, Historic England or the Heritage Lottery Fund to provide financial grant schemes to help with the upkeep of buildings in Conservation Areas, if the area is economically deprived.
- The Council has a Historic Building Grant Fund for the repair and reinstatement of buildings and structures which are considered as heritage assets, namely Listed Buildings, positive historic buildings in Conservation Areas and those on the Council's Register of Locally Important Buildings.

3. The management of development and change in the historic environment

It is important that local people understand the significance of their surroundings if they are to play their part. Some degree of change is inevitable in Conservation Areas and the issue is often not so much whether change should happen, but how it is undertaken. Owners and residents can minimise the negative effects of change by employing skilled advice when preparing development proposals and by avoiding unrealistic aspirations.

Community involvement is an integral part of the Local Plan process. The Parish Council is involved in the preparation a Neighbourhood Plan which should help to guide development.

It is always a good idea to check with the Planning Service before carrying out any work and if you need any advice on any planning issues.

- Planning permission is needed for extensions to houses in Conservation Areas if they extend beyond the side wall or if they have more than one storey to the rear and if it exceeds certain length and height restrictions.
- Planning permission is needed for external cladding to houses using stone, artificial stone, pebble dash, render, timber, plastic or tiles.
- Planning permission is needed for any alteration to the roof of a house in a Conservation Area.
- Planning permission is needed for the erection of any structure within the garden of a house in a Conservation Area if the structure proposed would be on land to the side or front of the house. This is especially important for sheds, garages and other outbuildings in gardens.

Where a building is statutorily listed separate legislation applies to all internal and external alterations which affect the special architectural or historic interest of the building and will require Listed Building Consent. Planning permission is also needed for all proposed buildings in the garden of a domestic listed building including gas/oil containers.

New development and guidelines

High quality and carefully considered design of new development in Conservation Areas is crucial. This does not mean that it should simply copy surrounding properties, but it should always be sensitive to its context. Some principles are that:

On the whole new development should be 'of its time' rather than resorting to simply mimicking the design of the original houses in the Conservation Area. This can involve re-interpreting architectural styles and detailing in a contemporary manner.

There should be a strong logic in the choice of materials made, especially where changes in material are proposed. New buildings should always utilise high quality and robust materials and workmanship throughout.

Extensions

An extension will permanently alter the character and appearance of a property. There will be cases where carefully designed minor extensions can be added without harm to the individual house or its setting, however in some cases it may not be possible to extend at all. In all cases, proposals for new additions must demonstrate an understanding of the site and its context. This means it is important to consider:

- The original building itself - extensions should be subordinate to and be inspired by the original form and character of the house, rather than dominating or obscuring it and its original design. In most cases roof forms, building materials and architectural details should reflect those of the original building, but it is also important that a new extension can be clearly read as a new addition. Achieving this is a careful balance.
- Neighbouring buildings – maintaining the space between houses is important. Side extensions (even single-storey ones) which close up the gaps between properties or between common boundaries, or result in a loss or reduction of mature landscaping, that would detract from the character and appearance of the street scene, should be avoided.
- The impact of the extension on the wider plot and landscaping. The

landscaped areas (particularly at the front and side) of individual plots on the whole make a recognised contribution to the character and appearance of the Conservation Area. Any development in these areas must be carefully designed and be of an appropriate size in order to preserve the setting of the building and its relationship with others.

Windows and Doors

With regards to any original windows - which make a significant contribution to the character of a building - the following principles should be followed:

- Windows should be repaired rather than replaced where possible.
- If the original frames, casements and glass are beyond repair then any replacements should be of the same material, replicate the original sub-division, profile and style of the window. On the whole this will involve the use of appropriate timber replacements.
- Care is needed if considering the use of double glazing as this can greatly alter the appearance of windows.
- Any important historical or architectural detailing to windows (e.g. leaded lights) should be retained.

Building materials and details

Retaining original decorative features and using traditional materials preserves a building's character. Removal of building detail can spoil the appearance of individual buildings as it is often the quality and combination of the decorative features of the individual houses that contribute to their character. To ensure that this is preserved, the following principles should be followed:

- Good quality, matching materials should be used, with close attention paid to detailing.
- Any new walls or repairs should be built in matching materials.
- With regards to roofs - often it is the fixings rather than the tiles themselves that need replacing. However, if replacement is necessary, care must be taken to match the colour, texture, size and materials of the original

slates or clay tiles as they can come in a variety of shapes and sizes and patterns.

- Original chimney stacks and pots are considered important architectural features and should be retained.
- Any replacement rainwater goods should replicate historical profiles, materials and designs.

Repair rather than replacement is the preferred option, and upvc or aluminium for windows or doors are not generally suitable materials for use in an historic context.

The alteration of doors and windows are permitted development but may be withdrawn under an Article 4 Direction (see below). This additional control will seek to retain original and historic and architectural features which combine to create the Area character.

Roofs and Chimneys

There is a presumption against the removal of chimneys even if not in use, since this is likely to adversely affect the special character and appearance of the Area. Slate or clay should be used in replacement of concrete or artificial slate.

Proposals to extend or alter roof spaces should consider the following general principles:

- Dormer windows should not be oversized but in proportion to the size of the roof and be of a design which harmonises with the architectural style and appearance of the property.
- Rooflights should be placed in discreet locations (preferably on rear roof slopes, away from the road side), be modest in size and of a slim-framed, traditional design (i.e. conservation type), fitting flush with the slope of the roof.

Satellite dishes

Satellite dishes and antennas in Conservation Areas are not permitted without planning permission if they are mounted on a chimney, wall or roof slope which faces onto and is visible from a highway or a building which exceeds 15 metres in height. In these cases, planning permission would not normally be approved.

Generally for listed buildings, Listed Building Consent is practically always required for the installation of `antennas` and if the Borough Council considers that the installation will have an adverse effect of the special interest of the building, consent will usually be refused.

Conventional TV aerials and their mountings and poles are not considered to be `development` and therefore planning permission is not required.

Micro-generation and green energy

The government has relaxed the rules for the installation of solar PV or thermal equipment on houses, but in Conservation Areas, equipment needs planning permission if it is to be located on a wall or roof slope of the main elevation of the main house or outbuilding or on a Listed Building or a building in its garden.

Solar panels should be placed in discrete locations - preferably on the rear roof slope of the property and should sit as flush as possible with the roof slope.

Trees and Landscape

The contribution of trees (particularly mature trees and established planting) both along the roadside and in the gardens of many properties is important to the character of Maer Conservation Area and should be retained. Many trees in the area are affected by a Tree Preservation Order (TPO) and permission must be sought to carry out works to any trees from the local authority. See plan on page 6 of the Appraisal.

Anyone wishing to remove or prune a tree within a Conservation Area not affected by a TPO must notify the Local Authority which then has 6 weeks to consider the proposal and respond. Work cannot proceed until the Council has responded or the 6 week period has expired. The purpose of this requirement is also to give the Local Planning Authority an opportunity to consider whether a Tree Preservation Order should be made in respect of the tree.

Boundary treatments

Many properties in the village retain the stone boundary walls often topped with hedges. They unify the effect of the village with their presence and their removal would have a

detrimental effect upon the character of the historic setting of the estate village. They should be retained and repaired where necessary.

When providing new boundary treatments high, solid boundary treatments should be avoided since they obscure the glimpsed views of the properties which contribute to the streetscene. Effective security should be provided through more subtle means which respect the area's semi-rural and 'open' character.

Demolition

Permission is needed for demolition all buildings in the Conservation Area (over 115 cubic metres). Demolition of historically significant buildings within the Conservation Area will not be permitted unless the building to be demolished can be proven to have a harmful or negative effect. Partial demolition does not require permission, but some control could be exercised through an Article 4 Direction, particularly in relation to boundary walls.

Single dwelling houses have considerable permitted development rights that enable some alterations to be carried out without the need for planning permission. These can include changes to windows and doors, roofs materials or construction of minor extensions and removal and building of walls/fences and railings. Although they may be minimal in each case, such alterations can have a cumulative effect that is damaging to historic areas. Where this kind of development is considered to be harming the character of an area, an Article 4 Direction can be considered.

Article 4 Directions

Permitted development rights are withdrawn if the Borough Council imposes an Article 4 Direction. This does not mean that development will not be possible. It does however mean that planning permission has to be sought and this allows for the merits of the proposal to be considered against the conservation interests of the area.

It has to be considered whether the exercise of permitted development rights would undermine the general aims and objectives for the historic environment in Maer and its local distinctiveness.

For example under an Article 4 Direction planning permission might then be required for

- The erection, alteration or removal of a wall, gate or fence at the front of a building can also be controlled as well as demolition.

Consideration will be given to controlling the removal of and erection of boundary treatments within the current Conservation Area, on the elevations which front a road given the part the stone walls play in giving the area its special character. Further consultation in this regard will be undertaken with affected residents and property owners.

Given the fact that residents have already changed windows and doors largely to upvc and this has not been particularly harmful given the nature of the changes and location of the properties, it is not proposed to remove this right via an Article 4 Direction.

Management of the Hall and Parkland estate

The Hall is located at the east end of a park which extends 1km to the west and is approximately 500m wide. The parkland is managed by the current owner and is generally all in the same ownership. The village properties are all in private ownership now.

The estate grounds are included within a higher level Countryside Stewardship Scheme (Natural England). This is an agri-environment scheme which considers wildlife, water and heritage conservation, below and above ground archaeology. The main focus of the existing scheme was to address the SSSI (Maer Pool) and some woodland management.

The Scheduled Ancient Monument on Berth Hill is considered to be at risk, mainly from bramble growth, and in need of continued management and a balance struck between the natural and historic environment. Other historic parkland features could be restored through this scheme. A management plan is required to better understand the significance of the historic landscape and sustain a long term programme of works for the estate. This is advocated by the owner of the estate and Historic England as a way forward.

Positive buildings and buildings on the Register of Locally Important Buildings and Structures

There are buildings of local significance which, although not statutorily listed, are nonetheless important to the history and character and cultural value of the Borough. The Appraisal has identified buildings that made a positive contribution to the character of the Area. In general, all listed buildings and those on the Council's local Register in a Conservation Area will be regarded as 'positive'.

However, there are often many more that, together, underpin the special interest of a place. Indeed there are many properties and structures which are relatively modest within Maer Conservation Area but play an important part in the overall defining character of the area. The following structures are those suggested for being considered for the council's local Register of Important Buildings. See Plan MA3.

- Maer War Memorial, A51
- Home Farm, Haddon Lane, Maer
- Bothy and Old Post Office, Maer
- The Old Laundry, Maer
- Holly Cottage, Maer
- Stone Cottage, Maer
- Former garden walls around The Garden House, Maer
- Village Hall (former school), Maer
- Weston Meres Farmhouse and barn (outside the present Conservation Area boundary)

4. The Conservation Area Boundary Review

Local authorities are required by law to review their boundaries of existing Conservation Areas. This is to ensure that they still retain special architectural or historic interest. As part of the Appraisal process the whole Conservation Area was inspected and the robustness of the present boundary assessed. Guidance states that boundaries should be defensible and sensible ideally following clear features.

Maer Conservation Area contains buildings and features which are of different architectural styles and periods but all of the village buildings (except the Old Vicarage) have been built or influenced by previous owners of the Hall and estate and tend to be Victorian or later. It is relatively compact around the convergence of the lanes and is built up along the road edges and routes. The topography affects the experience one has of the area and generally defines the edges of the boundary. The entrances into the village have a significant impact on the character traversing down the lane under the bridge give a sense of intrigue and surprise. Trees and the natural landscape also play a role in defining the area and its boundary helping to shape views and vistas.

The boundary of the existing Conservation Area is considered appropriate and no parts are proposed to be taken out of the area. Consideration is given to 4 further areas to be included within the boundary.

1. Extend the boundary up Haddon Lane to include Primrose Cottage. The justification is that this property was also part of the estate and the stone walls are located along Haddon Lane as far as the cottage.

It is accepted that the cottage was part of the estate under the Harrisons, although its date is unknown. This fact is not disputed nor diluted for being outside the boundary. The property has potential evidential historical and community value as part of the former estate but given the nature of the incremental changes and extensions to the property there is no aesthetic value to the character or appearance of the Conservation Area. For this reason it is not proposed to

extend the boundary up Haddon Lane to include the cottage.

2. Extend the boundary south to include Weston Meres Cottages and Weston Meres farm and barn. Justification is that the farmhouse and barn are impressive buildings and the cottages were part of the estate. The high architectural and aesthetic quality of the buildings and the stone walls continue up as far as the farm.

It is not disputed that the farmhouse and outbuildings are of some considerable aesthetic value and they also have evidential, historical and value to the community as one of the three former farmsteads on the estate. The current boundary has a discernable feature of a hedge along a field boundary which is some distance already from the last cottages in the village. This is a sensible boundary which includes the core of the village and its houses. The cottages north of the farm, whilst part of the farm and estate in the 20th Century, are of little aesthetic value, and it would potentially compromise the special character of the existing area to extend the boundary to include them. It is therefore not proposed to include the cottages and Weston Meres Farm but to suggest that the farmhouse and outbuilding is put forward for inclusion on the Council's Register of Locally Important Buildings and Structures.

By not including Primrose Cottage and the Weston Meres farmstead the significance of the Maer estate and the Conservation Area is not devalued.

3. Extend the boundary southwest to include more of Ashes Drumble woodland area of trees along the ridge of high ground. This includes the designed view from the hall into the landscape in between the trees up to the end of the view.

The view from the hall is clearly designed and in itself a key vista from the Hall across the parkland setting. The current boundary includes the view as far as the road and small section of the hill. As the view continues up to the ridge alongside the woodland of Ashes Drumble, it is

proposed to accept this suggestion and extend the boundary to include the whole vista.

4. Extend the boundary to the west to include an area of the parkland which is also within the designated Historic Park and Garden. This extends the boundary westwards to the track from the A51. This would also include the whole of the old trackway, a former road, across the parkland. At the end of the track the boundary then heads further west around the small group of houses and south along a hedge boundary which includes two important protected trees, before turning east to take in the woodland of The Ridding.

The Conservation Area boundary seems to have stopped short on a former hedgerow and only included part of The Ridding woodland. The Park and Garden boundary reflects the estate shown on the first edition OS map. The track boundary is also a better boundary feature that at present is shown within the landscape. It is sensible to align the two boundaries in this location to reflect the parkland estate at this time and include the whole of the important and impressive woodland.

5. Implementation

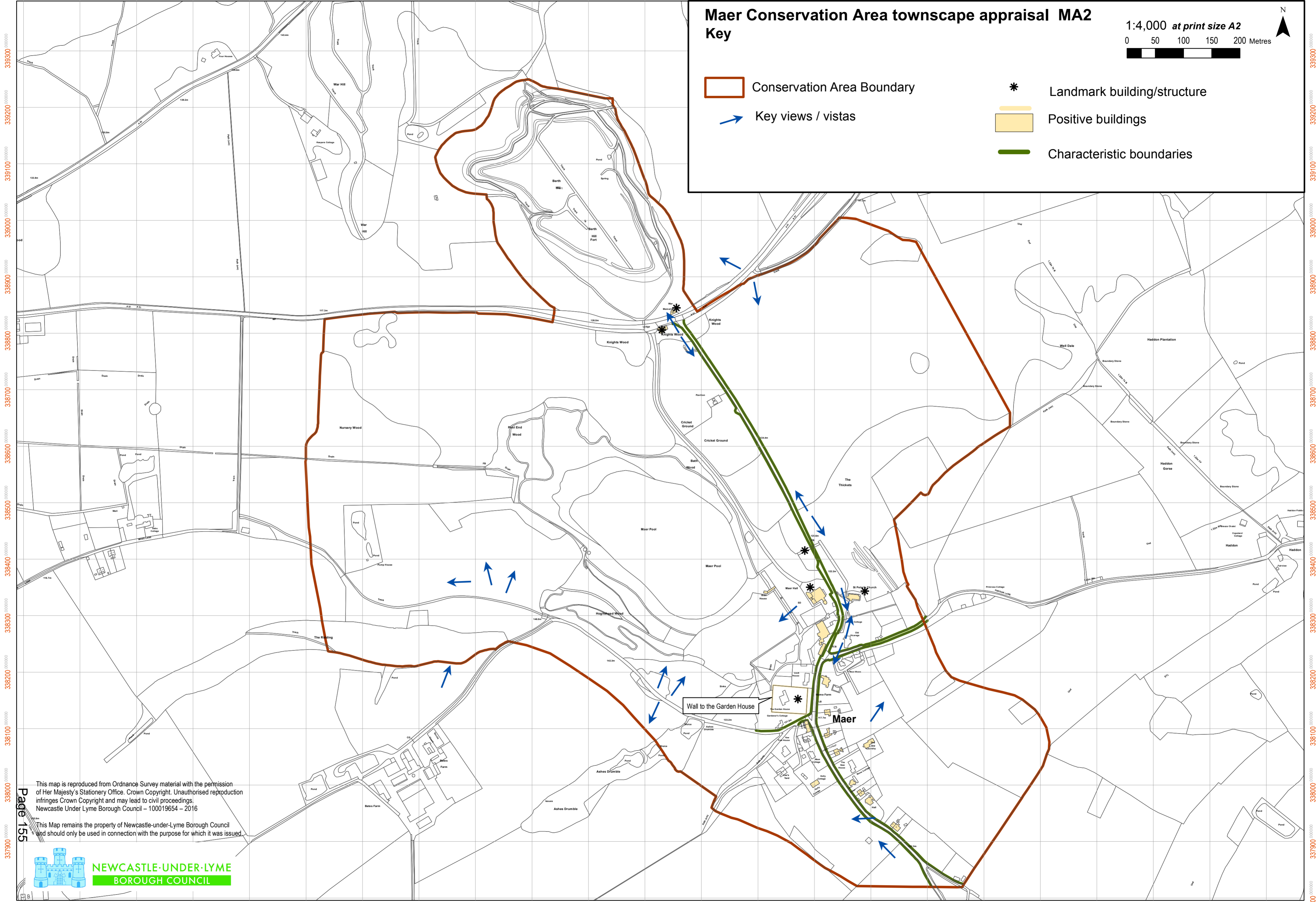
It is important that the Maer Conservation Area should be as self-sustaining as possible if it is to remain in its present state. Achieving this requires management to control any necessary changes so that its special character and appearance is not adversely affected. Success will require commitment by all Borough Council departments and their partners such as building control and the Highways Authority to ensure the sensitive exercise of controls, in the best interests of the Conservation Area, and the sensitive deployment of any resources which may become available. Clearly a key part to the appearance of this Conservation Area is how the parkland is managed and this is helpful as much of the area is within single ownership. Other bodies such as Historic England, Natural England, Defra through the Stewardship Schemes all have a key part to play in the future management of the parkland environment.

Those who live and work in the Conservation Area must understand the need to take a contextual view of proposals rather than acting in isolation. Change is inevitable in Conservation Areas but it is how rather than if it is undertaken.

Priorities for action

- Consultation with the community on the review of the Conservation Area and Management Proposals, including boundary changes.
- Formal adoption of the new Conservation Area boundary, if appropriate.
- Encourage community involvement to select buildings for the Register of Locally Important Buildings and Structures.
- Encouragement to produce a Conservation Management Plan for the parkland landscape for future management of the estate.
- Ensure that Buildings at Risk are dealt with appropriately and are removed from the At Risk Register.
- Investigate potential breaches of development control with a view to seeking changes or enforcement.
- Monitoring change and updating photographic records.
- Consideration of the implementation of an Article 4 Direction to ensure protection of the historic boundary walls within the village.

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Maer Conservation Area townscape appraisal MA2

Key

- Conservation Area Boundary
- Key views / vistas
- Landmark building/structure
- Positive buildings
- Characteristic boundaries

1:4,000 at print size A2

0 50 100 150 200 Metres

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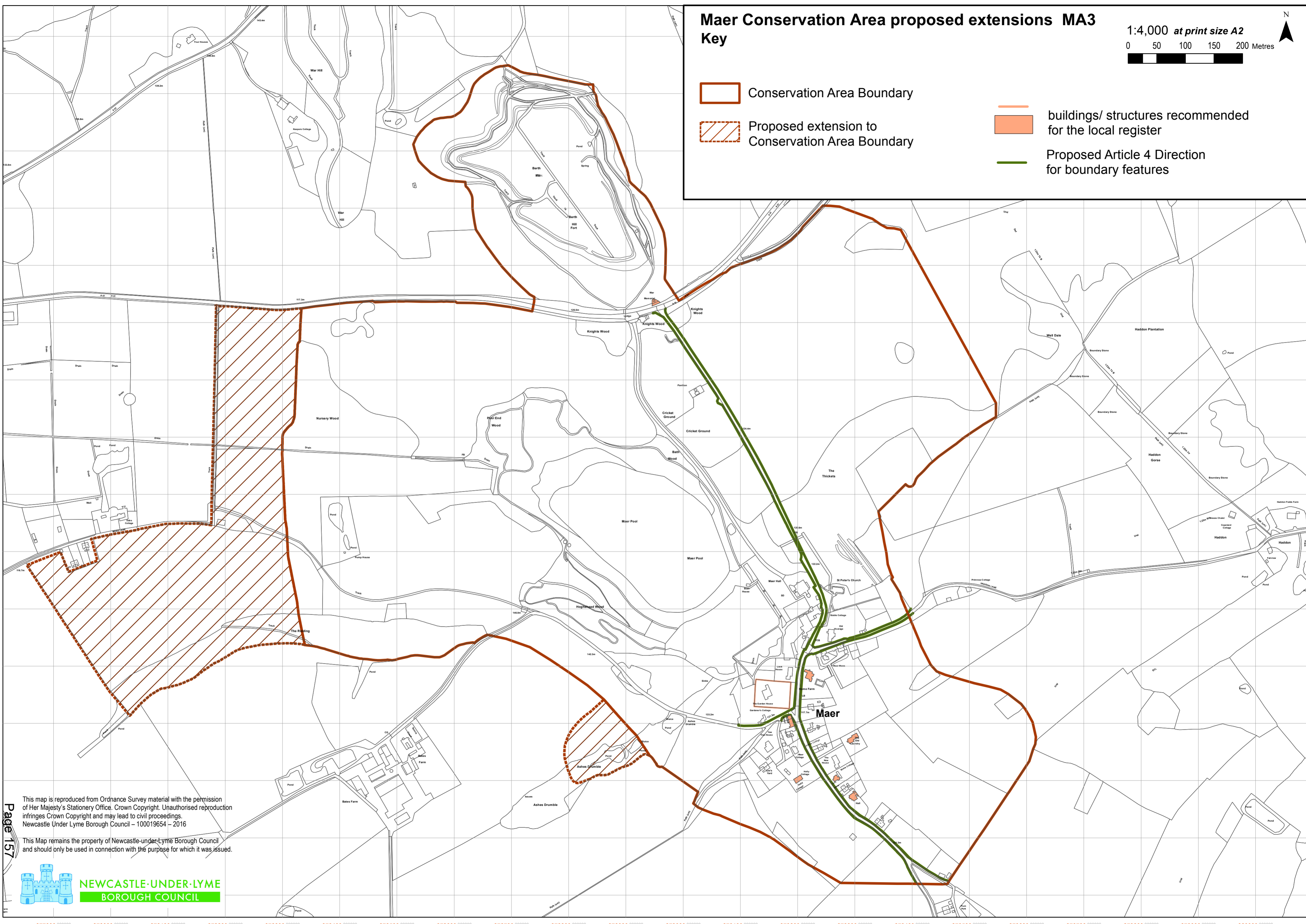
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Maer Conservation Area proposed extensions MA3

Key

-  Conservation Area Boundary
-  Proposed extension to Conservation Area Boundary
-  buildings/ structures recommended for the local register
-  Proposed Article 4 Direction for boundary features

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Page 157



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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund for St Peter's Church, Maer (Ref: 18/19001/HBG).

RECOMMENDATION:

That the following grant is approved:-

- 1. £992 for repairs to the stonework of the tower, repointing to three sides of the tower and provision of access, subject to the appropriate standard conditions**

Purpose of report

To enable members to consider the application for financial assistance.

The Parish church (Grade II*) is on a medieval site and has some 12th and 13th Century fabric with 14th Century additions. It was rebuilt in the 17th Century and restored in 1870. The tower is thought to be early 17th Century. The church is built from coursed and ashlar sandstone with decorative fish scale tile roof.

The church has recently undertaken works to improve the heating system, install an external boiler and provide toilet facilities in the former boiler house (17/00219/FUL). Repairs to the church tower are required and an area of repointing is required following the removal of the old flue. This has caused an area of damp to develop on the west wall of the nave. Two competitive quotations have been received for the works.

The total cost of the works including scaffolding is estimated at £4,960.00. The works are eligible for a grant of up to 20% or up to a maximum of £5,000.

The Conservation Advisory Working Party have considered this application and they are supportive of it and recommend that the grant be approved.

Financial Implications

There is sufficient funding to meet the grant applications with £23,475 in the Fund allowing for commitments.

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APPEAL BY MR WARNER AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE CONVERSION OF THE GROUND FLOOR OF THE PROPERTY TO A TWO BEDROOM FLAT

<u>Application Number</u>	17/00838/FUL
<u>Recommendation</u>	Refusal
<u>Appeal Decision</u>	Appeal allowed and planning permission granted
<u>Costs Decision</u>	An application for the award of costs against the Council refused
<u>Date of Appeal Decision</u>	22nd June 2018

The Appeal Decision

The Inspector identified the main issues to be whether a financial contribution is necessary towards public open space provision in the area. In allowing the appeal the Inspector made the following comments:-

- Paragraph 204 of the National Planning Policy Framework (the Framework) and Regulation 122 of the Community Infrastructure Levy Regulations (CIL) require that planning obligations should only be sought when they are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale to the development.
- Policy CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026 (adopted October 2009) (CSS) indicates that developers are required to have regard to the consequences that may arise from development. Proposals should therefore include provision for necessary on-site and off-site infrastructure, community facilities and/or mitigation measures where this is necessary to ensure comprehensive planning and to avoid placing an additional burden on the existing community and area. It states that these may include open spaces, sport and recreation facilities. Saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011 (adopted October 2003) (NLP) states that where a development requires improvements to infrastructure, or essential facilities, to make it acceptable then the developer will be expected to carry out or contribute to the funding of appropriate works.
- Policy C4 of the NLP only seeks the provision of, or a contribution towards, open space and its maintenance in housing proposals with ten or more dwellings or 0.4ha. The proposal is clearly well below this threshold. Policy CSP5 of the CSS states that open space, sport and leisure assets will be enhanced, maintained and protected by a number of measures including the use of developer contributions to meet the needs of new residents, and help deliver a variety of green space strategies in the area, and any approved revision or replacement strategies.
- In March 2017 the Council adopted the Open Space Strategy (OSS) as a replacement strategy for the 2007 Urban North Staffordshire Green Space Strategy (GSS). Although not a Supplementary Planning Document, or formally part of the development plan, it is a strategy that relates to Policy CSP5. In addition, the Council's evidence shows that before adoption, the draft document was subject to an extensive consultation process. The OSS indicates that 0.004 ha of open space should be provided per dwelling irrespective of type or tenure and that the open space will be provided in areas of not less than 0.1ha regardless of development size. This approach conflicts with Policy C4 of the NLP and advice in the Planning Practice Guidance (PPG) outlined below.
- The OSS also provides a cost model for off-site contributions that is an update of the cost model from the GSS. On this basis, the Council have indicated that in this case they are seeking a contribution towards off-site open space of £5,579. This comprises £4,427 for capital development/improvement of open space and £1,152 towards maintenance for 10 years.

- Notwithstanding the OSS, the PPG makes clear that contributions towards affordable housing and tariff style planning obligations should not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1,000 sqm. This accords with Policy C4 of the NLP. The PPG states that a tariff style is one where contributions are pooled in funding ‘pots’ intended to provide common types of infrastructure in the wider area.
- The Council indicated that this would be used for the nearby Heath Row playing field and although calculated on a “sum per dwelling” basis it does not meet the definition of a tariff style contribution. She accepted, in the absence of any outdoor amenity space on site, future occupiers may well use this nearby open space.
- However, it was noted that the table in in OSS indicates that the funding required per dwelling is for a range of different types of open space, including parks and gardens, amenity green space, natural and semi-natural green space, play spaces, allotments, and outdoor sports. This would suggest that the funding received from each dwelling would be pooled and used towards a variety of different types of open space in an area, and so would be a tariff style contribution.
- In the absence of the precise details of how the money is to be utilised, or any evidence as to why the need for improvement to this local area is such that all the money would be used in this way rather than being split as indicated in the OSS. Moreover, if the funding is only to be used on the one site, it has not been demonstrated how the amount of funding required has been calculated, as the table in the OSS sets out funding calculation for a variety of open space requirements. Whilst the Council have said it would not be contrary to CIL Regulation 123, which restricts the total amount of contributions that can be pooled to any one project, there is no evidence to show that no other money would be utilised for the proposed work, which would have to be the case if it were not to be a tariff style contribution.
- In the absence of such information, she considered that the financial contribution being sought is a tariff style contribution, which the PPG indicates should not be sought on a development of this size.
- Bringing these points together: whilst the development plan policies support the need for developments to make adequate provision for open space either on site or through financial contributions for off-site provision, there is a conflict between Policy C4 of the NLP which requires such provision only in developments of 10 or more dwellings, and Policy CSP5 supported by the recently adopted OSS which requires a contribution from any residential development regardless of size. The latter is also contrary to the PPG. One of the key aims of the changes made to the PPG was to reduce the disproportionate burden of developer contributions on small scale developers.
- Given this, and in the absence of specific details about how the financial contribution would be spent and how it relates to the appeal proposal, the Inspector concluded that the contribution requested would not meet the statutory tests set out in the CIL Regulations and the Framework. Consequently, she considered that it is not necessary to require a contribution to open space provision in this case.

The Costs Decision

- In making the application for an award of costs, the appellant has set out how he considers that the Council acted unreasonably in dealing with the application. In particular he has highlighted that, despite having pre-application discussions, it was at a very late stage in the process that the need for a planning obligation was first mentioned. He has also highlighted the length of time it took to determine the application, and the difficulties he had communicating with Officers, and getting information about the obligation, how it was calculated, and what it was for.
- The Inspector noted the OSS was adopted in March 2017, several months before the pre-application discussion took place and the application was submitted. As a result, the Council’s change in approach, and thus the need for a financial contribution from this scheme, should have been known about before the pre-application advice was given, and the application was made.

- However in not advising the appellant about the need for a financial contribution until a very late stage, she considered that the Council's behaviour at application stage was unreasonable. Notwithstanding this, there is no indication from the appellant that if he had known about the need for a financial contribution at the start of the process he would have provided a planning obligation as part of the application. Consequently, the application would still have necessitated an appeal.
- In conclusion, she therefore considered that the Council have acted unreasonably at application stage, but this action has not resulted in unnecessary or wasted expense, and thus an award of costs, as described in the PPG, is not justified.

Your Officer's comments

In relation to the appeal decision, of particular note is the Inspector's conclusion regarding the Section 106 contribution towards off-site Public Open Space and the weight to be attached to the Open Space Strategy (OSS), adopted by the Council in March 2017. The Inspector in this case acknowledges the tension created by using the OSS document relative to Policy C4 within the Development Plan and the subsequent burden this places on developers. She also was critical of the Council's current approach to accepting that the financial obligation sought was not a tariff style contribution.

This is an important decision as it is the first occasion that the approach being taken by your Officers has proved to be unsuccessful at appeal. The fact that the Inspector did not support the approach is however helpful in consideration of subsequent planning applications alongside the information provided by Landscape Development Services, in what is, still a relatively recent practice.

A meeting has taken place with representatives of the Landscape Development Services where it was agreed that this appeal decision did not justify the abandonment of the policy to seek public open space contributions in respect of developments of less than 10 dwellings. It was also agreed that more evidence would need to be provided to demonstrate that the contribution to be secured could be spent without the need for it to be pooled with other money.

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REPORT TO PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2017/2018

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management between 1st April 2017 and 31st March 2018. Figures for 2015/16 and 2016/17 are also provided, as are the targets set out within the 2017/18 Planning and Development Service Plan, and performance targets adopted for 2018/19.

Recommendations

- (a) That the report be received
- (b) That the Head of the Planning with the Development Management Team Manager seek to maintain performance of the Development Management team where satisfactory and improve the service provided where the level of performance may otherwise fall below targets adopted in the 2018/19 Planning and Development Service Plan
- (c) That the 'Mid-Year Development Management Performance Report 2018/19' be submitted to the Committee around November/December 2018 reporting on performance achieved for the first half of 2018/19 in relation to these targets, including the 7 indicators considered below.

Reasons

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

1. Background:

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

2. Matters for consideration:

There is an Appendix attached to this report:-

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

This report provides a commentary on the performance achieved against the performance indicator targets as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 6th December 2017 which reported on the mid-year performance figures and gave predictions on whether the targets for 2017/18 set in the 2017/18 Planning & Development Service Plan would be likely to be achieved.

Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including currently the three below which relate to the speed of determination of planning applications, and any indicators failing to meet the set targets are reported by exception. A report on performance across the Planning Service is due to be considered by the Economy, Environment and Place Scrutiny Committee at its meeting on the 4th July.

3. The performance achieved in relation to the targets for 2017/18, and the targets for 2018/19:

7 indicators, all measuring speed of performance, were included in the 2017/18 Planning and Development Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that

out of these 7 performance indicators, the target set by the Council for itself has been met in 2017/18 in only 2 cases, and has not been achieved in the other 5.

In consultation with the Planning Portfolio holder there has been a review of the Service's targets and it has been agreed that in all but two of the indicators the target will remain unchanged for 2018/19. The change that has been agreed will be set out below.

INDICATOR Percentage of applications determined within the following timescales:-

- (1) % of 'Major' applications¹ determined 'in time'**
- (2) % of 'Minor' applications² determined within 8 weeks**
- (3) % of 'Other' applications³ determined within 8 weeks**
- (4) % of 'Non-major' applications⁴ determined 'in time'⁵**

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

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

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

The thresholds for designation in 2019 have not yet been announced. The government have stated in general terms that they intend to raise the thresholds for designation year by year.

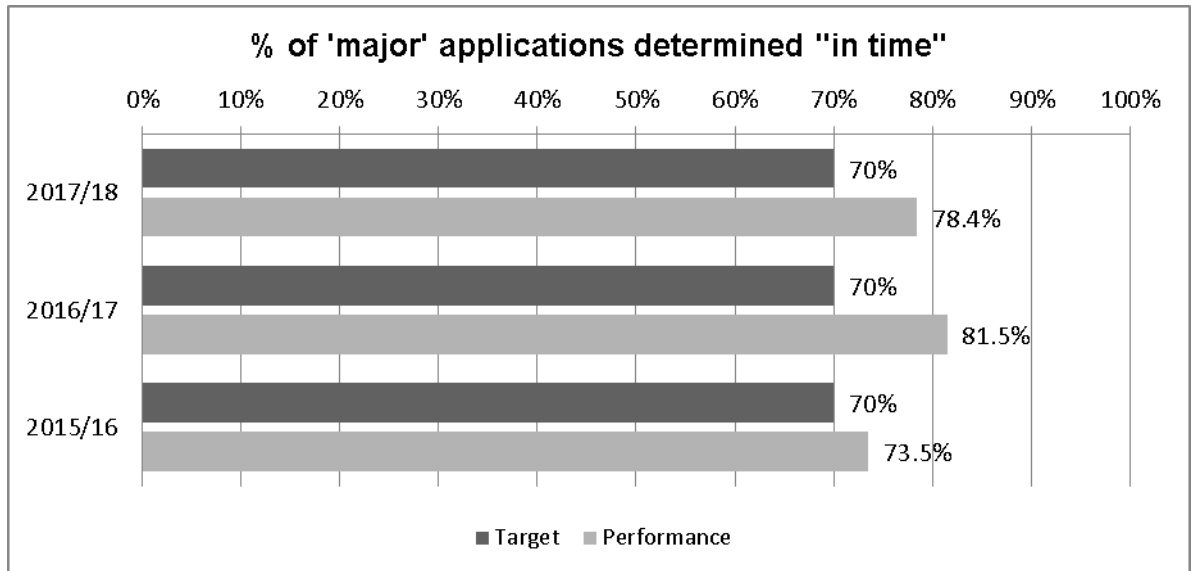
The period referred to in this report – between April 2017 and March 2018 accordingly falls in part within the October 2015 to September 2017 assessment period.

Members may wish to note that with respect to Majors our performance, for the two year period ending March 2018 was 79.7% (against the national designation threshold of 60%), the Council being ranked 275th out of the 339 District Planning Authorities in England. In respect of Non-majors, for the same period, the performance was 85.4%, (against the national designation threshold of 70%) the Council being ranked 237th.

The other designation criteria measure the quality of decision making as demonstrated by appeal performance (again for Majors and Non-Majors) and the Council's performance in this respect is addressed in the Annual Appeals Performance Report which will be brought to a future Committee.

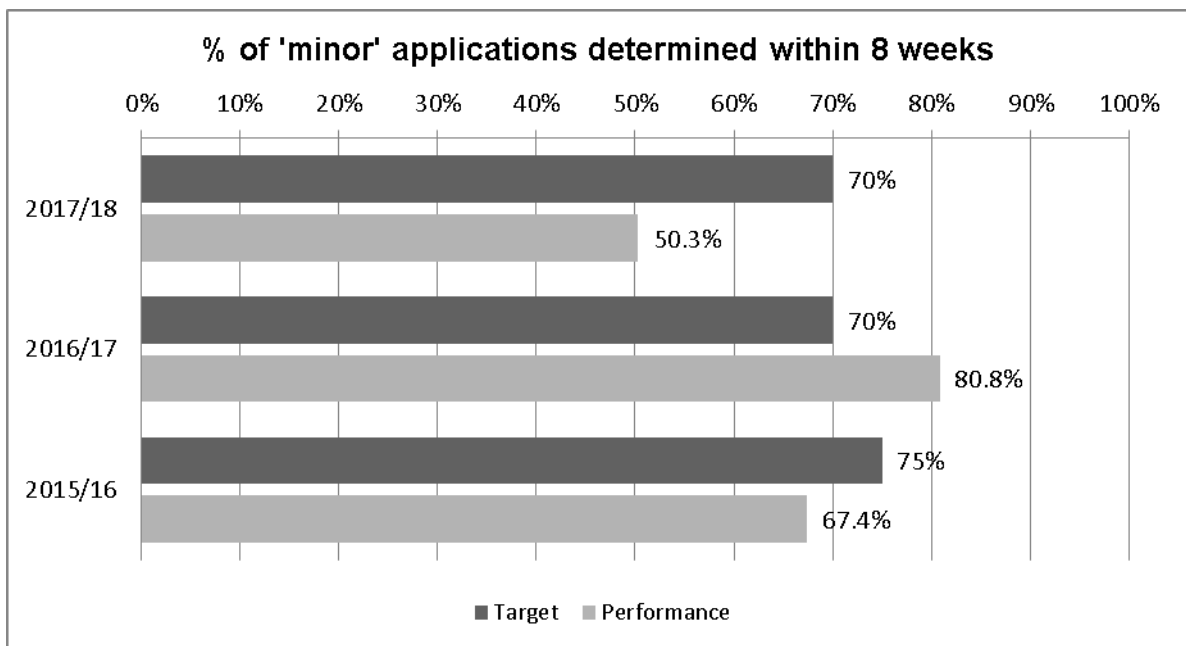
Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays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

(1) In dealing with 'Major' applications¹ during 2017/18 we determined 78.4% of 37 such applications "in time"⁵ against a target of 70%. This is a notable increase in number of such applications when compared to the 27 that were determined in the previous year. Comparison with performance in previous years is indicated below. It has been agreed that this target will increase to 72.5% for the year 2018/19, maintaining some headroom above the expected increase in the 60% designation threshold referred to above.



TARGET ACHIEVED

(2) During 2017/18 50.3% of the 197 'Minor' applications² were determined within 8 weeks against the 'local' target of 70%. Comparison with performance in previous years is indicated below. 214 minor applications were determined last year.



TARGET NOT ACHIEVED

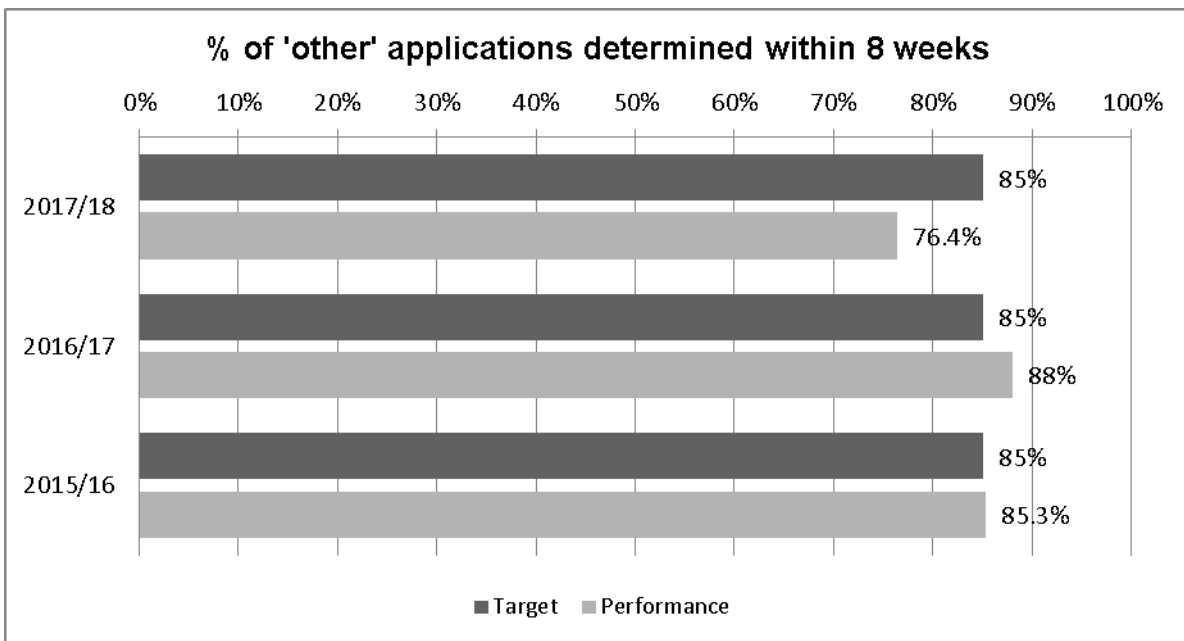
Performance on Minor applications² fell significantly below the target, as was predicted in the mid-year performance report. As indicated in that mid-year report a key factor that impacted upon our ability to determine Minor applications in 8 weeks is the change in policy agreed by Cabinet in March 2017 that means that contributions to public open space improvement and maintenance are required for Minor dwellings proposals (under 10 units) as well as for Major dwellings proposals. The securing of such a contribution requires the applicant to enter into a planning obligation before planning permission can be issued which takes time and delays the issuing of the decision notice. To limit this delay a model unilateral undertaking was agreed last year. It, however, remains extremely challenging to secure the required obligation and issue a decision within 8 weeks. As Minor dwellings applications amount to about 50% of the total of Minor applications² the need to secure public open space contributions through planning obligations before planning permission can be issued is having and will continue to have a significant impact on performance.

In light of such difficulties this performance indicator has been amended in the 2018/19 Planning & Development Service Plan from a % of Minor applications² determined in 8 weeks to a % of such applications determined "in time"⁵ so as to align it more closely with the national designation thresholds. The target has been set at 77.5%.

Members should note that this target still remains exceedingly challenging. Difficulties are being experienced in obtaining agreements to extend the determination period as in some cases they are requested too late, and even when requested in sufficient time the applicant does not always confirm in writing their agreement in time even when they are content to allow more time. In addition in some cases, but not in many, the applicant is not prepared to agree to extend the determination period. The process of securing such agreements where required is time consuming particularly where the applicant does not promptly respond and where follow up calls/correspondence is then required and this is taking officer resources away from other areas of their work.

Recent experience has been reflected upon, however, and a procedure has been put in place to improve the likelihood of securing agreement to extend the determination date of an application in addition to the procedures in place to speed up the process of securing a completed planning obligation where required. Hopefully performance will improve as a consequence.

(3) During 2017/18 76.4% of the 402 'Other' applications³ were determined within 8 weeks. 374 were determined last year. The target was 85%. Comparison with performance in previous years is indicated below.

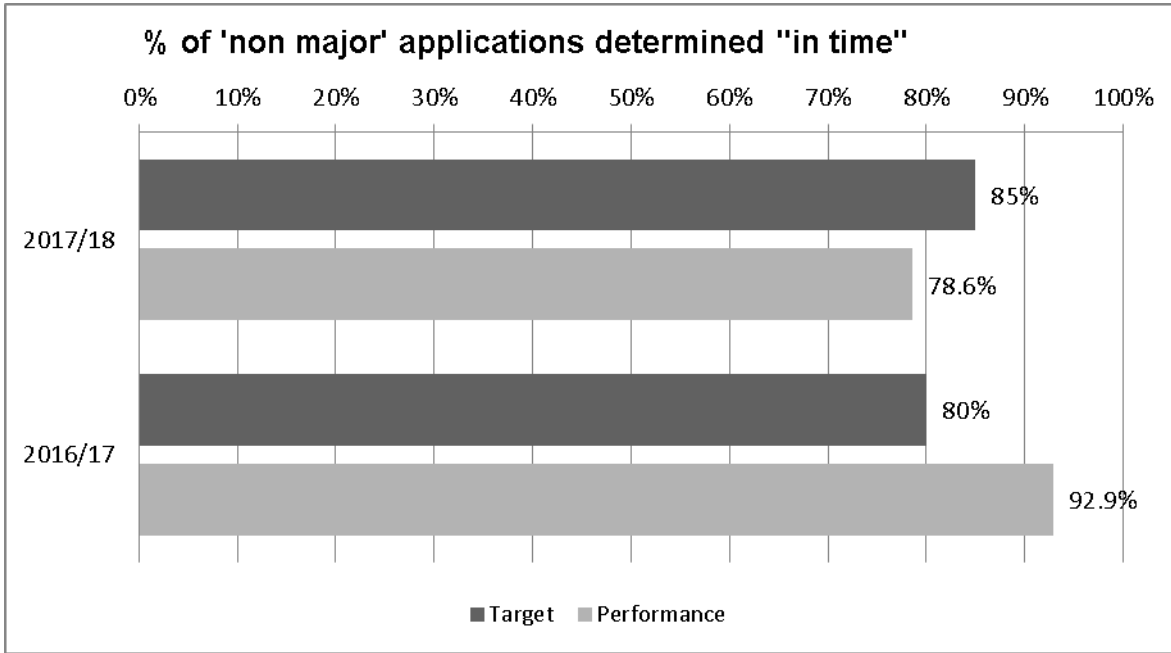


TARGET NOT ACHIEVED

Within the mid-year performance report it was predicted that this target was likely to be achieved even though at that time performance was below target. It is now apparent that such optimism was not justified as performance by the end of the year dropped even further below that at the mid-year point.

The performance against this indicator is very disappointing, particularly when compared to previous years, and the reasons for this have proved difficult to identify, although staff resourcing issues that have been experienced during the year and the increase in the number of such applications will be factors.

(4) During 2017/18 78.6% of the 546 decisions 'non-major' applications⁴ were made 'in-time'⁵. Comparison with the performance achieved in 2016/17 is indicated below – 496 were determined in 2016/17. The 'local' target for this indicator for the year 2017/18 was 85%. It has been agreed that despite the falling short this year, for the year 2018/19 the target will remain unchanged, maintaining some headroom above the expected increase in the current 70% designation threshold referred to above.

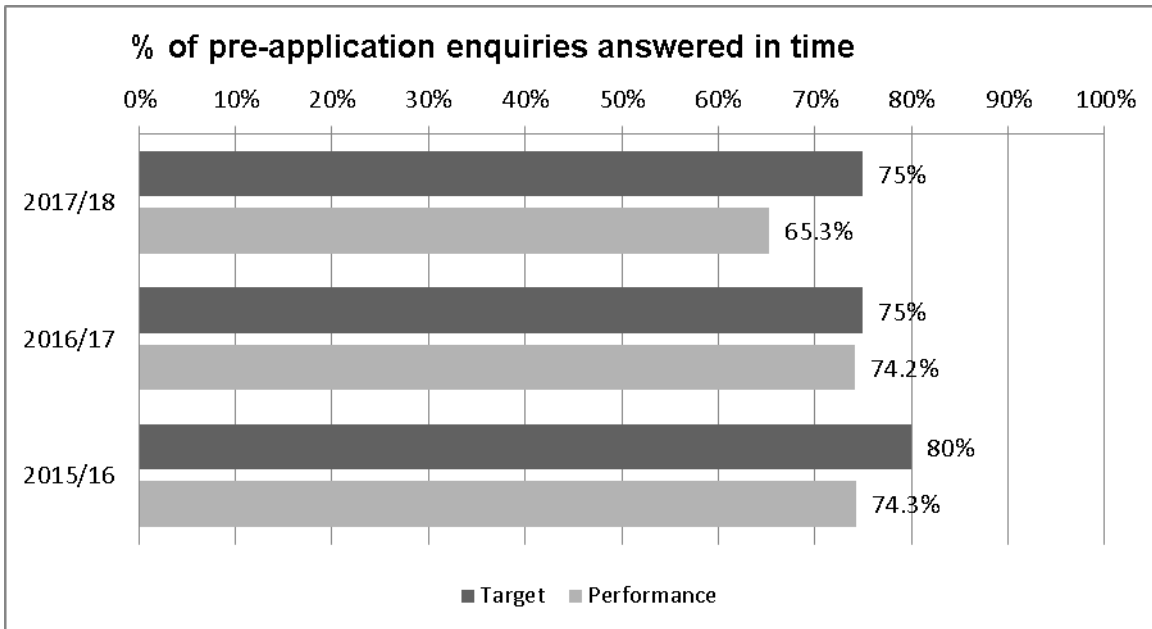


TARGET NOT ACHIEVED

In conclusion only one of the four targets relating to speed of determination of applications was met.

(5) INDICATOR - Percentage of pre-application enquiries answered 'in time'

During 2018/19 65.3% of the 392 pre-application enquiries were answered 'in time'. The target was 75%, and will remain unchanged for 2018/19. Comparison with performance in previous years is indicated below.



TARGET NOT ACHIEVED

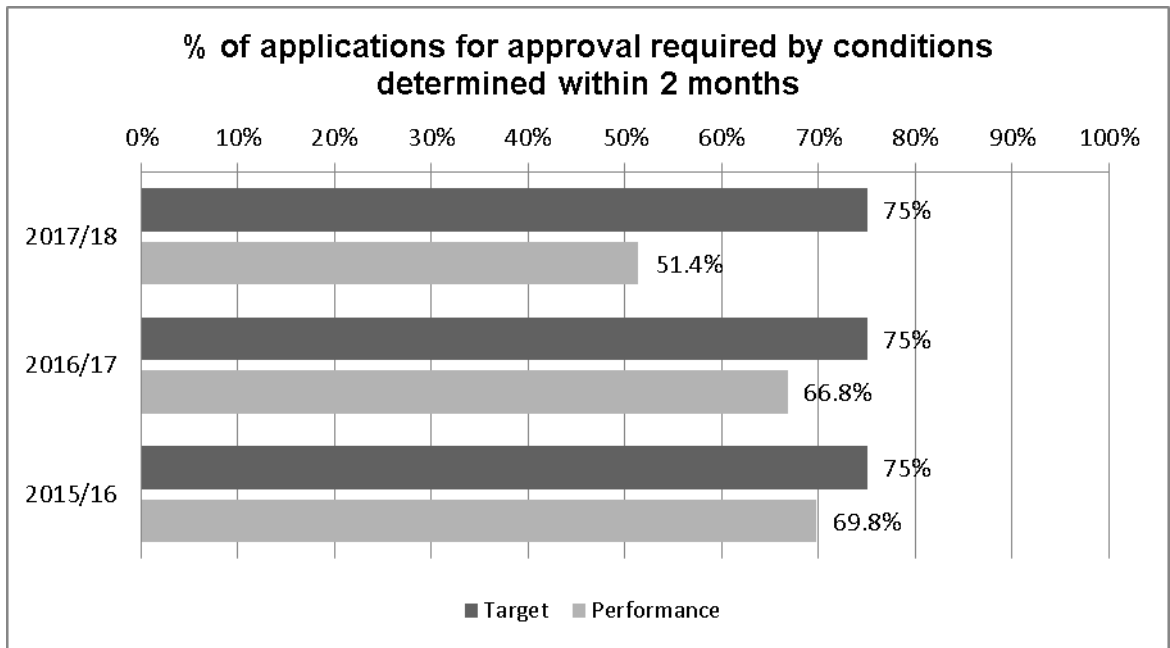
This indicator allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application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

To give Members some idea of volume the Service received some 406 such enquiries in 2017/18, of which 34 were 'Major' pre-application enquiries; 135 were 'Minor' pre-application enquiries; and 237 were 'Other' pre-application enquiries. The comparative figures for 2017/18, when better performance was achieved, was 596 of which 30 were 'Major' pre-application enquiries; 175 were 'Minor' pre-application enquiries; and 391 were 'Other' pre-application enquiries.

Members are reminded that since 1st April 2017 all pre-application enquiries including those by householders are subject to the payment of a fee and it is likely that this has been a factor in the reduction in the number of "Other" enquiries in 2017/18 compared to 2016/17.

(6) INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months

During 2017/18 51.4% of conditions applications (181 out of 352) were determined within 2 months against a target of 75%. Comparison with performance in previous years is indicated below. In the year 2016/17 458 such applications were determined.



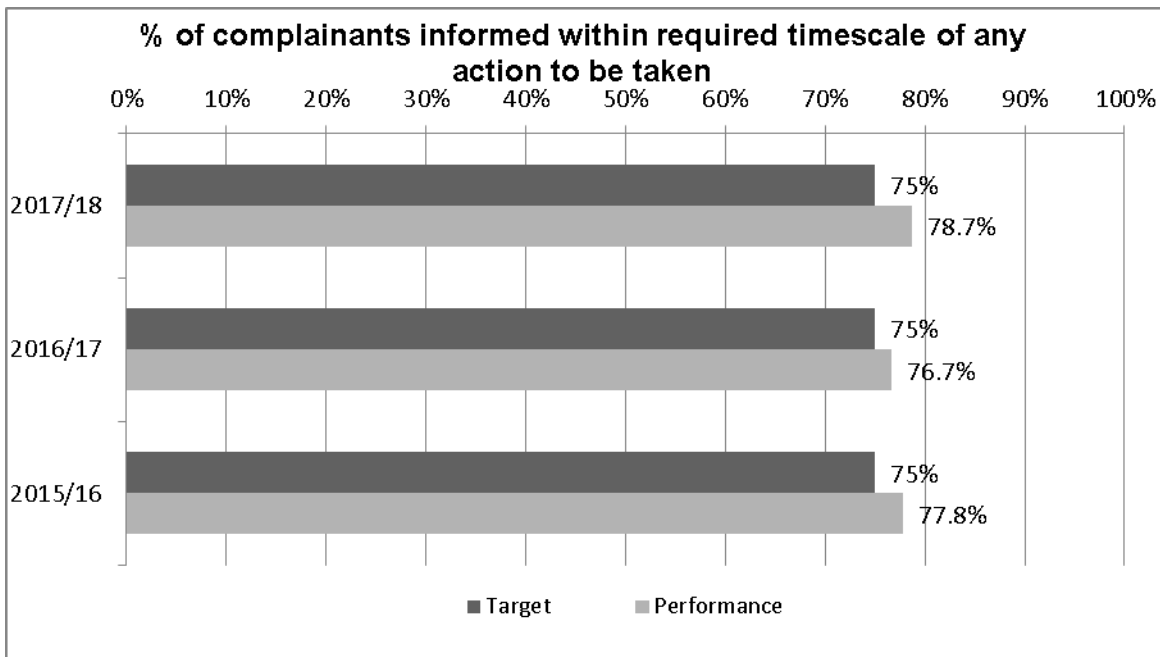
TARGET NOT ACHIEVED

The Government have previously identified that planning conditions are an area of concern as too many overly restrictive and unnecessary conditions are routinely attached to planning permissions, with little regard given to the additional costs and delays that they impose. In addition, delays in discharging conditions require the approval of detail can mean that development is not able to be completed as quickly as it should. Guidance has been provided on the use of planning conditions and a deemed discharge procedure introduced that a developer can invoke if they do not receive a decision in time. The Government having consulted have concluded that it will be necessary for the local authority to seek the agreement of the developer to pre-commencement conditions – an additional burden upon Local Planning Authorities which will need to be managed. The relevant Regulations have now been approved and will come into force on 1st October 2018.

As with the Government, your Officer is keen to ensure that the handling of conditions application does not hinder or delay development, however, whilst continued emphasis has been placed on performance relating to the determination of conditions applications the target has not achieved and indeed performance in 2017/18 has been particularly disappointing.. This is concerning and is no doubt a reflection of the resourcing issues that the Section has faced this year, but it also should be recognised that to some extent this performance is a reflection of the inadequacy of the information submitted and the need for further time to be given to enable amendments or additional information to be provided so that the requirements of the conditions are satisfied. Notwithstanding that this target has again been missed the Portfolio Holder has decided that the target should remain unchanged for 2018/19, reflecting the importance of this process to the development industry.

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

Performance in 2017/18 was 78.7% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



TARGET ACHIEVED

There was an increase in the number of new complaints received in 2017/18 (269) compared with the number in 2016/17 (219) and therefore exceeding the 75% target for the third year running is commendable. The target will remain as it is in 2018/19, the view being taken that any review of it should be part of a wider review of planning enforcement.

Date report prepared: 28th June 2018

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

² 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of Change of Use or Householder Development.

³ 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

⁴ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

⁵ 'In-time' means determined within an extended period of time beyond the normal 8 week target period that has been agreed, in writing, by the applicant.

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

Indicator	Year	Target for year	<-----Actuals----->				Final result for the year
			April - June	July - Sept	Oct - Dec	Jan - Mar	
% of 'Major' applications determined "in time"	2017/18	70%	85.7%	50%	80%	100%	78.4%
Replaced in 14/15 former indicator of percentage of applications determined within 13 weeks	2016/17	70%	62.5%	85.7%	87.5%	100%	81.5%
	2015/16	70%	88.9%	90%	71.4%	37.5%	73.5%
% of 'Minor' applications determined within 8 weeks	2017/18	70%	53.7%	56%	43.1%	47.6%	50.3%
	2016/17	70%	90.6%	66%	82%	83%	80.8%
	2015/16	75%	56.9%	73.1%	68.9%	72.2%	67.4%
% of 'other' applications determined within 8 weeks	2017/18	85%	81.5%	79.5%	80%	63.9%	76.4%
	2016/17	85%	90.7%	90.4%	88.2%	81.5%	88%
	2015/16	85%	81.9%	87.3%	81.6%	90.1%	85.3%
% of "Non-Major" applications determined "in time"	2017/18	85%	81.9%	78.1%	82%	72.1%	78.6%
<i>New target for 2016/17</i>	2016/17	80%	94.5%	94.7%	88%	92.2%	92.9%
% of pre-application enquiries answered in time	2017/18	75%	63.5%	62.7%	64.4%	68.0%	65.3%
	2016/17	75%	72.6%	76.2%	71.1%	76.5%	74.2%
	2015/16	80%	84.1%	67.4%	75.9%	72.6%	74.3%
% of applications for approval required by conditions determined within 2 months	2017/18	75%	54.3%	34.8%	55.3%	57.0%	51.4%
	2016/17	75%	66.3%	65.9%	70.4%	65.9%	66.8%
	2015/16	75%	62.7%	67.9%	74.7%	75.2%	69.8%
% of complainants informed within required timescale of any action to be taken	2017/18	75%	79.2%	85.2%	73.2%	75.0%	78.7%
	2016/17	75%	78.1%	75%	83.3%	71.9%	76.7%
	2015/16	75%	75%	77%	79.1%	80.7%	77.8%

Target achieved for complete year

Report on Open Enforcement Cases

Purpose of the Report

To inform members of the current situation regarding the enforcement caseload.

Recommendations

- That the report be received
- That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

Background

In accordance with previous Committee decisions, the format of this report shows existing and previous enforcement cases. The Table included in this report shows the total number of outstanding cases in one format (shown below).

In the quarter (October - December 2017/January to March 2018) 63 new cases were reported and in the last quarter (April to June 2018) a further 86 new cases have been reported, more than the previous quarter (63). The current number of open cases is 297. The number of open cases has increased in this quarter.

A number of the cases indicated in the Table below have associated pending planning applications that are awaiting determination (11 as at 02 July 2018).

Conclusions

It remains inevitable that some cases in the 'backlog' will remain open for some time because of their complexity.

Progress continues to be made in tackling older cases and there is still a significant body of work being undertaken behind the scenes, which has led to progress in several complex cases. Officers' enforcement workload is regularly reviewed to ensure continuity and case progression, and will continue to be undertaken.

Current Outstanding Enforcement Cases

The Table below shows the current statistics in comparison to the previous Quarter.

Current Enforcement Status

Year	Total	Open	C1	C2	C3	BOC	L	M	H
2018	146	65	1	59	4	1	-	-	-
2017	266	42	1	32	9	-	-	-	-
2016	259	30	1	16	13	-	-	-	-
2015	238	29	1	17	10	1	-	-	-
2014	212	38	-	29	8	-	-	-	-
2013	219	24	5	15	4	-	-	-	-
2012	229	18	7	8	3	-	-	-	-
2011	204	10	2	6	2	-	-	-	-
2010	206	8	2	5	1	-	-	-	-
2009	233	6	-	4	1	-	-	-	1
2008	276	8	-	-	-	-	3	5	-
2007	353	5	-	-	-	-	1	3	1
2006	280	6	-	-	-	-	2	3	1

2005	227	2	-	-	-	-	-	-	2
2004	252	1	-	-	-	-	1	-	-
2003	244	1	-	-	-	-	-	1	-
2002	247	3	-	-	-	-	-	2	1
2001	204	1	-	-	-	-	-	1	-

Open Cases 297
(inc Backlog)

Previous Quarter 279

Note for Table – C1, C2 and C3 are the categories agreed by the Planning Committee at its meeting on 17th February 2009 when it approved the Council’s Planning Enforcement Policy; BOC indicates that the case concerns a Breach of Condition, whilst L, M and H represent Low, Medium and High priorities respectively allocated to the pre-February 2009 cases

Date report prepared

03 July 2018

Planning Committee 17th July 2018

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

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

The last report was brought to the Planning Committee at its meeting on the 24th April 2018. 5 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

A report on one of the open cases contains information that is considered to be exempt by reason of the provisions of paragraphs 6 and 7 of Schedule 12A of the Local Government Act 1972, as amended, and is therefore provided separately.

RECOMMENDATION

That the information be received.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An Enforcement Notice has been served which would have taken effect on 28th February 2016 had an appeal not been lodged. The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia: and the removal of any fencing erected on the perimeter of the land.</p> <p>The appeal was considered at an Inquiry on 14th February 2017 and a decision has now been received (which is reported elsewhere on this agenda). The Inspector upheld the notice and as such it took effect on the date of the appeal decision, 21st February. The steps set out in the notice had to be complied within six months i.e. by 21st August 2017.</p> <p>Prior to the last meeting a visit to the site established that the caravan had been removed, however as some the associated structures and paraphernalia, and the fencing, remain on site the Notice has not been fully complied with. This is still the case.</p> <p>At this point in time it is not considered that it is in the public interest to pursue full compliance with the Notice but it is considered appropriate and necessary to monitor the site as there remains the possibility that residential occupation could recommence.</p> <p>Site monitoring has taken place periodically and no sign of residential occupation having recommenced has been witnessed. In light of this it is considered that the case can now be closed.</p>	CASE CLOSED.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land off Keele Road, Newcastle</p> <p>Non-compliance with condition 9 of planning permission 11/00430/FUL for the erection of 61 dwellings (amended layout to that already approved including an addition 13 dwellings)</p>	<p>20.10.16</p>	<p>Various planning permissions have been granted for residential development on land off Keele Road, Newcastle (known as Milliner's Green). Due to the proximity of the site to the existing Scrap Yard (Hampton's) certain of the planning permissions granted were subject to a requirement that an acoustic barrier should be installed along the western boundary of the site. A fence was erected and due to concerns about the standard of the fence when planning permission was granted in 2012 for the erection 61 dwellings (ref. 11/00430/FUL) a similar requirement was imposed.</p> <p>As the developer had not addressed the concerns expressed regarding the suitability of the fence, despite being approached by officers on a number of occasions and the developer offering assurances that works to the fence would start, it was decided that appropriate enforcement action was necessary.</p> <p>The Enforcement Notice (EN) was served on 30th June and took effect on 31st July. The steps required by the Notice include the requirement to erect a timber acoustic fence in accordance with details to be submitted within 28 days within 2 months after the date the Council approves the details of the fence. As previously reported such details were submitted on 26th July, which was within the time period specified in the notice, and were agreed in writing.</p> <p>A fence was erected earlier this year and it has now been confirmed that it is in accordance with the requirements of the EN. As such the case can be closed.</p>	<p>CASE CLOSED</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Residential Development on site of the Former Silverdale Colliery</p> <p>Non-compliance with condition B8 of outline planning permission 06/00337/OUT which requires the provision of 2 Locally Equipped Areas for Play (LEAPs) and 1 Neighbourhood Equipped Area for Play (NEAP) as integral parts of the development</p>	<p>25.04.17</p>	<p>Last year Planning Committee refused an application to vary condition B8 of outline planning permission for residential development on the site of the former Silverdale Colliery. In addition Committee resolved that Legal Services be authorised to issue enforcement or any other notice and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure, within six months, the provision of a second Locally Equipped Area for Play as required by condition B8 of planning permission 06/0337/OUT and to address any other outstanding issues associated with play provision on this development as your Officer considers appropriate.</p> <p>As previously reported a meeting has taken place with the Developer who has indicated that further works will be carried out to the play area close to Station Road so as to provide additional play experiences in accordance with the requirements of a LEAP (Locally Equipped Area for Play).</p> <p>Details of a revised play area have now been received which Landscape Development Services advise are acceptable. We are expecting confirmation from the developer regarding the programme of works to complete the approved LEAP in the near future.</p> <p>Consideration has been given to the provision of a NEAP (Neighbourhood...) during which it became apparent that there are different views as to what has or has not been approved. The developer's position is that details of the NEAP as provided on site were submitted and approved within the reserved matters application Following consideration of the reasonableness of the Council taking a different line to the developer, the considerable time that has elapsed after the provision of that play area, and the nature of the documentation relating to the permissions in place it was decided, under the delegated authority provided by the resolution of the Planning Committee of the 24th April 2017, that it would not be expedient to take enforcement action in relation to any breach of planning control in relation to the NEAP.</p>	<p>Agree a timetable for the completion of the agreed LEAP.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Importation and deposit of earth, and waste material on land and associated engineering operations to create a trackway.</p>	<p>20.4.15</p>	<p>Material has been imported onto the site and a new access is currently being constructed from Waybutts Lane (with the initial section being within Cheshire East Council's area).</p> <p>Whilst an application was submitted it was invalid upon receipt. As the importation of material continued work continued consideration was given to the expediency of enforcement action and a Temporary Stop Notice (TSN) was served on the owner on 13th February requiring the cessation of the importation and deposit of earth, and waste material on land and the associated operations to create a track. The reason for the action was to prevent adverse harm and effect on Betley Mere Site of Special Scientific Interest (SSSI) and Black Firs and Cranberry Bog SSSI.</p> <p>As a TSN only stops development for a limited period consideration has been given as to the need to take further enforcement action. The conclusion that has been reached is that it is expedient to serve an Enforcement Notice (EN) and a Stop Notice (SN). The reason for the action is that the unauthorised works are contrary to local and national policy in terms of the unknown impact to the designated SSSIs and also due to the adverse harm to the openness of the Green Belt.</p> <p>Such Notices were served on 12th April, with the SN taking effect after 3 days. Subsequently it was established that there was an error on the plan attached to the Notices as they included land where there was no activity and owned by someone not associated with the unauthorised works. The Notices were therefore withdrawn and reserved on 3rd May 2018. Both Notices still require the cessation of the unauthorised importation of material onto the site and all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas.</p> <p>A valid appeal has been lodged against the EN and as such it will not take effect. As a start letter has not been received from the Planning Inspectorate, no further information is known about the appeal process and timetable as yet.</p>	<p>Monitor compliance with the SN. Adhere to appeal timetable once start letter has been received.</p>

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