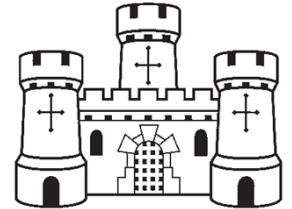


Public Document Pack

Date of meeting Tuesday, 14th August, 2018
Time 6.30 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 10)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJ TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 17/01004/REM** (Pages 11 - 22)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF NEW ROAD, MADELEY. HILLBRE HOMES. 18/00225/REM** (Pages 23 - 34)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - ORME CENTRE, ORME ROAD, NEWCASTLE. MR LADSON. 18/00183/FUL** (Pages 35 - 46)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT WEST AVENUE, KIDSGROVE. WESTLEIGH PARTNERSHIPS LTD. 18/00239/FUL** (Pages 47 - 58)
- 8 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WATERMILLS ROAD, CHESTERTON. CARDEN DEVELOPMENTS LTD. 18/00017/REM** (Pages 59 - 68)
- 9 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET, KEELE. KEELE HOMES LTD. 18/00262/REM** (Pages 69 - 80)

- 10 APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD AND WEST OF PRICE CLOSE, LOGGERHEADS. ELAN HOMES (MIDLANDS) LTD. 18/00315/REM (Pages 81 - 90)
- 11 APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS. ELAN HOMES (MIDLANDS) LTD. 18/00314/FUL (Pages 91 - 98)
- 12 APPLICATION FOR MINOR DEVELOPMENT - LAND AT WEDGWOOD AVENUE/WHITFIELD AVENUE, NEWCASTLE. MR R WHALLEY. 18/00482/REM (Pages 99 - 106)
- 13 APPLICATION FOR MINOR DEVELOPMENT - NEW FARM, ALSAGER ROAD, AUDLEY. MR EMERY. 18/0122/FUL (Pages 107 - 116)
- 14 APPEAL DECISION - MOSS HOUSE FARM, EARDLEY END ROAD, AUDLEY. 17/00326/FUL (Pages 117 - 118)
- 15 QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO (Pages 119 - 124)
- 16 ANNUAL REPORT ON PLANNING AND RELATED APPEALS 1st APRIL 2017 - 31st MARCH 2018 (Pages 125 - 132)
- 17 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

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 THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

PLANNING COMMITTEE

Tuesday, 17th July, 2018
Time of Commencement: 6.30 pm

Present:- Councillor Paul Northcott – in the Chair

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

Officers Head of Planning and Development - Guy Benson, Geoff Durham - Mayor's Secretary / Member Support Officer, Rachel Killeen, Peter Stepien, Trevor Vernon -Solicitor and Darren Walters

Apologies Councillor(s) Fear and Reddish

1. CHAIR

In the absence of both the appointed Chair and Vice-Chair, Councillor Northcott had been voted in as Chair prior to the meeting to allow for a Chair's Briefing to take place.

2. APOLOGIES

Apologies were received from Councillors' Fear and Reddish

3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

4. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 19 June, 2018 be agreed as a correct record.

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

Councillors' Simon and Gary White spoke on this application.

Members were made aware of changes required to the agenda report:

Page 9, paragraph 2.7: should read '*The proposed layout comprises 24 detached dwellings (11 four and 13 five bed); 16 semi-detached dwellings (8 three bed and 8 two bed):....'*

Page 10, paragraph 3.3 – first line should read '*A number of the proposed dwellings (seven in total)...*'

Proposed by Councillor Tagg and Seconded by Councillor Proctor.

Resolved: That a decision on the application be deferred for a site visit – to be held on 9 August, 2018 in order to enable Members to see the relationship between the proposed development and existing adjoining housing, and the characteristics of the site and its surroundings.

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

Councillor Gary White spoke on this application.

Proposed by Councillor Proctor and Seconded by Councillor Tagg.

Resolved: That a decision on the application be deferred for a site visit on 9 August, 2018 in order to enable Members to see the relationship between the proposed development and existing adjoining housing, and the characteristics of the site and its surroundings.

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

Resolved: (A) That, subject to the applicant (providing they first agree in writing to extend the statutory determination period to the 31st August 2018) entering into a Section 106 obligation by agreement by 28th August 2018 to require:

- a. A contribution of £44,950 for the improvement and development of the Burntwood View/Hugo Way play area and open space
- b. A contribution of £18,550 towards the provision of education places at Madeley High School
- c. A review mechanism of the scheme's ability to make more policy compliant contributions to public open space and education if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such contributions if then found financially viable.

the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Construction environmental management plan
- (v) Artificial lighting
- (vi) Acoustic screening
- (vii) Glazing and mechanical ventilation

- (viii) Waste storage and collection arrangements
- (ix) Details of retaining structures
- (x) Arboricultural Method Statement
- (xi) Schedule of works for retained trees
- (xii) Details of hedgerow retention
- (xiii) Revisions to patio area of Plot 10
- (xiv) Boundary treatments
- (xv) Provision of visibility splays
- (xvi) Provision of accesses, internal site roads, parking and turning areas
- (xvii) Submission of details of surface water drainage and surfacing materials
- (xviii) Details of off-site highway works
- (xix) Retention of garages for parking of vehicles and cycles
- (xx) Surface water drainage scheme
- (xxi) Protected species mitigation
- (xxii) Approval of the design of the acoustic fence
- (xxiii) Retention of the existing boundary hedgerow at a height greater than that of the acoustic fence
- (xxiv) Prior approval of a scheme for the provision, in perpetuity, of 6 affordable housing units within the development.

- (B) Failing completion by the date referred to of the above planning obligation, the Head of Planning 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 and an appropriate provision for required education facilities, and there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant financial contributions towards public open space and education; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

8. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT WEST AVENUE, KIDSGROVE. WESTLEIGH PARTNERSHIPS LTD, REVELAN LIMITED & REVELAN PROPERTIES LTD. 18/00239/FUL**

Resolved: That a decision on the application be deferred to give additional time for the outstanding matters – of highway safety, living conditions and impact on trees – to be resolved.

9. **APPLICATION FOR MAJOR DEVELOPMENT - THE ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME. ABODE RESIDENCIES. 18/00183/FUL & 18/00367/LBC**

Application 18/00367/LBC:

Resolved: That the application be permitted subject to the undermentioned

conditions:

- (i) Time limit for commencement of development
- (ii) Approved plans
- (iii) Details and materials for the making good of the main building following the demolition of extensions**
- (iv) Method statement for repair and consolidation of stonework**
- (v) Further details of internal doors and window architraves where alterations are being made**
- (vi) Details of repair work to existing windows and details including samples of proposed new windows**
- (vii) Details of any secondary glazing systems**
- (viii) Details of suspended ceilings system**
- (ix) Details of the mezzanine floor**
- (x) Details of the treatment of internal corridors and internal windows/fanlights**
- (xi) Details of drainage requirements to service the en-suites**
- (xii) Details of all other proposed external materials**
- (xiii) Any repointing to be in lime mortar**

Application 18/00183/FUL:

Resolved: That a decision on this application be deferred to give additional time for discussions about the viability of the scheme to be concluded such that the Committee can be appropriately advised by officers.

10. **APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER OXFORD ARMS PUBLIC HOUSE, MORETON PARADE, MAY BANK. DEO PROPERTY DEVELOPMENTS. 18/00334/FUL**

Resolved: That the variation of condition 2 listing the revised plans be permitted subject to the imposition of all other conditions attached to planning permission 15/00421/FUL that remain relevant at this time.

11. **APPLICATION FOR MAJOR DEVELOPMENT - FORMER WOODSHUTTS INN, LOWER ASH ROAD, KIDSGROVE. NOVUS PROPERTY SOLUTIONS LTD (FOR ASPIRE HOUSING). 18/00418/FUL**

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

12. **APPLICATION FOR MINOR DEVELOPMENT - STONE QUARRY BARN, HIGH STREET, ALSAGERS BANK. MR S EVANS. 18/00330//FUL**

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

- (i) Time limit relating to the commencement of development
- (ii) Approved Plans
- (iii) Prior approval of any external lighting
- (iv) Prior approval of jumps or similar features
- (v) Prior approval of details for the storage and disposal of waste
- (vi) Non-commercial use only
- (vii) Implementation of approved landscaping scheme

13. **APPLICATION FOR MINOR DEVELOPMENT -SILVER BIRCH PH, 129 -131 CHURCH STREET SILVERDALE . DWELLSTAR DEVELOPMENTS LTD. 18/00148/FUL**

Proposed by Councillor Gill Williams and Seconded by Councillor Tagg.

Resolved: Refused on the following grounds that the number of units proposed will result in additional onstreet parking to the detriment of both residential amenity and highway safety, and such adverse impacts significantly and demonstrably outweigh the benefits of the development.

14. **APPLICATION FOR OTHER DEVELOPMENT - THE MILL CONGLETON ROAD, BUTT LANE. FLOOR TO CEILING DEVELOPMENT. 18/00430/COUNOT**

Members were made aware of a change required to the report:

Second paragraph should read: 'One of the dwellings has two bedrooms...'

- Resolved:**
- (a) That prior approval with respect to the change of use is not required in relation to the contamination and flooding risks on the site
 - (b) That prior approval is required for the transport impacts of the development and impacts of noise from commercial premises on the intended occupiers of the development
 - (c) That the Head of Planning is given delegated authority following his consideration of any representations received by the 24th July, to determine such prior approval the Committee being of the view that such prior approval should be granted, subject to the following conditions:
 - (i) Details of parking layout to be submitted to and approved by LPA
 - (ii) Details of turning area to be provided within the

site to be submitted and approved by the LPA, to be marked out on site and be kept available for that purpose

15. HALF YEARLY REPORT ON PLANNING OBLIGATIONS

- Resolved:**
- (i) That the report be noted.
 - (ii) That officer 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).

16. DRAFT MAER CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT

- Resolved:** Submitted document approved for public consultation purposes
A further report to be received by the Committee on the outcome of the public consultation, before adoption of the SPD is considered

17. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND FOR ST PETER'S CHURCH, MAER (REF: 18/19001/HBG).

- Resolved:** That a grant of £992 be approved for repairs to the stonework of the tower, repointing to 3 sides of the tower and provision of access, subject to the appropriate standard conditions

18. APPEAL AND COSTS DECISION - MONUMENT HOUSE. 17/00838/FUL

- Resolved:** (i) That the decisions be noted.

19. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2017/2018

- Resolved:**
- (i) That the report be received
 - (ii) 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
 - (iii) 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 in the report.

20. OPEN ENFORCEMENT CASES

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

21. QUARTERLY ENFORCEMENT MANAGEMENT REPORT

Resolved: That the report be received.

22. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1 and 2, and in Part 1 of Schedule 12A of the Local Government Act, 1972

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

Resolved: That the report be received.

24. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR PAUL NORTHCOTT
Chair

Meeting concluded at 9.30 pm

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**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 17th July when it was resolved that a site visit should take place before any decision is made. The site visit has been scheduled for 9th August.

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 21st August 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 Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 130 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

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 (11 four and 13 five bed); 16 semi-detached dwellings (8 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.

4.13 More recently the LDS has advised that measurements have been taken of the diameter of trees within/adjoining the site which demonstrates that the information submitted by the applicant is inaccurate. The consequence is that the Root Protection Area (RPA) for trees that are identified on the submitted site plan as TPO1 and TPO2 are larger than shown within the submitted supporting information and the dwellings on plots 28 and 29 fall within the RPA of TPO2.

4.14 This information was conveyed to the applicant and amended plans were received. The amendments site the dwellings further forward in the plots and moving the parking spaces to the side. This results in the dwellings being outside of the RPA.

4.15 The LDS have confirmed that they have no objections to the revised layout and note that residents measurements have been used for the RPA of TPO3 and that this should be checked as part of the conditioned revised tree protection plan. In addition, whilst the dwellings on plots 28 and 29 will be sited forward of the other properties within that stretch of the internal access road, as they are sited on the end of the row and on a bend of the access the amended layout will it is considered be acceptable in appearance.

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

3.1 The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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. The attention of members is drawn to the sectional drawings that have

been provided that assist an understanding of the difference in ground levels that there is between the houses on The Bridle Path and those within the new development. This is an important material consideration in this case.

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](#) (July 2018)

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

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

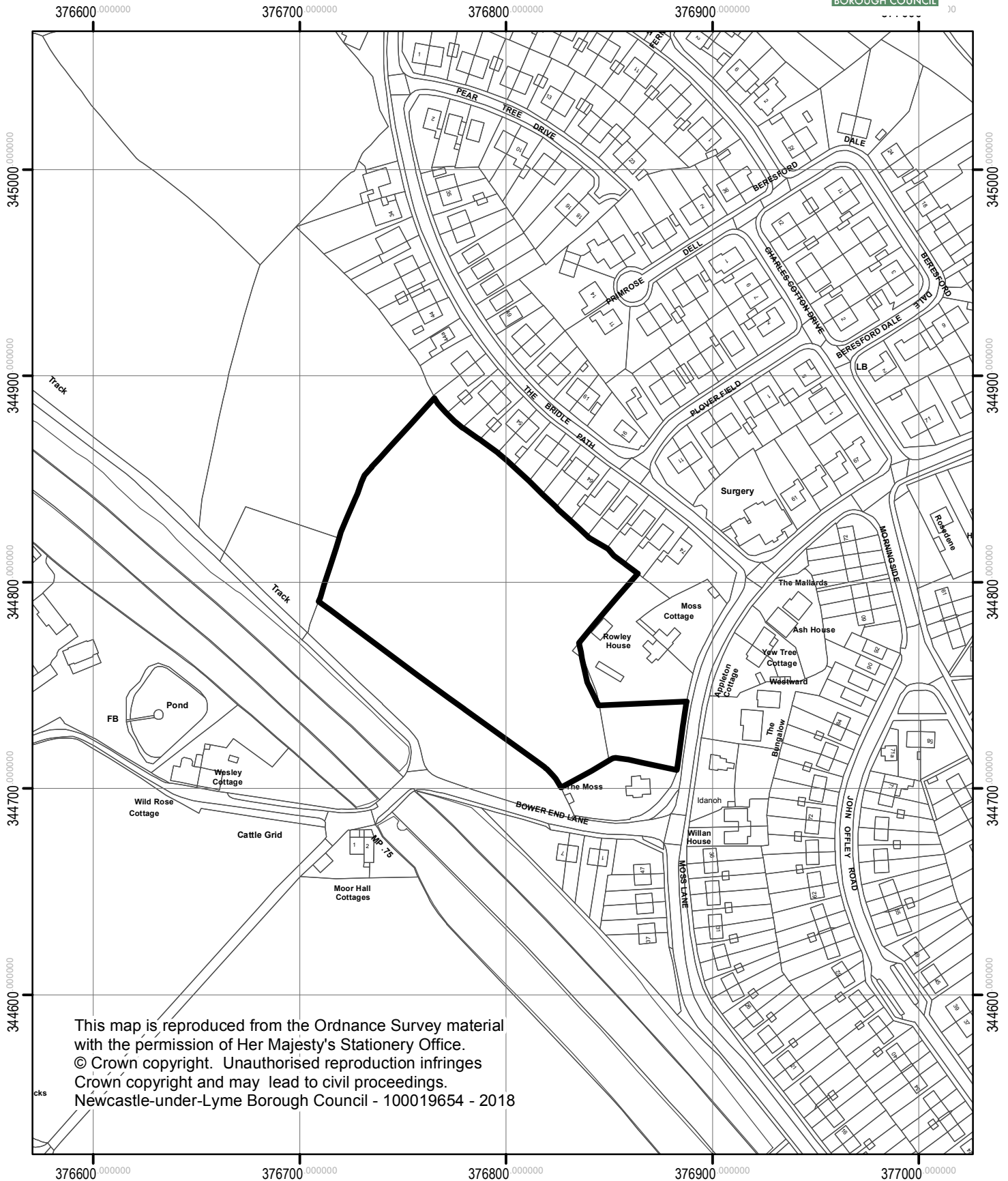
Planning files referred to
Planning Documents referred to

Date report prepared

25th July 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 17th July when it was resolved that a site visit should take place prior to the making of a decision. This has been scheduled for 9th August.

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 17th August 2018

RECOMMENDATIONS

PERMIT subject to conditions relating to the following:

1. Link to outline planning permission and conditions
2. Approved plans
3. Provision of access, internal roads, private drives and parking areas in accordance with the approved plans
4. Facing and roofing materials
5. Boundary treatments
6. Ground and floor levels as per approved plans
7. Submission and approval of gradient details of the access road, surfacing private drives, parking and turning areas; and surface water drainage details
8. Retention of garages for parking of motor vehicles and cycles
9. Trees shown as retained shall be retained and protected throughout construction.
10. Dimensioned Tree Protection Plan (to include proposals for protection of hedgerows)
11. Arboricultural Method Statement (detailed) for all works within the RPA of retained trees including construction of the acoustic fence/barrier.
12. Detailed hard and soft landscaping proposals.
13. Alignment of utility apparatus
14. Schedule of works to retained trees
15. Additional off site pedestrian link and further works should link not be achievable
16. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application

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 following the submission of amended/ additional information the design of the scheme is acceptable. The development would enhance the site and the character and amenity of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD and the National Planning Policy Framework..

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

Through negotiation with the applicants revised proposals have been received during the determination of the application which are considered satisfactory.

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 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 Paragraph 124 of the recently published revised National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 126 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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 revised 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 are now satisfied having reviewed information including on predicted shading, that, subject to conditions, that the amended scheme is unlikely to result in the loss now, or in the future, of these visually important hedgerows and trees. The scheme would be supplemented by additional planting also and your officers are now content that the retention of the existing hedgerows, except where impacted by access arrangements, and trees, along with additional planting would further supplement the landscaping of the site and this would result in an attractive development.

2.12 The amended site layout and tree information does however result in the footpath link from the development to Woodside (on the west side of New Road) being lost – this is because the construction of the hardsurfacing required for such a link would be within the root protection area of tree T5 – Horse Chestnut. Tree T5 is covered by a Tree Preservation Order and LDS have objected to hardsurfacing with the root protection area which has resulted in the footpath link being no longer proposed. The loss of this footpath is disappointing and the development is as a consequence less well connected to the village for pedestrians, in that they will have to cross New Road by the site rather than walk in on the same side of New Road as the development is on. It is in that sense slightly less “sustainable” in access terms. However, both LDS and the Highway Authority (who would have to agree to adopt any non-standard footpath construction) have indicated that there may be a solution which would ensure that no damage is caused to the tree. Furthermore, the applicant has tabled a solution that the LDS and the Highway Authority are now considering. If further information is available by the time of the Committee it will be provided.

2.13 Whilst a pedestrian link is still desirable it is not considered that concern about the loss of the footpath would justify refusal because the pedestrian and vehicular access to the development would still be safe without such a link. Details of dropped kerbs on both sides of New Road, and connection to the footway opposite can be secured via condition.

2.14 The proposed development for 32 dwellings provides an acceptable level of off street car parking, pedestrian connectivity and relationship with neighbouring properties and following the submission of amended/ additional information the design of the scheme is acceptable. The development would enhance the site and the character and amenity of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD and the revised Framework.

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

3.1 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.

3.2 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.

3.3 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.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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 revised Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. 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 revised 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 148 of the revised 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](#) (July 2018)

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

[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) in response to the latest amended plans maintain their objections as previously stated which are :-

- They do not consider the amended plans would mitigate the impact on protected trees,
- 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.

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** having considered both the amended plans and additional information presented by the applicants in response to concerns that they previously raised, have now removed their objections to the application. This in on the basis that conditions are now attached relating to the submission and approval of - a dimensioned tree protection plan; an arboricultural method statement (for all works within the Root Protection Area of retained trees including construction of the acoustic fence/barriers proposed for certain plots); tree protection measures; hard and soft landscaping details, a plan to show the alignment of utility apparatus; and a schedule of works (to retained trees).

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

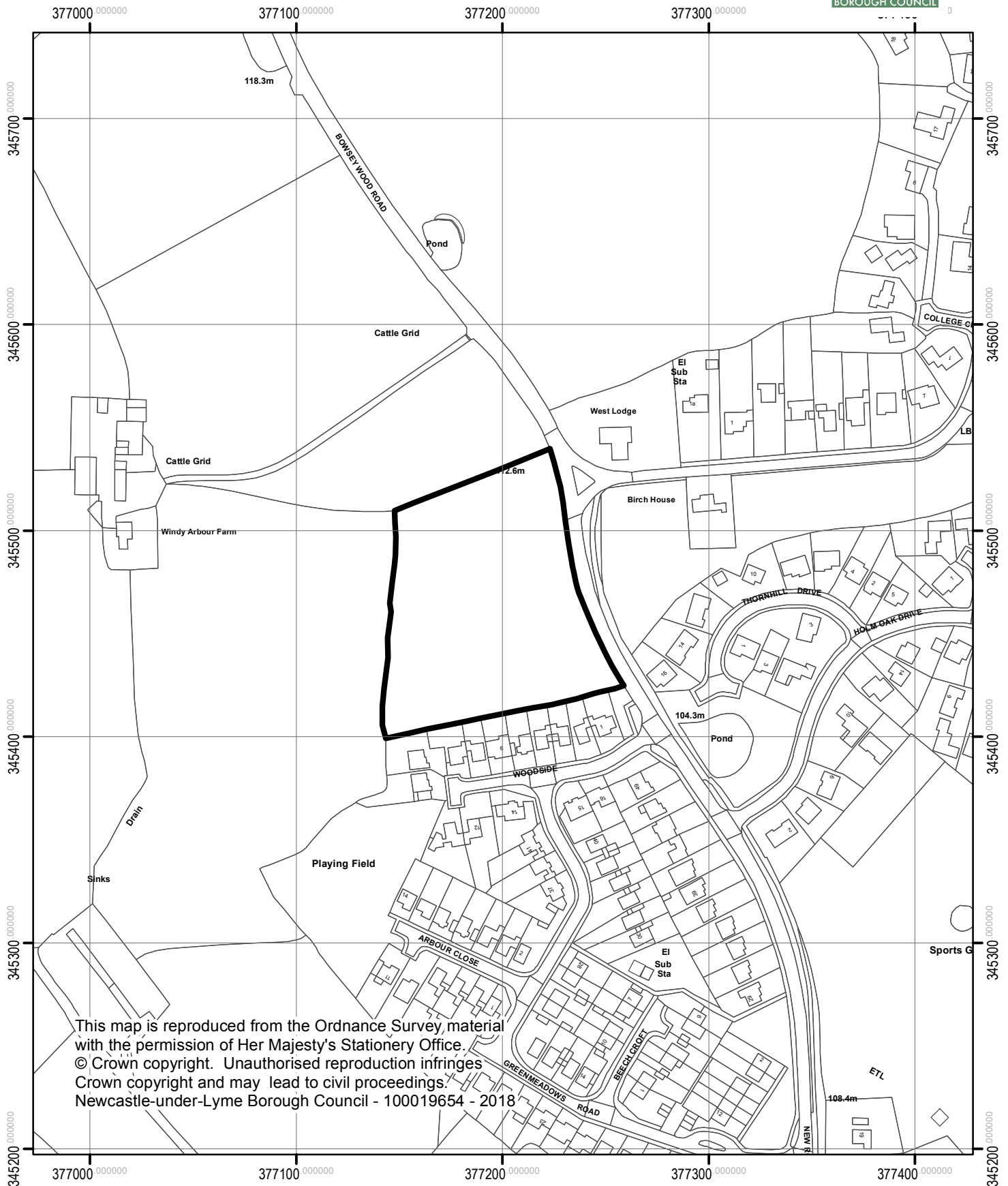
Planning files referred to
Planning Documents referred to

Date report prepared

27th July 2018

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18/00225/REM
Land off New Road, Madeley



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

18/00183/FUL

Full planning permission is sought for the conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation. 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.

Consideration of this application was deferred at the meeting of the Planning Committee on 17th July to allow additional time for the discussions between the principal parties about the viability of the scheme to be held. The associated application for listed building consent for the works of alteration was approved (Ref. 18/00367/LBC).

The 13 week period for this application expired on 24th July but the applicant has agreed to an extension to the statutory period until 21st September 2018.

RECOMMENDATIONS

(1) Subject to the receipt and consideration of final 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 entering into a Section 106 obligation by agreement by 14th September 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 (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 Recommendation

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 has been received 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

This application seeks 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. The former Orme Centre is a Grade II Listed Building and listed building consent was granted on 23rd July for the works of alteration to the building (Ref. 18/00367/LBC).

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

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. Reference is made to this in the quarterly report to be found elsewhere on this agenda.

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?

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

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

The proposed amendments to the former School building are primarily internal alterations (and these do not require planning permission and now have listed building consent). 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.

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

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.

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.

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 109, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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.

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.

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.

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?

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.

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.

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.

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.

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 (the District Valuer) who has provided a draft report a policy compliant scheme is viable here – on the basis that his calculated "residual land value" of the current scheme is greater than that of the previous scheme which the the District Valuer advises is the appropriate benchmark against which to determine viability. Initial indications are that there a number of points upon which the District Valuer and the applicant disagree. It may perhaps be that upon the provision of additional information the District Valuer may wish to reconsider his position on at least some points. The matter requires further consideration and the exchange of information, and will need to be the subject of a supplementary report to the Committee.

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.

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 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](#) (July 2018) and Ministerial Statement on Parking (March 2015)

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

[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	Resolution to permit subject to S106 agreement
16/00796/OUT		
18/00367/LBC	Conversion of existing listed building into residential studios	Approved

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 application is 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 application via the following links

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00183/FUL>

Background Papers

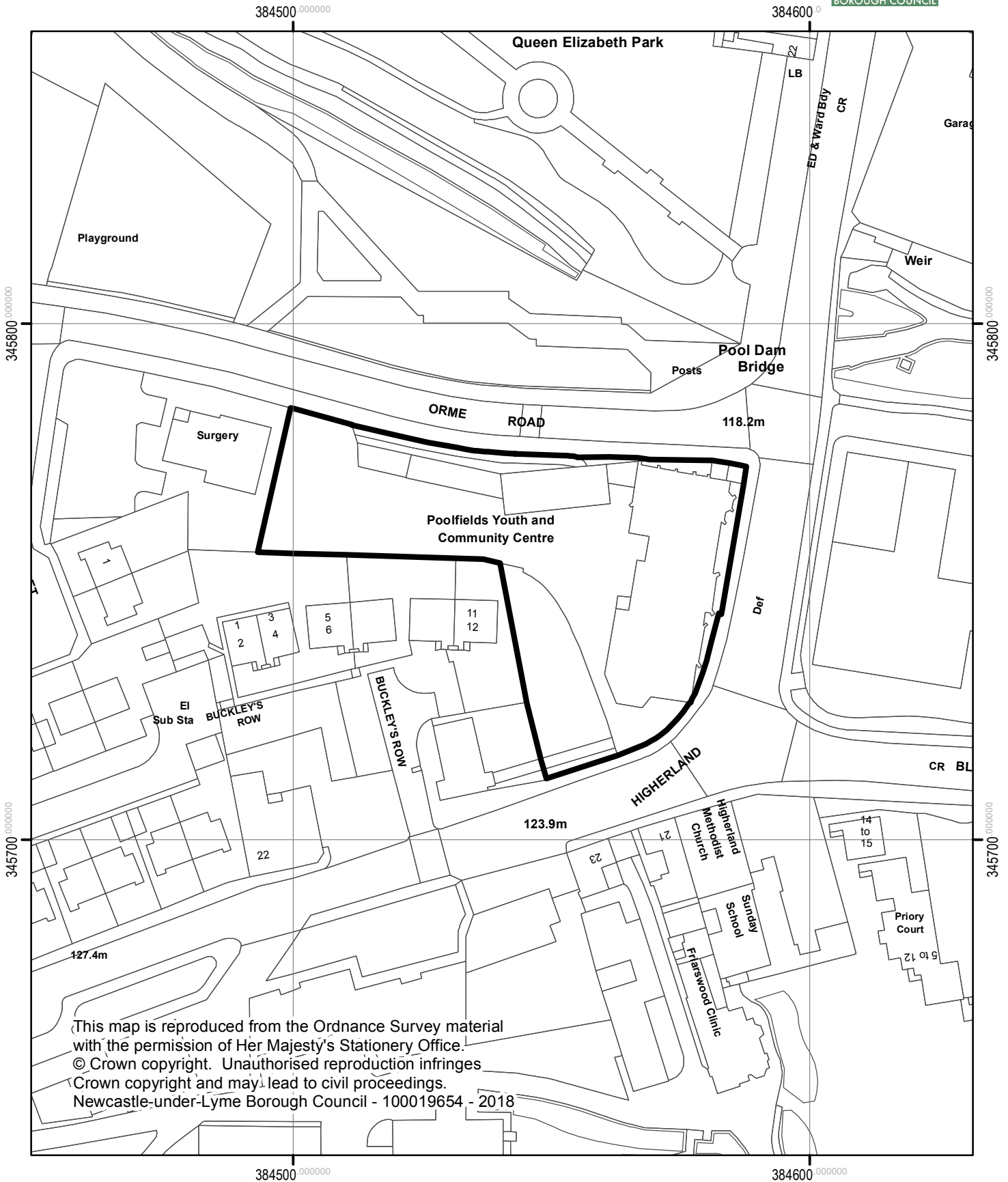
Planning files referred to
Planning Documents referred to

Date report prepared

1 August 2018

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Orme Centre, Orme Road, Newcastle



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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

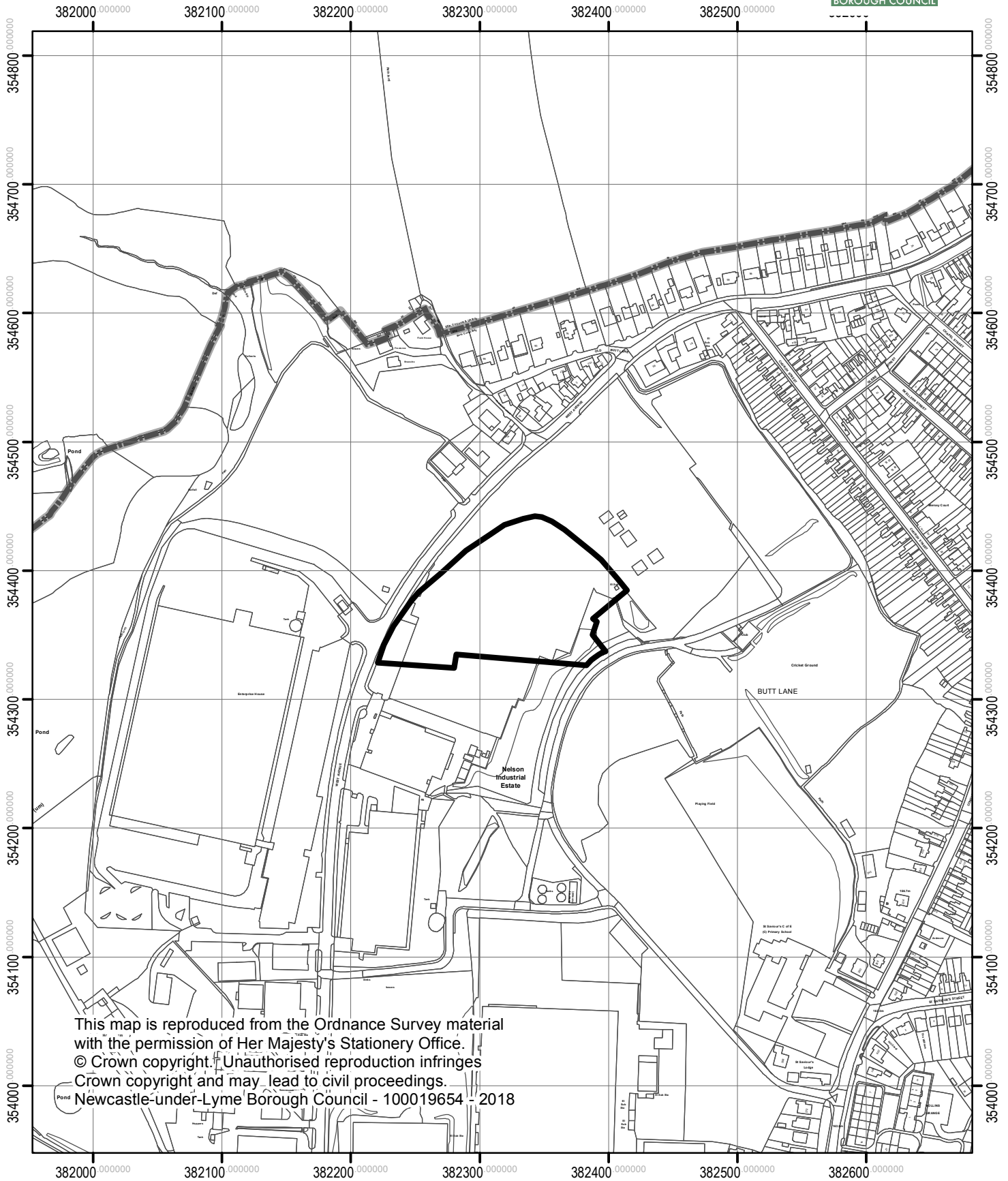
Planning files referred to
Planning Documents referred to

Date report prepared

4th July 2018

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Land at West Avenue, Kidsgrove



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LAND OFF WATERMILLS ROAD, CHESTERTON
CARDEN DEVELOPMENTS LTD

18/00017/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 60 dwellings.

This application for the approval of reserved matters follows the granting at appeal of an outline planning permission in January 2015 for residential development of up to 65 dwellings (13/00974/OUT). Details of access from the highway network were approved as part of the outline consent.

The site as shown on the Local Development Framework Proposals Map lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

The 13 week period for the determination of this application expired on 11th April but the applicant has agreed an extension to the statutory period until 17th August.

RECOMMENDATION

Refuse for the following reasons:

- i. The proposed development would, by virtue of the scale and design of the bund and acoustic fence and the inward-facing dwellings fronting Watermills Road, have a significant adverse impact on the character and appearance of the area.**
- ii. The footpath proposed through the site, by virtue of it being enclosed and not overlooked, would be unsafe and unattractive to users being likely to be prone to anti-social behaviour.**

Reason for Recommendation

The development would, by virtue of the scale and design of the bund and acoustic fence and the inward-facing dwellings fronting Watermills Road, have a significant adverse impact on the character and appearance of the area. The footpath proposed through the site, by virtue of it being enclosed and not overlooked, would be unsafe and unattractive to users being likely to be prone to anti-social behaviour.

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 information have been sought where necessary to progress the determination of the application but it is considered that the proposals are unsustainable and do not conform to the National Planning Policy Framework (NPPF).

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 60 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00974/OUT in January 2015. Details of the access from the highway network were approved as part of the outline consent.

1.2 The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would the level of residential amenity achieved be acceptable?

- Is the internal road layout and parking provision acceptable in highway safety terms?
- Is the proposed landscaping and open space within the site acceptable?
- Is the affordable housing layout acceptable?

2. Is the proposal acceptable in terms of its design and impact on the form and character of the area?

2.1 Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130 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 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 R12 of that same document (in the section dealing with residential design) 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.

2.5 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.

2.6 2 and 3-bed dwellings are proposed comprising a mix of detached, semi-detached and townhouses. All the dwellings would be 2-storey. The site is separated from Audley Road by a substantial landscaped bund but the dwellings on the north eastern side of Audley Road are the closest reference and they are predominantly semi-detached or terraced and it is considered that the layout proposed would respect local character in terms of housing type and density.

2.7 The materials would comprise red brick and plain clay roof tiles with elements of render. Detailing would be simple and unfussy with gable features, brick soldier courses and canopies. Properties would generally be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of the majority of dwellings. The design of the properties is considered acceptable.

2.8 The site is opposite Ibstock Brickworks and to provide appropriate mitigation against noise, in accordance with the recommendations of a Noise Assessment, a 2 metre high acoustic fence is proposed to be sited on top of a 2 metre high landscape bund along the frontage of the site on Watermills Road. The dwellings fronting Watermills Road have also been turned so that their rear elevations are facing the highway. A bund and boundary fence totalling 4m in height would be a very significant feature that would appear very prominent in the streetscene, particularly as the bunding would at certain points be steeply sided, insufficient room having been left for it. There is an existing substantial landscaped bund to the north of the site and therefore the bund proposed to the north of the access point would tie into that and would appear less prominent. However, the bund to the south of the access, which Environmental Health have advised would need to extend further south than indicated on the plan, along the side garden of Plot 60, would be a very significant and prominent feature. For this reason, it is considered that the proposal would have a harmful and unacceptable impact on the form and character of the area.

3. Would the level of residential amenity achieved be acceptable?

3.1 Sufficient distances are proposed between dwellings to ensure an acceptable level of privacy for the occupiers and the amount of private amenity space proposed for the dwellings would be sufficient for the small family dwellings proposed.

3.2 As referred to above, the site is opposite Ibstock Brickworks and the nearest plots are proposed approximately 50m from the clay loading operation. A Noise Assessment has been submitted which assesses the existing background sound climate and potential impact of the adjacent brickworks operations. Received noise has taken account of a 2 metre high landscape bund topped by a 2 metre high fence to protect properties adjacent to the Watermills Road boundary. The Report concludes that subject to mitigation, appropriate noise levels would be achieved. The Environmental Health Division has no objections to the proposal subject to conditions and therefore, subject to acceptance of the appropriateness of the bund and fence, it is not considered that an objection could be sustained on the grounds of noise impact.

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

4.1 The means of vehicular access to the site was determined at outline stage. The Highway Authority has no objections to the detail of the proposal subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

5. Is the proposed landscaping and open space within the site acceptable?

5.1 The Landscape Development Section (LDS) is satisfied that subject to conditions, the site can be developed without harm to any existing trees.

5.2 An area of Public Open Space ("Village Green") is proposed in the southern corner of the site. Originally, the dwellings adjacent to the Village Green had their rear gardens facing the open space but they have been turned to overlook the space which is considered more appropriate. Although not centrally located within the site, the overlooking of the open space will help to ensure that it is integrated into the development.

5.3 The LDS raised concerns regarding the original layout on the grounds of lack of footpaths and accessibility. The "Coppice Walk" footpath was proposed to be right up against boundaries and the roadside and not integrated into the landscape design. Amended plans have been submitted showing the Coppice Walk extending through the site linking the road and the Village Green. However it would run along the side and rear gardens of the proposed dwellings and therefore would be enclosed by high fences resulting in no overlooking of the footpath. Both the Police Crime Prevention Design Advisor and the LDS have expressed concern that such an enclosed footpath would be unsafe and unattractive to users being likely to be prone to anti-social behaviour. Your Officer agrees with these concerns and considers that such an enclosed pathway is unacceptable.

6. Is the affordable housing layout acceptable?

6.1 The outline consent for this site was subject to a Unilateral Undertaking which included a requirement for not less than 25% of the total number of dwellings to be affordable housing dwellings. The layout proposes 16 affordable units which equates to approximately 27% of the 60 units now proposed.

6.2 The dwellings will be 2-bedroomed terraced and semi-detached homes and in terms of the nature of the affordable housing, 10 would be affordable/discounted rent and 6 would be shared ownership. This accords with the requirements of both the Section 106 and the Council's Affordable Housing SPD.

6.3 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.

6.4 The affordable units are proposed in several small groups across the site and your Officer's view is that they are sufficiently distributed across the site to ensure that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing provision.

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 C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework](#) (July 2018)

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

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)

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

Relevant Planning History

13/00974/OUT Residential development of up to 65 dwellings including means of access – Allowed at appeal January 2015

Views of Consultees

Staffordshire County Council as **Minerals and Waste Planning Authority** has no comments on the application.

Staffordshire County Council Flood Risk Team states that the drainage details submitted appear to be consistent with those specified in the outline application and therefore no objection is raised.

The **Highway Authority** has no objections subject to conditions regarding details of footways, driveways and means of surface water drainage, provision of internal site roads, parking and turning areas, submission of a Travel Plan and submission of a Construction Method Statement.

The **Environmental Health Division** queries whether there is space to install the bund. Conditions are recommended requiring details of the location of the acoustic treatment to the boundary accompanied by cross section drawings and path difference calculations, and the standard noise condition.

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 Unilateral Undertaking was concluded prior to the grant of the outline permission and the education contribution amount and terms should be calculated in line with this.

The **Crime Prevention Design Advisor** states that the latest revision includes an enclosed pathway which would introduce unnecessary vulnerability in terms of burglary, anti-social behaviour and community safety. The remainder of the layout is generally acceptable in terms of crime and disorder although the properties bordering Watermills Road should have their rear gardens reinforced by hedge planting and the principle of defensive hedge planting should be considered throughout the development for any side or rear garden boundary that will be publically accessible. Gable end windows should be included for plots 51 and 52 to provide natural surveillance.

The **Landscape Development Section** states that it is unfortunate that the implementation of the 2m high mound and 2m fence has meant that the adjusted orientation of properties to front Watermills Road has been reverted. Concerns are raised about the appearance of the barrier from Watermills Road and the method by which it is planted/maintained. The footpath running along the side and rear gardens of new properties will have the appearance of an alleyway and will be bounded by high fences with poor internal visibility and subject to antisocial behaviour. The proposed perimeter hedgerow appears to have been removed from the proposals and the bark mulch path should have a more permanent paving solution. Conditions are proposed requiring tree protection proposals, landscaping proposals, a landscape maintenance schedule and construction details for the retaining wall.

The **Housing Strategy Section** states that the revised plan has correctly stated that 16 units will be affordable and they have been apportioned as 10 affordable/discounted rent units and 10 shared ownership units in accordance with the Unilateral undertaking. The units are sufficiently pepper-potted and the types of properties that are being suggested as affordable, which are terraced and semi-detached properties, are considered to be acceptable as they will meet the need for starter families and smaller one and two person households.

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

The **Waste Management Section** states that in locations where properties do not face directly onto the highway, containers are frequently left out between collections causing long term visual blight and leading to complaints and neighbourhood disputes. The layout also designs in two sets of reverses at cul-de-sac ends and the Health and Safety Executive requires these to be designed out wherever possible in favour of safer circulatory designs.

Representations

One letter of representation has been received on behalf of Ibstock Brick Limited expressing concern regarding deficiencies in the Noise Assessment that accompanies the application. It is requested that it is revised to consider the potential impact on the proposed residential development of noise from the adjacent industrial premises.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Drainage Design Report
- Noise Report

These documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00017/REM>

Background papers

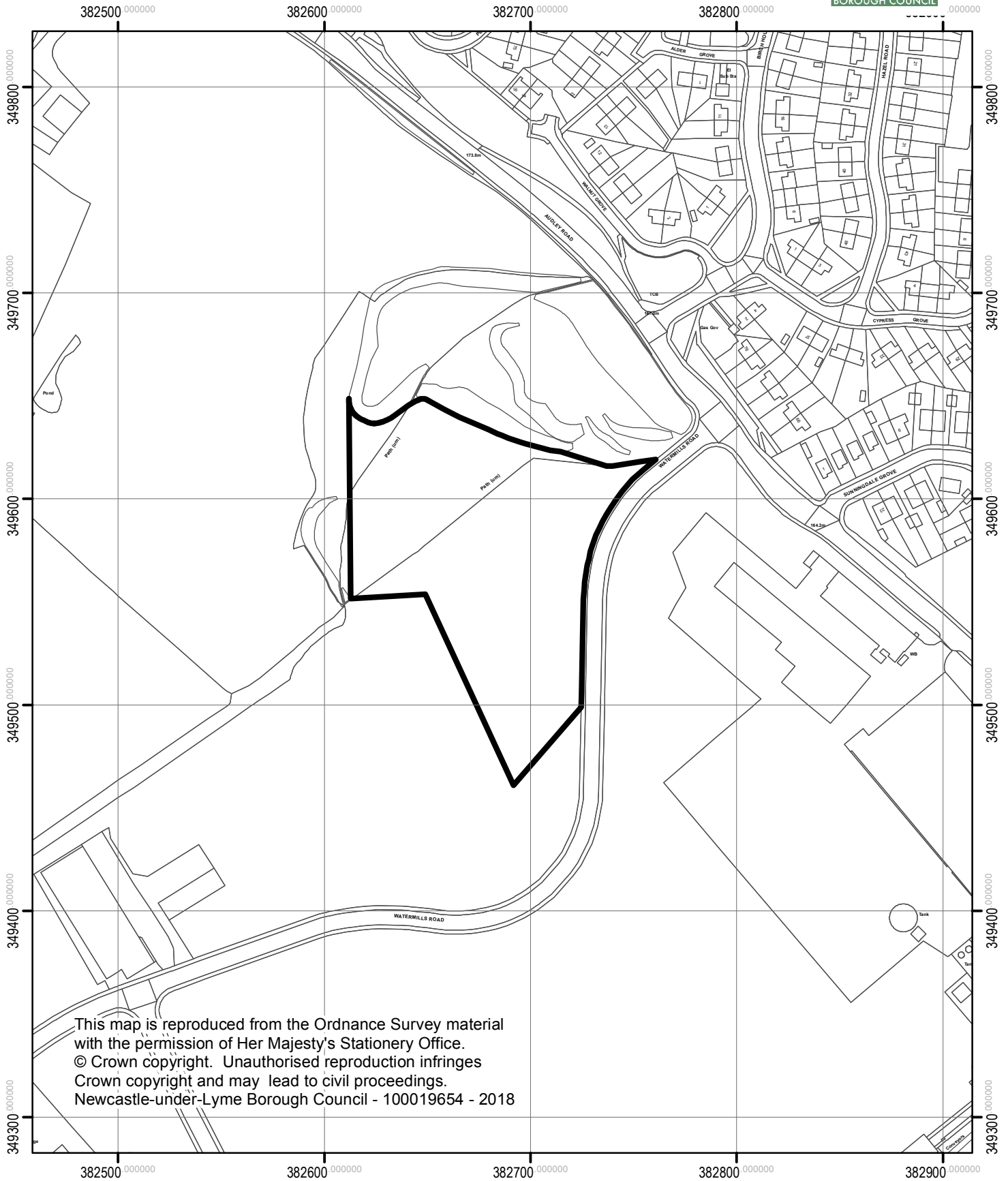
Planning files referred to
Planning Documents referred to

Date report prepared

1st August 2018

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Land off Watermills Road, Chesterton



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LAND OFF PEPPER STREET KEELE
KEELE HOME LTD

18/00262/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 100 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 100 dwellings (13/00970/OUT). Details of access from the highway network were approved as part of the outline consent.

The application site lies within the Green Belt and is also within an area of landscape restoration as defined by the Local Development Framework Proposals Map. The Haying Wood within the site is protected by Tree Preservation Order No. 1.

The 13 week period for the determination of this application expired on 5th July. The applicant has agreed to extend the determination date until 17th August 2018.

RECOMMENDATION

Subject to the awaited comments of the Highway Authority and Landscape Development Section on the revised layout received, PERMIT

- 1. Approved plans/documents**
- 2. Prior to commencement of the construction of the dwellings details of the house types and location of the affordable housing units at the level stipulated within the relevant S106 Agreement shall be agreed by the Local Planning Authority (LPA).**
- 3. Prior to commencement of the construction of the dwellings details submission and approval of all external facing materials and hard surfacing materials.**
- 4. Prior to commencement of the construction of the dwellings full details of the pedestrian/cycle links from the development onto Hollywood Lane shall be agreed by the LPA and implemented prior to occupation of any of the dwellings.**
- 5. Approval of tree protection plans (including of hedgerows)**
- 6. Approval of a schedule of works to retained trees**
- 7. Prior approval of further landscaping details (planting numbers, density and sizes), including replacement woodland planting to supplement the approved Strategic Landscape Masterplan.**
- 8. No levels alterations within RPAs of retained trees unless prior written consent obtained**
- 9. Approval of an Arboricultural Method Statement for all works within RPAs of retained trees**
- 10. Approval of proposals for boundary treatment**
- 11. Prior approval of revised internal access road details providing 6m internal access road junction radii.**
- 12. Prior approval of surfacing materials and surface water drainage of private, parking and turning areas.**
- 13. Provision of visibility splays.**
- 14. Private drive to have a minimum length of 6m.**

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. Subject to the comments of the Highway Authority and Landscape Development Section, the design and layout of the proposal are 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 further information has been requested and received.

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 100 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00970/OUT for up to 100 dwellings in April 2015.

1.2 The outline consent for the site was granted subject to a number of conditions that set out what should be included within any reserved matters submission. Such conditions will be referred to within the appropriate sections below. The outline planning permission also includes further conditions requiring other matters to be agreed before development commences (i.e. before the construction of dwellings) including details of the method of remediation of the burning spoil heap and the need to undertake further investigation, risk assessment and remediation of contaminated land. Such conditions haven't yet been satisfied however this would not prevent the determination of this application notwithstanding the views expressed to the contrary by Keele Parish Council and in representations received.

1.3 The issues for consideration, taking into consideration 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 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 A condition of the outline planning permission restricted the area within the wider site where the residential development can take place to that shown on the approved Master Plan. The submitted plans show that the layout as proposed within this reserved matters application accords with the requirements of this condition.

2.2 A further condition of the outline planning permission stipulated that any reserved matters application should be supported by a landscape led final Master Plan, supported by a detailed arboricultural survey. The condition indicates that a woodland buffer should be retained around the ponds, between the high and low density housing, and between the site and Hollywood Lane. In addition the condition required the retention of more important tree specimens should occur where possible. Another condition requires the submission of supporting information with any reserved matters application that demonstrates the impact of the proposed development on the trees within the site that are protected by TPO1.

2.3 Earlier this year a significant number of trees were felled on the site, the applicant indicating that this was to facilitate the additional site investigation works that were necessary to satisfy the contaminated land conditions on the outline planning permission. The application was supported by an Arboricultural Impact Assessment (AIA) and Method Statement (AMS) and a Strategic Landscape Master Plan has been provided which to some extent reflects the tree removal, but not satisfactorily as far as the Landscape Development Section (LDS) was concerned. Subsequently a revised Landscape Master Plan has been submitted, providing additional information, and the layout plan

have been amended in response to the comments of the LDS and to address concerns they have expressed. The further comments of the LDS to such additional information/amended plans are being sought and will be reported.

2.4 At this point in time, therefore, it is difficult to assess whether the layout as proposed is acceptable with respect to its impact on existing trees and the adequacy of additional tree planting proposed. It is, however, apparent that in order to achieve a woodland buffer in the locations specified in the condition of the outline planning permission tree planting will be necessary. To ensure that the development is acceptable any such tree planting would need to go some way towards replacing the trees that are lost and would need to constitute an enhancement of the area. The latest layout plan shows that trees will be planted in the area to the north west of the ponds in the location of the burning spoil heap where currently no trees survive. The layout also shows two 'fingers' of tree planting that extend in a westerly direction off Hollywood Lane separating areas of housing within the site. A view will be reached as to whether such planting is acceptable upon receipt and consideration of the additional information referred to above.

2.5 The relevant policy context against which the acceptability of the layout of the scheme should be assessed, setting aside the issue of the impact on trees referred to above, is set out at paragraphs 2.6 to 2.1.

2.6 Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 130 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

2.7 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.

2.8 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.

2.9 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.

2.10 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.

2.11 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.

2.12 The proposed layout comprises 100 dwellings comprising the following mix:

- 4 five bed detached houses
- 36 four bed detached houses
- 16 three bed detached houses
- 26 three bed semi-detached houses
- 18 two bed terraced houses.

The dwellings all two storeys of traditional design, predominantly constructed in brick and tile with some use of render and hanging tiles. Included in the design of some of the properties are projecting gables, projecting single storey additions on front elevations with lean to roofs, and pitched roof bay windows. There is a consistency in the design approach to the different house types proposed and it will be viewed as a single, cohesive development.

2.13 The proposed houses are largely accessed via a series of cul-de-sacs off a single access point off Pepper Street as approved in the outline planning permission. A further small access is, however, proposed off Pepper Street serving three detached dwellings. An area where landscaping can take place is included separating the dwellings that front onto Pepper Street from Pepper Street.

2.10 A requirement of the Section 106 agreement that was entered into prior to the grant of the outline planning permission is that a play area is provided on the site. This is currently shown adjoining the larger of the two ponds within the development. It is therefore sited within the heart of the development, albeit not in a central location, and will be overlooked by a number of properties. More detail has recently been received which seeks to demonstrate that the play area meets the standards set out in the Open Space Strategy. The views of the LDS are awaited on the adequacy of the proposed play provision and whether the position by the pond raises any safety issues that can't be addressed by suitable boundary treatment or other mitigation measures.

2.11 Overall it is considered that the house types and design as proposed could be considered acceptable if it is demonstrated that this results in the retention of the better quality trees that remain on the site and that adequate replacement tree planting can be achieved.

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

3.1 The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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 There are a number of existing dwellings on Pepper Street facing towards the site. The proposed dwellings are sufficiently far enough away and are separated by the highway to conclude that no adverse impact on the residential amenity of the occupiers of these dwellings would arise from the proposed layout.

3.4 The guidance set out in the SPG regarding separation distances between dwellings is achieved within the development. In addition the layout accords with the guidance regarding garden length/area.

3.5 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 As indicated above the means of access to the site was determined at outline stage, with vehicular access provided off Pepper Street. The principle of a development of this scale in terms of its impact upon the highway network has therefore been agreed. The provision of the additional access onto Pepper Street serving the three dwellings referred to above does not give rise to concerns about highway safety.

4.2 Further information has also been submitted demonstrating that a refuse lorry can manoeuvre within the proposed access roads. In addition storage areas have 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.

4.3 Two parking spaces are proposed for the two and three bedroom dwellings and at least 3 spaces are provided for the four and five bedroom dwellings which accords with policy. The garages aren't required to achieve sufficient parking spaces within the plots and as such it is not considered that a condition requiring the retention of the garages for the parking of vehicles, as recommended by the Highway Authority, can be justified.

4.4 The layout also shows where a pedestrian/cycleway link onto Hollywood Lane, which is a BOAT (byway open to all traffic), can be provided, as required by condition of the outline planning permission. Full details haven't been included within the submission, however, and as such a condition will be required to address this. The BOAT will not be adversely affected by the proposed layout.

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 level of affordable housing secured (15%), however, did not accord with policy as the applicant demonstrated that the development would be unviable if the policy compliant percentage was secured in addition to the education contribution that was required to satisfy policy.

5.2 Subsequently an application was received under Section 106BA of the 1990 Town and Country Planning Act which enabled, for a limited period, the revision of the affordable housing contribution requirement of a planning obligation. The outcome of that process was a further reduction in the level of affordable housing provision within the development to 6% for a 4 year time limited period (from the date of the planning permission). That period has not lapsed and the level of provision has therefore remains at 6% although it is likely to revert to 15% before the construction of the dwellings commence. The applicant, however, is maintaining that affordable housing provision above 6% would render the development unviable and has requested that the original S106 is varied. The case advanced by the applicant that seeks to demonstrate their claim is currently being independently assessed by the District Valuer and will be the subject of a separate report to Planning Committee.

5.3 The 6 affordable houses (as required by the S106) that have been identified are a pair of 3 bed semi-detached dwellings and a block of four 2 bed terraced properties. The type of dwellings identified are considered to be acceptable as affordable housing units within this development and as they are not all grouped together, they are suitably located. However until the further viability case reaches a conclusion and the level of affordable housing is fixed no approval can be given to the proposed affordable housing units. A condition is therefore necessary that requires the agreement of the house type and location of the number of affordable housing units as stipulated within the relevant Section 106 Agreement to ensure that if it is not varied the Local Planning Authority approves the affordable housing provision within this development.

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

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

Policy T16: Development - General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy C4: Open Space in New Housing Areas
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2018)

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

[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)

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

Relevant Planning History

13/00970/OUT	Residential development of up to 100 dwellings including means of access – Permitted.
15/00359/DOAHR	Application under Section 106BA of the Town and Country Planning Act 1990 to revise the affordable housing contribution secured within the planning obligation entered into in association planning permission 13/0970/OUT for residential development - Permitted

Views of Consultees

Keele Parish Council has grave concerns on the following grounds:

- An application should be accurate, complete and up-to-date and should square with realities on the ground. It doesn't do any of these.

Accuracy

- Planning permission shouldn't be given for a development cannot be delivered because the applicant doesn't own or have an option on part of it.
- The layout is close to and in one case over the railway tunnel which the Railway Authority forbade.
- They are at a loss to understand why no public access to the former tip area has been accepted since it was agreed when granting outline planning permission that once the spoil heap site has been remediated it would become a green field amenity.

Complete and up-to-date

- Major issues relating to contamination of the site as a result of its former industrial use have not been satisfactorily addressed.
- 2013 ground survey reports have been resubmitted.
- There is no mention of fencing off of the old marl hole site, to which public access needs to be restricted, and it is shown as public open space.
- It was stated by the Planning Department when dealing with the outline planning application, that a detailed survey of contamination on the site was not required given the preliminary nature of the application. Now that reserved matters are being addressed it is now both reasonable and necessary that this more detailed investigation take place.
- Without thorough investigation of contamination issue the public have no confidence that contamination issues have been fully addressed and remediated.
- A financial bond should be held by the Borough to cover the cost of remediation in the event of the developer withdrawing.

Realities on the ground

- Nowhere in the application does it refer to the buildings on site having already been demolished. This makes redundant some of the ecological reports and limits the value of the Archaeological report. The Local Planning Authority (LPA) should ask for a more accurate description of the site as it now is.
- The application states that the LPA had confirmed that tree loss on the site was anticipated and that the applicant was encouraged to retain as many trees as possible where practical to do so. This wasn't done and many of the trees on the site have been cut down without prior permission from the LPA.
- Despite offers from Keele Parish Council to work with the developer they have had no reply and there has been no community liaison.
- Inappropriate development in the Green Belt was justified due to the identified very special circumstances of remediation of contaminated land including the burning coal tip. The layout includes development on land that was not previously in industrial use and therefore not contaminated. Such land should continue to be regarded as part of the Green Belt and should be excluded from the proposal.
- In view of the unknown future duration of and potential for generation of methane in the landfill to the south west of the envisaged development it is considered prudent to place a buffer between the edges of the landfill and the area of housing to be developed.

Silverdale Parish Council would welcome a belt and braces mining industry led project, which should eliminate potential fire and associated environmental pollution risk to residents for the foreseeable future. The proposal however falls below their expectations

1. There is no mention of the threat to life posed by the two possible methane issues: 1) from the colliery spoil or any underlying old workings; and 2) from decomposition of material in the landfilled former marl hole. They remind the owners about the explosion that occurred at Loscoee, Derbyshire, in 1986, when a house adjacent to a landfill was completely destroyed as a result of migration of methane out of the landfill which also sets out the appropriate measures to be taken when considering gas migration from existing or proposed landfills.
2. They are concerned that colliery spoil is to be reinstated and re-compacted. They would want to know the chemical composition of this material and an explanation of why it cannot be permanently removed from the site and replaced by less hazardous material to be used for

compacting and eliminating voids or whether a long term engineering solution might prove less risky for residents in the long term.

3. They therefore believe a more forensic approach to the origin of the fire is required with a greater range of professional expertise, from for example the British Geological Survey covering non-coal mining hazards as well as the Coal Authority and its scientists.

The Parish Councils have been notified of the amended plans and any additional comments received from them will be reported.

Staffordshire County Council as the **Rights of Way Authority** advises that the application document does not recognise the existence of Byway Open to All Traffic Keele 1 Parish which runs through the proposed application site inside the northern boundaries. It appears that the development will directly impact on this. It is suggested that the Highway Authority should be consulted.

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

- Prior approval of revised internal access road details providing 6m internal access road junction radii.
- Prior approval of surfacing materials and surface water drainage of private, parking and turning areas.
- Provision of visibility splays.
- Private drive to have a minimum length of 6m.
- Garages to be retained for the parking of vehicles.

The Highway Authority has been consulted on the revised layout plan and any additional comments received will be reported.

United Utilities recommend conditions regarding drainage.

The **Environmental Health Division's (EHD's) contaminated land officer** has no objection in principle but the proposed layout intends to make more substantive use of the southern area of the site, for which a revised site investigation is likely to be necessary. No comments on other matters have been received from EHD so it must be assumed that they have none to make as the due date has passed.

The **Education Authority** states that the development falls within the catchments of St John's CE (VC) School and Madeley High School. A Section 106 Agreement was signed when the outline planning permission was granted, and the education contribution amount and terms should be calculated in line with this. If there is to be variation to the number of affordable dwellings then the education contribution will need to be recalculated for secondary could increase.

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

- Rear garden boundaries around the periphery of the development will back onto un-overlooked public space and could therefore be more vulnerable to intrusion.
- The screen fence will be too low for a rear boundary for security purposes.

The **Landscape Development Section** comments that considerable tree loss and damage to trees has occurred on this site, some of these trees are affected by Tree Preservation Order ref TPO1, some are shown as retained on the outline permission and some are shown as retained in the applicant's latest submission.

They request that no further works or access by vehicles occur on this site until a programme of protection and remediation has been agreed and implemented.

In addition before comments can be made the following information should be provided:

- Up to date tree survey with remaining trees assessed as individuals.

- Updated AIA (including assessment of the effect of levels alterations).
- Full of assessment of recent damage caused.
- Detailed proposals for remediation and restoration of damaged areas.
- Schedule of works to retained trees.
- Future Tree Protection for remaining trees.
- Proposals for replacement trees for those felled.
- Updated Tree Protection Plans.
- Full assessment of impact upon hedgerows

Notwithstanding the above they have concerns about the layout submitted:

- They would not consider that this layout is tree or landscape led as required by planning condition 4. Separation between high and low density areas is poor, woodland buffer around the ponds has been in part destroyed and many important tree specimens have been damaged or lost.
- The layout is much less favourable than the outline layout
- No levels information or assessment on the impact of retained trees has been provided.
- They could not support the encroachment of this development into the Root Protection Areas of retained TPO'd trees.

The Landscape Development Section have been invited to comment on the additional information now provided

The **Coal Authority** has no objection.

The **Waste Management Section** in response to the revised plans advises that they still have concerns. The swept path analysis focusses on areas of shared access which they won't be driving on unless they are adopted. Confirmation as to which are the shared access roads are to be adopted as otherwise they would need to be legally indemnified against any claims of damage to surface or to overhanging trees etc. The issues about collection points and containers being likely to be left out at collection remain. There are particular concerns about bins being left out at collection points by plots 38-42 and 46-48, and the complaints and negative visual amenity this designs into the development.

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

The **Housing Strategy Section** has not responded to the consultations and as the due date has passed it is assumed that they have no comment.

Network Rail's comments are awaited.

Representations

Five representations have been received raising the following concerns/objections:

- The site plan is inaccurate as it includes land not in the applicant's ownership.
- The plan shows house are to be built over a railway tunnel which the Railway Authorities have previously objected to.
- It would be negligent to build family houses so close to two ponds.
- No provision has been made to deal with the former landfill site, and is included as public open space.
- The Ground Survey report is out of date. The underground fire continues to burn and it is essential that such a survey is done before it is opened up.
- The Ecology Report is out of date.
- The applicant has removed a larger number of trees from the site.
- Local doctors and schools are already full, the infrastructure cannot take any more houses.
- The scale of the proposed development far exceeds the requirement of new housing stock needed for Keele.

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/18/00262/REM>

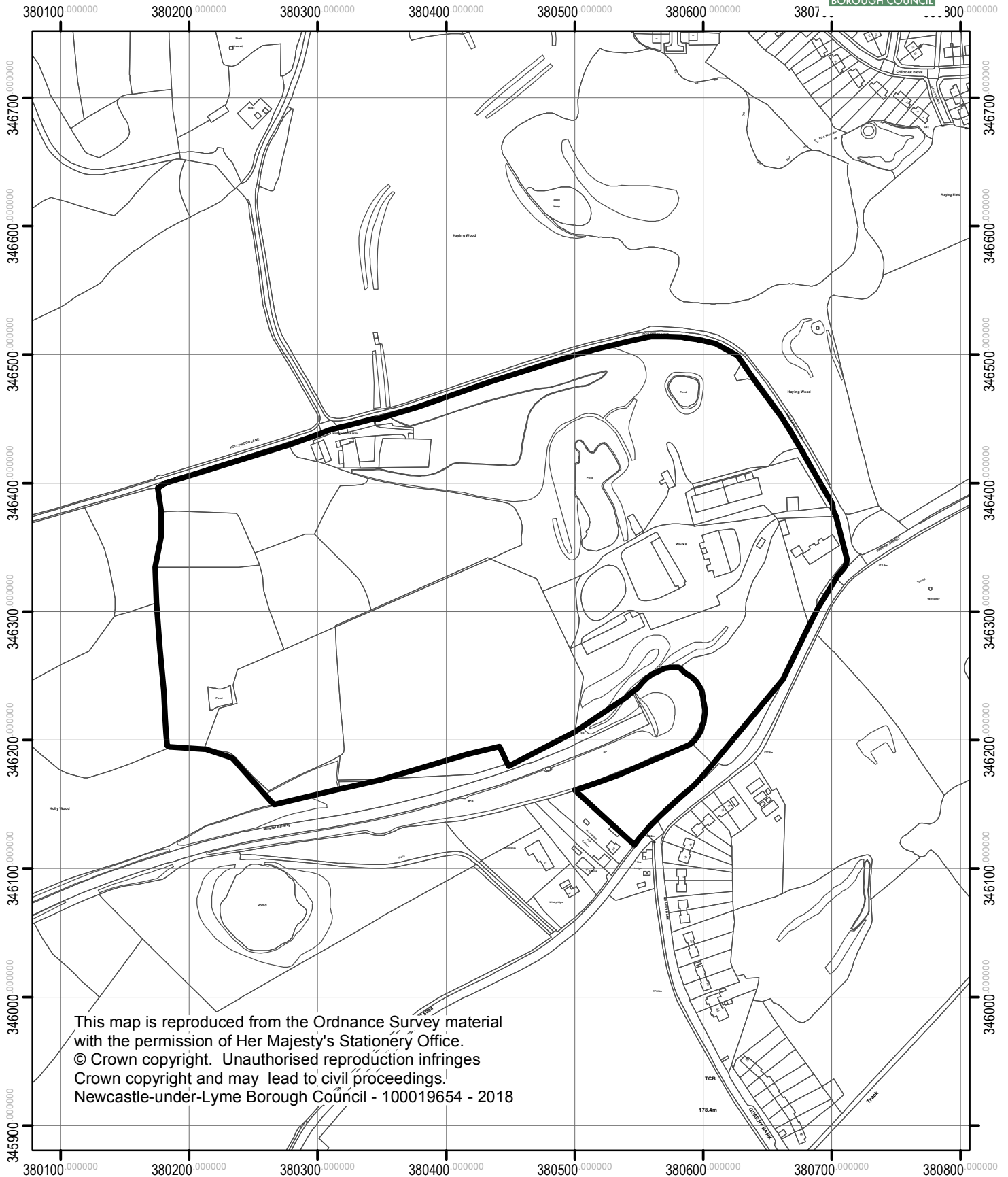
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th July 2018

Land off Pepper Street, Keele



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**LAND SOUTH-WEST OF MUCKLESTONE ROAD AND WEST OF PRICE CLOSE,
LOGGERHEADS
ELAN HOMES (MIDLANDS) LTD** **18/00315/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 73 dwellings.

This application for the approval of reserved matters follows the granting of an outline planning permission in September 2015 on a wider site for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (15/00202/OUT). Details of the accesses from the highway network were approved as part of the outline consent.

The application site lies on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Trees within the site are the subject of Tree Preservation Order (TPO) no.147.

The 13 week period for the determination of this application expired on 23rd July 2018 but the applicant has agreed an extension to the statutory period until 17th August 2018.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Provision of internal roads, parking and turning areas in accordance with the approved plans**
- **Completion of vehicular and pedestrian access point onto Mucklestone Road and the footpaths along the development frontage**
- **Materials (facing, roofing and surfacing)**
- **Landscaping and tree protection conditions**
- **Approval of Elevations of substation**

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 and to be in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout and subject to conditions, the proposed landscaping and open space within the site is considered acceptable. 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

Additional information has sought from the applicant where necessary and obtained 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

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 73 dwellings. The principle of the residential development of the site was established by the granting of outline planning permission 15/00202/OUT in September 2015 and details of the accesses from the highway network were approved as part of that outline consent. An earlier reserved matters approval for 78 dwellings was granted in May last year (Ref. 16/00784/REM). Both applications related to a larger area of land than the current application site. The larger area is subdivided into two parcels by a stream and landscape corridor.

1.2 This application relates to the larger of the two parcels of land. A full application for five dwellings on the smaller parcel of land is considered next on this agenda (Ref. 18/00314/FUL).

1.3 The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement prepared by Hallette Environmental and Muller. Your Officer has considered the application against those principles and is satisfied that it accords with that condition of the outline consent.

1.4 Although Loggerheads Parish Council raise concerns regarding the attenuation basins and the safety of children, express guidance exists for consideration of health and safety principles for such features which seeks to demonstrate how, with good design, the risks should be extremely low. It is the case that other than in extreme rainfall, the basins would be dry.

1.5 The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Is the proposed landscaping and open space within the site acceptable?
- Is the affordable housing layout acceptable?

2. Is the proposal acceptable in terms of its design and impact on the form and character of the area?

2.1 Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130 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 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*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

RE5 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.

2.5 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.

2.6 In the previous reserved matters scheme, 69 dwellings were proposed on this part of the site whereas 73 dwellings are now proposed. 2, 3, 4 and 5-bed dwellings are proposed comprising a mix of detached, semi-detached and townhouses. All the dwellings would be 2-storey. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character. Although Loggerheads Parish Council express concern that there is a reduction (from what has been previously approved) in the number of 2-bed and 3-bed houses and that this is not what the area needs as evidenced by the Loggerheads Housing Needs Assessment prepared as part of the Neighbourhood Plan, the mix of dwelling types is similar to that approved under Ref. 16/00784/REM and is considered to provide an appropriate mix.

2.7 The materials would comprise red brick and grey concrete roof tiles with elements of render and vertical tile hangings to some dwellings. Detailing would be simple and unfussy with gable features, bay windows, brick soldier courses and canopies. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development. Properties would generally be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of or to the side of dwellings, with some dwellings also provided with a garage.

2.8 The proposed layout is similar to both that shown on the illustrative layout plan submitted with the outline application and to the previous reserved matters scheme. Your Officer's view is that the design of the dwellings and the materials palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the streetscene. The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

3. Would there be any adverse impact on residential amenity?

3.1 This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development. The NPPF states at paragraph 127 that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Existing occupiers' amenity

3.2 Many of the dwellings proposed along the eastern boundary of the site would have a gable end and therefore no principal windows (as defined in the SPG), facing towards those in Price Close. Where the rear elevations of the proposed dwellings face Price Close, the distance between the principal windows of the existing and proposed dwellings exceeds the distance of 21m recommended in the Council's Space around Dwellings SPG. Loggerheads Parish Council expresses concern that the proposed house at Plot 46 appears too close to No. 22 Price Close. The SPG recommends a distance of 13.5m between principal windows and a gable wall that contains no windows. In this case the distance is 12m and whilst this is slightly less than the recommended distance, the dwellings are not directly facing each other and the ground level of the bungalows on Price Close is approximately 3m higher than the ground level of Plot 46. It is considered therefore that sufficient distance exists to ensure that there would be no significant adverse impact on the amenity of the occupiers of the existing dwelling on Price Close.

Amenity of future occupiers of the development

3.3 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for family dwellings.

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

4.1 The internal road layout is very similar to that illustrated in the outline application and approved in the previous reserved matters consent but with some minor changes due to the rearrangement of plots. The Highway Authority has no objections to the detail of the proposal subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

5. Is the proposed landscaping and open space within the site acceptable?

5.1 The Landscape Development Section (LDS) has concerns regarding the loss and impact on trees affected by Tree Preservation Order 147 which covers the woodland between this site and the smaller site to the north. It is stated that the protected woodland has been divided and a significant section will no longer be protected. In addition they raise concerns that service connections and easements are unclear, the impact of access alterations on retained trees is unclear and the impact on the boundary hedge should be assessed as should the impact of any levels alteration on trees. The applicant's agent has responded as follows regarding the trees:

- The split is due to the separate applications but the whole woodland would still be protected.
- Any service connections and easements through the woodland are associated with existing adopted drains and any proposed connections will be kept outside of the tree protection fencing areas as shown on the Tree protection Plan.
- Impacts on trees are all addressed by the submitted Arboricultural Impact Assessment and Tree Protection Plan.

The LDS also raises concerns about the layout of the open space. It is stated that there is no longer the opportunity to walk the length of the open space without using the roadside path, the substation will have a visual impact within the open space and confirmation is needed that the amount of remaining open space would be sufficient. They also comment that the entrance/exit to the play area is now directly off the roadside path, the connectivity of the play area to the open space is reduced and the LEAP layout on the masterplan does not match the detailed drawing. Woodland management proposals are requested. The applicant's agent has responded as follows:

- There is a footpath link through the Public Open Space (POS) and the roadside path is adjacent to the POS.
- The substation is located in the optimum position to service the site and the visual impact is mitigated by the proposals shown on the landscaping layout.
- The Council's Open Space Strategy has been considered and the development provides 0.84ha of POS which comfortably exceeds the requirements and provides a LEAP.
- The LEAP is accessed via the 2m wide footpath adjacent to the highway which is common practice.
- The amount and type of equipment is the same and the applicant would accept a condition requiring a detailed play area scheme to be submitted if required.
- It is proposed that the requested woodland management proposals are conditioned as it was on the previously approved reserved matters approval.

Regarding the impact on trees, although the LDS states that a significant section of the woodland will no longer be protected, this is not the case. As referred to above a separate application has been submitted for five dwellings on the smaller parcel of land to the north-west (Ref. 18/00314/FUL) and that includes tree protection proposals for that part of the woodland not considered in this application. The applicant has confirmed that any service connections and easements will be kept out of the tree protection areas and although concerns are raised that the impact of access alterations on retained trees is unclear, no alterations to the access point approved at the outline stage are proposed.

Regarding the open space, the LDS raises concerns that the footpath in the previous scheme linking the two areas of the site with a bridge across the stream has been omitted. The applicant has advised that the bridge would need to have a span of approximately 30m due to the steep sides of the ravine and to tie in with the requirement for ramps on the upper parts of the slope and that such a significant structure would have implications for the use and the visual appearance of the area as well as potentially trees in the stream corridor. A footpath exists along the road which links the two parts of the site. Your Officer's view is that whilst the loss of the link is disappointing in that it would have added interest to the overall scheme, and created the opportunity for a circular walk along Muckleston Road including a section that is not adjacent to the highway, given the potential impact of the scale of the bridge that would be required (both on the trees and the visual amenity of the area) and given that the roadside footpath would involve residents wishing to get from one part of the site to the other walking only a short additional distance, on balance it is considered acceptable.

If members are of a different view notwithstanding the points made above the provision of the path and bridge as per the previously approved REM scheme could be secured by a condition notwithstanding that it is not shown in the current layout. A similar approach would need to be taken to the following application and a mechanism found to secure the full link, but that would be reasonable only were both sites developed.

Subject to appropriate landscaping to achieve some screening, the substation is considered acceptable and subject to a condition requiring approval of the details of the play area, no objection is raised to the size and accessibility of the LEAP.

In conclusion, it would appear that the concerns of the LDS could be dealt with by the application of conditions. Subject to the approval of the details required by those conditions, the proposed landscaping and open space within the site is considered acceptable.

6. Is the affordable housing layout acceptable?

6.1 Loggerheads Parish Council expresses concern that the affordable houses are located to the rear of the site in groups and should be pepper-potted across the site especially towards the front near the access. The affordable housing units are in very similar locations to those in the previous reserved matters scheme and given that it was accepted then that the affordable housing was sufficiently distributed across the site, it would not be reasonable to object to the layout now. Your Officer is satisfied that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing.

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 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 N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2018)

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

[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)

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

Relevant Planning History

15/00202/OUT Residential development of up to 78 units including affordable housing, public open space and vehicular and pedestrian accesses - Approved 3rd Sept 2015, following completion of legal agreement 28th August 2015

16/00784/REM Application for the approval of the details for layout, internal access arrangements, scale, appearance and landscaping details relating to outline planning permission 15/00202/OUT for residential development of up to 78 units - Approved

Views of Consultees

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

The **Highway Authority** has no objections subject to conditions regarding the provision of internal roads, parking and turning areas in accordance with the approved plans, provision of drainage interceptors, private drives to have a minimum length of 6m, submission of Construction Method Statement and garages to be retained for the parking of motor vehicles and cycles.

The **Crime Prevention Design Advisor** commends the scheme which demonstrates that designing out crime and designing in community safety principles have been considered and are incorporated within the proposals. These include very good natural surveillance over the road network and public spaces and appropriate boundary treatments. A supplementary crime benefit of the layout is that the existing rear gardens of Price Close will back onto the rear gardens of the new development providing mutual security. The only improvements that could be considered would be to reinforce the rear garden boundaries which border the sewage works access road.

The **Landscape Development Section** has concerns regarding the loss and impact on trees affected by Tree Preservation Order 147. The protected woodland has been divided and a significant section will no longer be protected, service connections and easements are unclear, the impact of access alteration on retained trees is unclear and the impact on the boundary hedge should be assessed as should the impact of any levels alteration on trees. Concerns are also raised about the layout of the open space. There is no longer the opportunity to walk the length of the open space without using the roadside, the substation will have a visual impact within the open space and confirmation is needed that the amount of remaining open space would be sufficient, the entrance/exit to the play area is now directly off the roadside, the connectivity of the play area to the open space is reduced and the LEAP layout on the masterplan does not match the detailed drawing. The layout of the open space and landscaping is much less favourable than the previous approved scheme and woodland management proposals are requested.

Staffordshire County Council Flood Risk Team states that the plans show areas set aside for above-ground SUDs and surface water attenuation so the proposed layout is acceptable in principle.

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

The **Environment Agency** has no objections.

The **Waste Management Section** has concerns about the properties accessed across unadopted surfaces as these properties will need to present their containers on the nearest adopted highway sometimes leading to residents leaving their containers at collection points between collections, causing a negative visual effect on the development and leading to complaints.

The **Housing Strategy Section** states that the number and mix of affordable housing units are compliant with policy and is satisfied that the units are sufficiently pepper-potted across the development.

Loggerheads Parish Council objects on the following grounds:

- This is an increase in housing density on this part of the site compared to the previous reserved matters application that was permitted.
- This is a reduction in the number of 2 bed and 3 bed houses and this is not what the area needs as evidenced by the Loggerheads Housing Needs Assessment prepared as part of the Neighbourhood Plan.
- The affordable houses are located to the rear of the site in groups and should be pepper-potted across the site especially towards the front near the access.
- The proposed house at Plot 46 appears too close to No. 22 Price Close.
- When the attenuation basins fill with water there is concern that they may be unsafe for children.
- It is queried how the grassed area will be maintained.
- It is queried how the Section 106 agreement will be negotiated.

Representations

Three letters of representation have been received. One letter of support states that there is a desperate need for more housing. Two letters of objection have been received stating that the Neighbourhood Plan highlights a need for smaller more affordable homes yet this application is now for less of the smaller and more of the bigger houses, and that the applicant now seems to have recognised and is seeking to address the major flaw with the previous application due to the topography and resultant unacceptable/impractical street scene.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Supporting Statement
- Tree Survey
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Site Investigation Report
- Ecology Report

All of these documents are available for inspection at Castle House and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00315/REM>

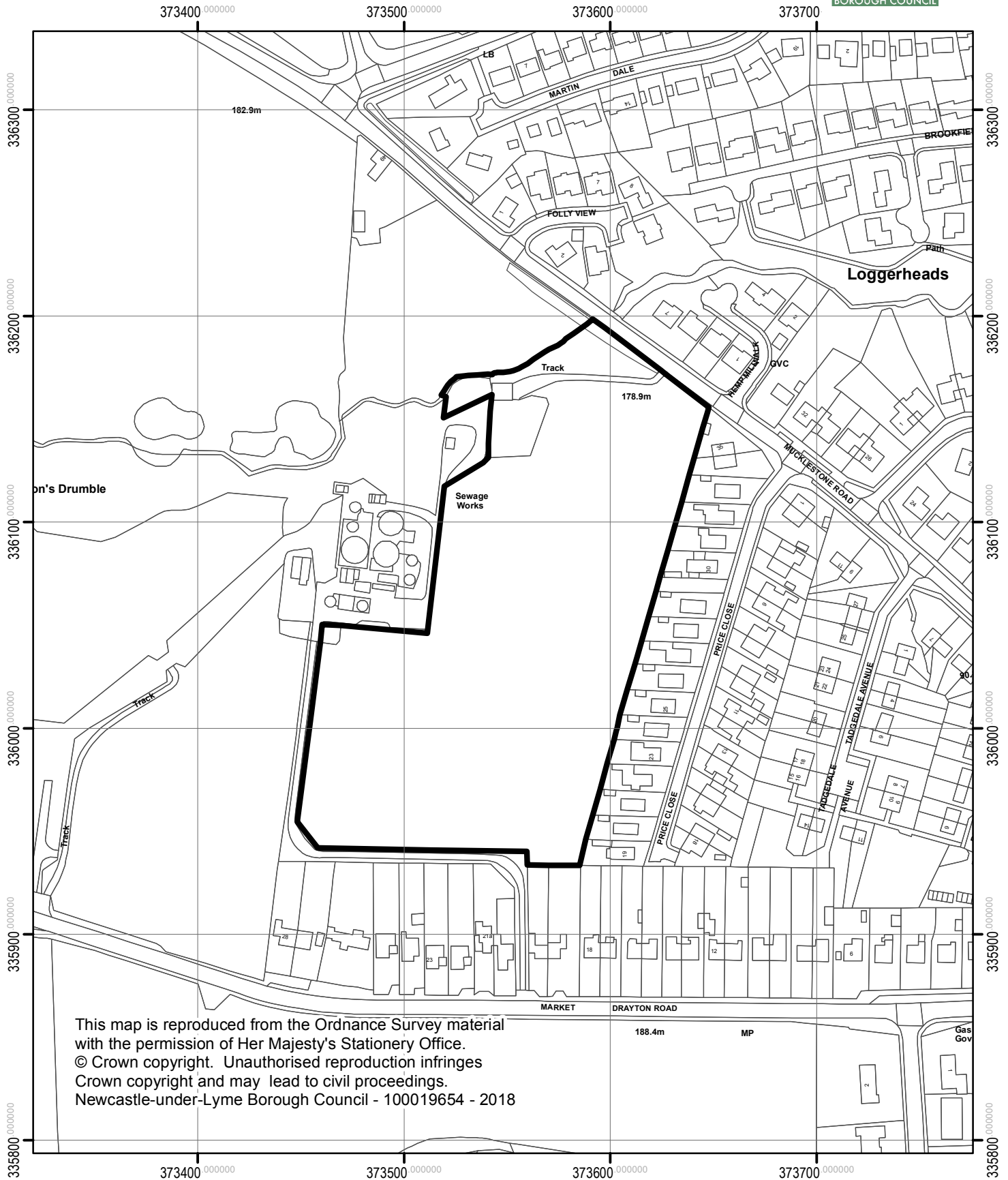
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27th July 2018

Land South Of Mucklestone Road And West Of Price Close Loggerheads



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LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS
ELAN HOMES (MIDLANDS) LTD

18/00314/FUL

The application is for full planning permission for the erection of five residential dwellings, access and associated works.

The site forms part of a wider site that was granted outline consent in September 2015 for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (15/00202/OUT). Details of the accesses from the highway network were approved as part of the outline consent.

The application site lies on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Trees within the site are the subject of Tree Preservation Order (TPO) no.147.

The 8 week period for the determination of this application expired on 18th June 2018 but the applicant has agreed an extension to the statutory period until 17th August 2018.

RECOMMENDATIONS

A) Subject to the securing by the 14th September 2018 of a mechanism that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/00202/OUT, (with details of this mechanism being the subject of a supplementary report), PERMIT subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials
4. Landscaping scheme for public open space
5. Revised access details
6. Provision of private drive, parking and turning areas
7. Surfacing materials for private driveway, parking and turning areas
8. Off-site highway works
9. Vehicular access to remain ungated
10. Construction Method Statement
11. Noise levels
12. Construction hours
13. Report of unexpected contamination
14. Importation of soil/material

B) Failing the securing by the date referred to in the above resolution (A) of the above mechanism,, 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 mechanism the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations 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 acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety, trees or residential amenity and there are no other material considerations which would justify a refusal of this application. However the Council needs to

consider the possibility that this scheme may proceed and that on the site referred to in 18/00314/REM does not, which would mean that appropriate policy compliant contributions would not be obtained and further consideration is being given to how this could be addressed.

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 information have been promptly sought from the applicant and obtained 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

1.1 Full planning permission is sought for the erection of 5 dwellings. The site forms part of a wider site that was granted outline consent in September 2015 for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (15/00202/OUT). An application for the approval of the reserved matters for 73 dwellings on the land to the south is considered elsewhere on this agenda (Ref. 18/00315/REM).

1.2 Due to changes to the access approved under the outline consent, this proposal could not be considered as an application for the approval of reserved matters and therefore a full planning application has been submitted.

1.3 The principle of the residential development of the site was established by the granting of the outline planning permission. 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, the revised NPPF has been published which brings with it a new approach to the assessment of whether an area has a five year housing land supply.

1.4 Whilst your officers are seeking to bring a report on the five year housing land supply position to the Committee (following the publication of the revised NPPF on the 24th July) the position at the time of writing is that the Borough Council has yet to determine that it is able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy requires updating).

1.5 Even if the Council were to determine that it does have such a supply, and policies on the supply of housing are therefore not "out of date", a critical factor in this case is that there is already an extant permission for residential development on this site and thus a clear fallback position. On this basis opposing the principle of residential development (on the basis that the site lies outside the village envelope) would serve no purpose.

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

- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any adverse impact upon highway safety?
- Is the impact on trees and the proposed landscaping acceptable?
- What, if any, planning obligations are necessary to make the development policy compliant?

2. Is the proposal acceptable in terms of its design and impact on the form and character of the area?

2.1 Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130 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 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*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

RE5 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.

2.5 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.

2.6 The illustrative layout in the outline application and the approved layout in the previous reserved matters application (Ref. 16/00784/REM) showed 9 dwellings on this part of the site but just 5 are now proposed. As a result, the density of this part of the site is reducing whilst on the larger part of the site it is increasing. It is considered that on the edge of the village, a lower density on this part of the site, with dwellings set with larger more spacious plots with more opportunity for planting, is appropriate. A mix of 4 and 5-bed detached dwellings are proposed all of which would be 2-storey. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character.

2.7 The materials would comprise red brick and grey concrete roof tiles with elements of render and vertical tile hangings to some dwellings. Detailing would be simple and unfussy with gable features, bay windows, brick soldier courses and canopies. Each dwelling would be provided with a garage.

2.8 It is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

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

3.1 In the outline planning consent and the previous reserved matters approval, this part of the site was served by two access points – one to serve plots 1-3 and another to serve plots 4-9. In the current proposal just one access is proposed which would be in a very similar location to that previously approved to serve plots 1-3.

3.2 The Highway Authority has no objections subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

4. Is the impact on trees and the proposed landscaping within the site acceptable?

4.1 The Landscape Development Section (LDS) initially had a number of concerns regarding the scheme but following the submission of revised plans and additional information, no objections are raised subject to the imposition of conditions. Although the LDS recommends footpath links to the open space on the larger site to the south, this would require a very substantial bridge over the brook that would have implications for the visual appearance of the area as well as potentially trees in the stream corridor. A footpath is proposed along the road which links the two parts of the site and as

indicated in more detail in the report on 18/00315/REM which precedes this item your Officer's view is that given the potential impact of the scale of the bridge that would be required and given that the roadside footpath would involve residents walking only a short additional distance, on balance a link is not considered necessary. As that report indicates if members are of a different view notwithstanding the points made, the provision of the path and bridge as per the previously approved REM scheme could be secured by a condition notwithstanding that it is not shown in the current layout. A similar approach would need to be taken to the preceding application and a mechanism found to secure the full link, but that would be reasonable only were both sites developed

4.2 The proposal is considered acceptable in terms of its impact on trees and the proposed landscaping.

5. What, if any, planning obligations are necessary to make the development policy compliant?

5.1 The outline consent for the wider site (Ref. 15/00202/OUT) was subject to a Section 106 agreement that secured obligations relating to the provision of affordable housing, an open space maintenance scheme, an education contribution and a travel plan sum. Given that this is a full planning application rather than a reserved matters application, that Section 106 agreement would not ordinarily apply to this consent. Bearing in mind that both sites are in the same ownership their separation is artificial and two separate applications are only required because of the terms of the original outline permission, and they should for the purposes of calculating appropriate contributions be considered as a single unit. Therefore a Section 106 agreement or undertaking or some other mechanism is required to ensure that there is no diminution of the secured contributions and to address the issue of what would happen if only this consent were to be taken up. This issue will be addressed in a supplementary report.

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 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 N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework](#) (July 2018)

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

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)

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

Relevant Planning History

15/00202/OUT Residential development of up to 78 units including affordable housing, public open space and vehicular and pedestrian accesses - Approved 3rd Sept 2015, following completion of legal agreement 28th August 2015

16/00784/REM Application for the approval of the details for layout, internal access arrangements, scale, appearance and landscaping details relating to outline planning permission 15/00202/OUT for residential development of up to 78 units - Approved

Views of Consultees

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

The **Highway Authority** has no objections subject to conditions regarding revised access details, provision of private drive, parking and turning areas in accordance with approved plans, details of surfacing materials and means of surface water drainage for the private driveway, parking and turning areas, off-site highway works, garages to be retained for the parking of motor vehicles and cycles, vehicular access to remain ungated and submission of Construction Method Statement.

The **Landscape Development Section** states that the native hedge planting that has been added to the front of the majority of the proposed retaining wall adjacent to the public open space will help to soften impact of the structure but does not fully resolve the poor relationship of the development to the open space. If permission is granted it should be subject to a condition requiring a landscaping scheme for the public open space to include footpath links to the proposed open space on the southern part of the site, additional planting to visually soften the proposed dwellings and their gardens and appropriate planting for the attenuation basin.

Loggerheads Parish Council has no material objection to this application and supports the reduction from two to a single access. The previous application included a Section 106 agreement for the total of 78 dwellings. Clarification is needed about how this will be dealt with under the new proposal for two separate applications.

Representations

One letter of representation have been received stating that the applicant now seems to have recognised and is seeking to address the major flaw with the previous application due to the topography and resultant unacceptable/impractical street scene.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Supporting Statement
- Tree Survey
- Arboricultural Report
- Site Investigation Report
- Ecology Report

All of these documents are available for inspection at Castle House and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00314/FUL>

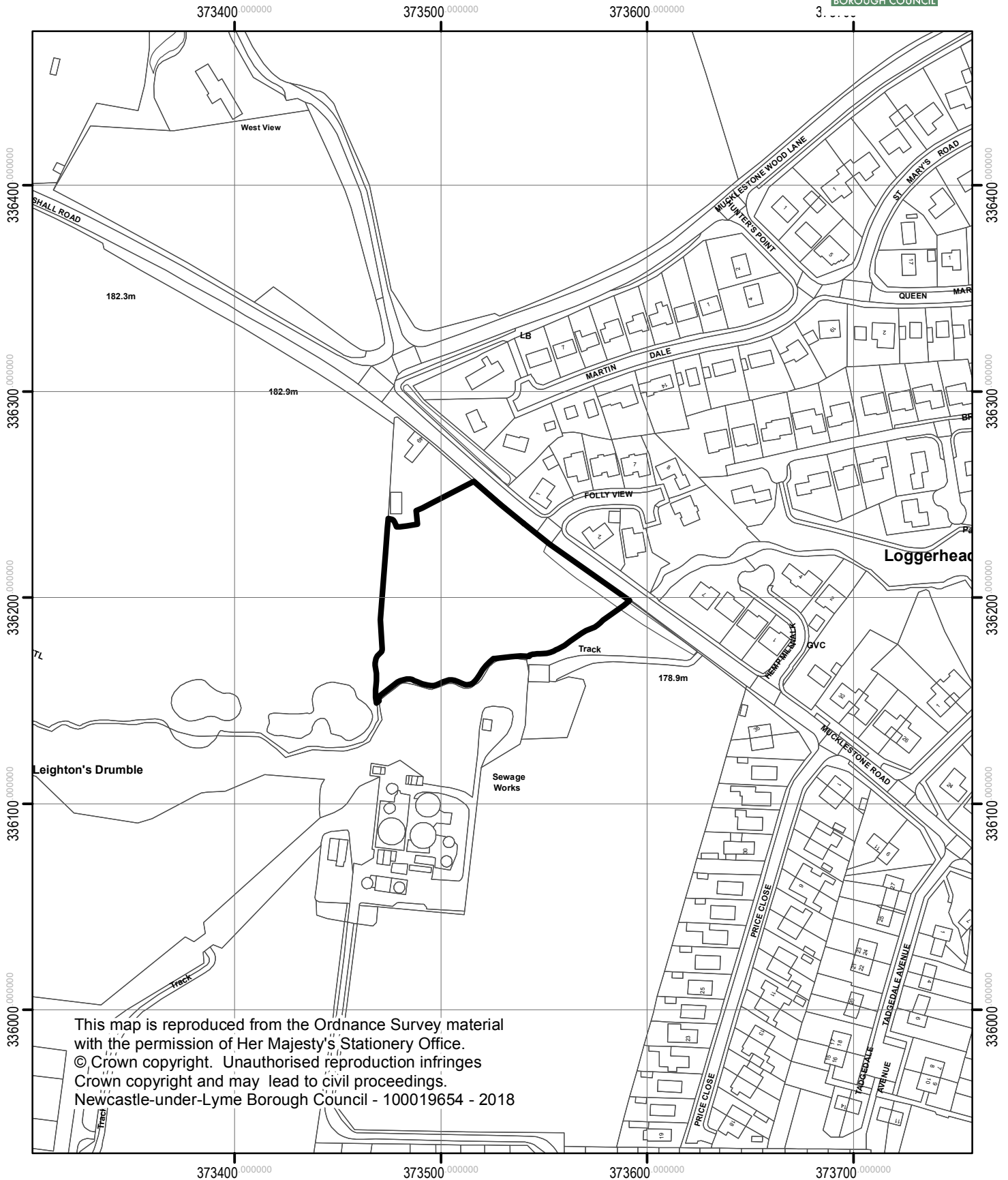
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th July 2018

Land South of Mucklestone Road, Loggerheads



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LAND AT WEDGWOOD AVENUE, WESTLANDS
MR RICHARD WHALLEY

18/00482/REM

The application seeks the approval of reserved matters relating to access, layout, scale, appearance and landscaping in respect of a residential development of 2 dwellings at the junction of Wedgwood Avenue and Emery Avenue. This application follows 18/00167/REM which was refused by the Planning Committee at its meeting on the 24th May.

The application has been referred to the Planning Committee for determination, by Councillors Reddish and S Tagg due to residents' concerns regarding access onto Emery Avenue, and the width of the road.

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

The statutory 8 week determination date is the 16th August 2018.

RECOMMENDATION

Approve subject to conditions relating to the following

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Acoustic fence to be erected in accordance with the approved details prior to occupation of any of the dwellings**
- 4. Retain garages for vehicles only**
- 5. Parking and Turning Areas on site prior to occupation**
- 6. Prior approval of Construction Method Statement**
- 7. Provision of a surface water drainage interceptor to rear of highway**
- 8. Gates 5m back into site**
- 9. Prior approval and implementation of Tree Protection proposals**
- 10. Prior approval and implementation of an Arboricultural Method Statement**
- 11. Prior approval and implementation of a schedule of works to retained trees**
- 12. Prior approval and implementation of full Landscaping proposals**

Reason for recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD, was not found to be unacceptable to the Local Planning Authority in May and there have been no material change in circumstances. Similarly no concerns with respect to residential amenity were raised in May and there has been no material circumstances since then. With respect to the sole concern previously raised (the access arrangements onto Emery Avenue) it is considered that There would be no material adverse impact upon highway safety and the Local Planning Authority is not in a position where it will be able to substantiate any concern about the accesses being onto Emery Avenue .

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

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

KEY ISSUES

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

Application 18/00167/REM was refused in May for the following reason:-

“The accesses indicated onto Emery Avenue due to the dimensions of that road and the proximity of multiple junctions would have a significant and detrimental impact upon highway safety and accordingly the proposal would not accord with policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy and the provisions of the NPPF”.

The proposal now before the authority is identical to that which was refused, but it is supported by a traffic engineering technical note

The principle of residential development on this site was agreed under approved application 16/01108/DEEM4, and in any case this is an application for the approval of matters reserved by an earlier outline planning permission.. In refusing the recent reserved matters application 18/00167/REM the Council concluded that the scheme had an acceptable impact in term of its design, impact on the character of the area and streetscene and impact on trees. In the absence of any material change in the interim it has to be concluded that the current application is acceptable in these respects. Similarly no dispute was taken with the car parking provision for the new development and again, there is no basis to consider that there has been a material change in the interim that could justify a different conclusion now. Furthermore the issue of the impact of the development on the car parking available to the community centre, notwithstanding the representation received, was found to be acceptable at the outline application stage and cannot now be revisited at reserved matter stage.

The Landscaping Development Section have made a request for full landscaping details to be submitted prior to determination of the application, however this was not requested when 18/00167/REM was considered and would be considered to be unreasonable in this instance, subject to the conditions recommended last time being attached to the decision notice.

Accordingly the sole issue for consideration is the adequacy of the access arrangements – a matter was left as a reserved matter at the time of the outline application. The site plan submitted at outline stage was for illustrative purposes only. It showed the taking of access off Wedgwood Avenue. No condition was imposed on that outline planning permission requiring vehicular access to be taken off any particular road.

The NPPF advises at paragraph 108 (section 9) that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. The issue is whether the proposed access is safe and not whether there is an alternative which the Local Planning Authority might have a preference for.

The application is accompanied by a Highways Technical Note by Cameron Rose Associates, Highway consultants, that deals with the previous reason for refusal. The note considers in depth the carriageway dimensions of Emery Avenue, the proximity of junctions, highway safety, the relevant policy in the Core Strategy, and finally the provisions of the NPPF. This note observes first of all that Emery Avenue with its width of 5.1 metres accords with all the characteristics defined within the nationally recognised guidance Manual for Streets, and is of adequate width for a wagon and family car passing one another. The width of the street cannot be considered to be a limiting factor to prevent the development. The note also states the junction from Emery Avenue onto Wedgwood Avenue although it does have limited radii, this is not unacceptable as reduces vehicle entry speeds into joining streets, and most importantly it is free of barriers to visibility. The driveways to the proposed two properties are judged to provide good access onto the highway given the distance from the back of the footway to opposite side kerb is 7.3m is more than sufficient when judged against standard design requirements.

In terms of junction spacing the distance between the Emery Avenue/ Wedgwood Avenue junction and the crossroads formed by St Anthony's Drive and Whitfield Avenue where they meet Emery Avenue is noted as exceeding by some degree the 40 metre minimum junction spacing which the

Staffordshire Residential Design Guide (a document adopted by the Borough Council in the past) would require on a local distributor road such as Emery Avenue.

The submission also highlights that no recorded personal injury accidents have been identified at the junction between Emery Avenue and Wedgwood Avenue in a 19 year period, or on this section of Emery Avenue itself.

The report concludes that it has demonstrated that the proposal is acceptable in traffic engineering terms, that the design accords with both National and local guidance, that the highway network does not exhibit any unusual characteristics, and is safe and efficient and can accommodate the development proposal, that there are no traffic engineering reasons to refuse the application and to do would be inconsistent with other decisions made by the Borough Council.

Members should note that Staffordshire County Council, as the Highway Authority for the area, again comment that they are of the view that there are no objections on highway grounds to the development, subject to various conditions as listed in the consultation section below. These conditions can be attached to any planning permission that may be granted.

One of the issues raised by local residents concerns a potential obstruction to the view of drivers exiting from Emery Avenue onto Wedgwood Avenue created by a new fence. The submitted plans are capable of misinterpretation as to the position of the fencing on the Wedgwood Avenue frontage (which does not come right up to the junction), and the agents are confirming the position and for the avoidance of any doubt the Highway Authority are being asked to confirm that they have no issue with this aspect of the development. There is no reason to consider that there should be an issue as almost equivalent visibility is achieved in the other direction at the junction.

Members in considering this application are reminded that LPAs are at risk of an award of costs in any appeal proceedings if they behave unreasonably with respect to the substance of a matter under appeal, for example by unreasonably refusing planning applications. Examples given of such unreasonable behaviour include preventing or delaying development which should clearly be permitted, a failure to produce evidence to substantiate a reason for refusal, and the making of vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. Not only in this case would a further refusal on the grounds of highway safety be unsupported by the Highway Authority, but officers have to advise that having reviewed the technical note now received that it would be most unlikely that the Council would be able to substantiate the previous reason for refusal. This application provides an opportunity for the Local Planning Authority to reconsider its position in the light of the new information provided.

APPENDIX

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

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

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

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N2: Development and nature conservation – site surveys
Policy N12: Development and the Protection of Trees

Other material considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2018)

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

[Supplementary Planning Guidance/Documents](#)

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

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

Manual for Streets

Staffordshire Residential Design Guide

Relevant Planning History

18/00167/REM	Reserved matters application for the access, appearance, scale, layout and landscaping for two detached houses and the re-provision of car parking spaces at Whitfield Community Centre	Refused May 2018
16/01108/DEEM4	Outline planning permission for two detached dwellings	Approved April 2017

Views of Consultees

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

- Provision of access and parking before occupation,
- Provision of a surface water drainage interceptor immediately to the rear of the highway,
- Gates set back a minimum of 5 metres, garages retained for vehicle parking
- Garages retained for the parking of motor vehicles, planning permission required for conversion.
- Prior approval and implementation of a construction method statement.

The **Landscape Development Section** request full landscaping details are provided,

The **Environmental Health Division** has no objections

Representations

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

- Issues regarding access given the narrow width of Emery Avenue which is used by large volumes of traffic.
- Loss of Green Space
- Poor visibility
- Highway safety issues

Applicant/agent's submission

The application is supported by a Planning Application, Plans, Highways Technical Note, Phase 1 Geo Assessment and arboricultural information.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00482/REM>

Background Papers

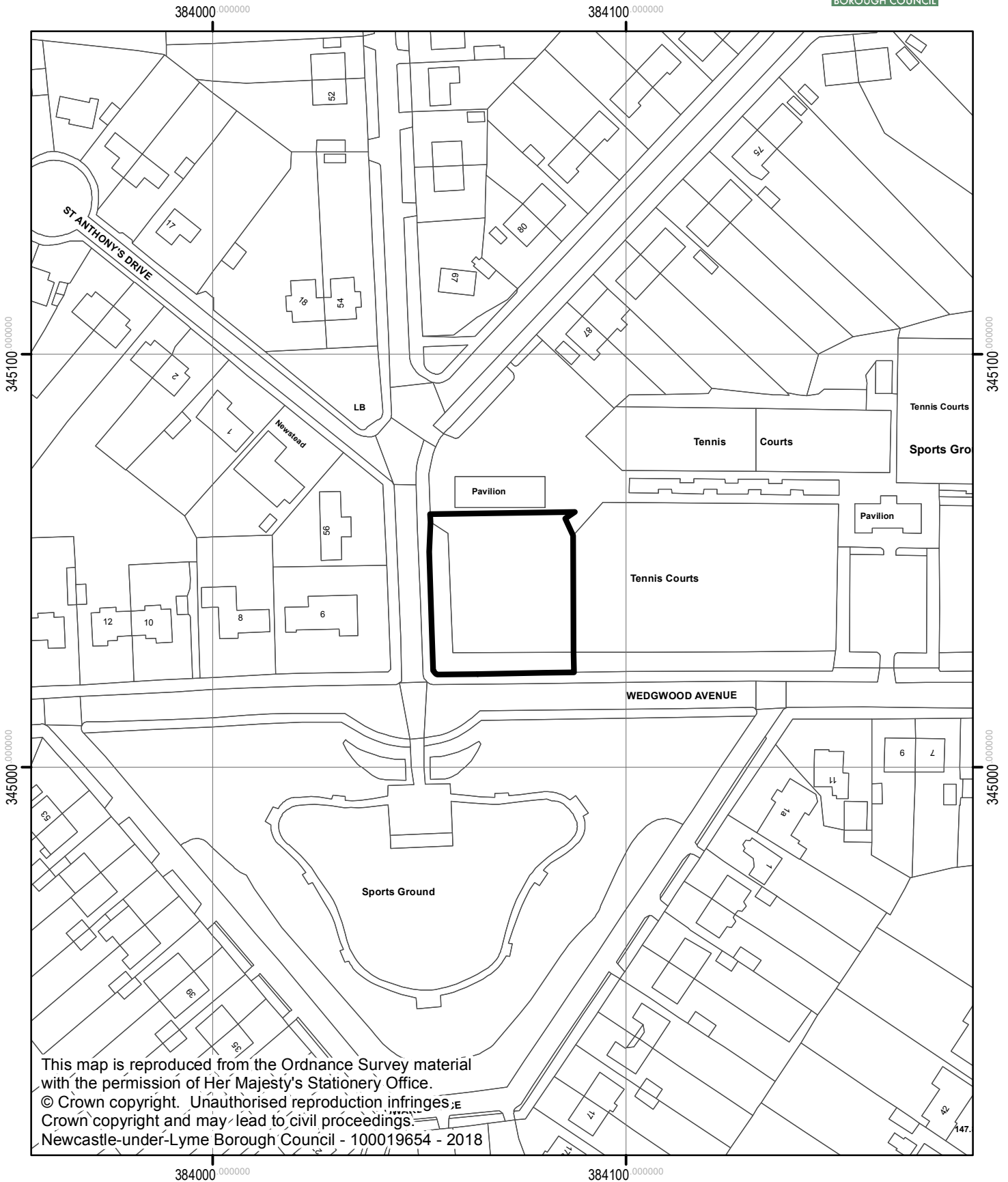
Planning File
Development Plan

Date report prepared

27th July 2018

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Land At Wedgwood Avenue and Whitfield Avenue



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NEW FARM, ALSAGER ROAD, AUDLEY
MR. EMERY

18/00122/FUL

The application is for full planning permission for the erection of seven dwellings on the site of a builders yard

The site is located within the Green Belt and is also within an Area of Landscape Enhancement as defined by the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on the 24th April 2018.

RECOMMENDATIONS

A. Subject to the applicant first entering into a Section 106 agreement by 18th September 2018 to secure a review mechanism of the scheme's ability to secure policy compliant on-site affordable housing and a contribution towards off site 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 and the provision of such affordable housing if found financially viable, PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Facing and Roofing Materials**
- 4. Boundary Treatments**
- 5. Finished Ground and Floor Levels**
- 6. Access, Internal Road and Parking to be provided prior to occupation**
- 7. Visibility Splays**
- 8. Surfacing and Drainage (roads, access and parking)**
- 9. Footway Provision on Alsager Road (to the site)**
- 10. Garages Retained for Parking and Cycles**
- 11. Approval of Tree and Hedgerow Protection Proposals**
- 12. Arboricultural Method Statement to BS5837:2012**
- 13. Landscaping**
- 14. Construction Environmental and Highways Management Plan**
- 15. Land Contamination**
- 16. Foul and surface water drainage details**

B. Should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant financial contribution towards public open space and onsite affordable housing.

Reason for Recommendation

The development comprises appropriate development within the Green Belt and whilst the site is located within the open countryside beyond the village envelope of Audley it does offer opportunities for walking and cycling, as opposed to the use of private motor vehicles, to access day to day services and facilities in Audley. The proposal would provide a number of benefits including; a contribution to the Council's housing supply and the replacement of unsightly buildings and associated external storage areas, with a scheme that would enhance the character and quality of the landscape. The benefits would significantly and demonstrably outweigh the limited suburbanising and sustainability concerns that have been identified. It is also accepted, following the obtaining of independent financial advice, that the scheme is not viable with any affordable housing and financial contribution towards public open space, and

whilst these policy compliant requirements are not sought, given the benefits of the scheme, a Section 106 agreement should be secured for a review mechanism.

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 Authority has requested additional information during the consideration of the planning application to address specific concerns, and has arranged for an appraisal of the viability of the scheme.

Key Issues

Full planning permission is sought for the erection of seven dwellings on the site of a builders yard which is located within the Green Belt and is also within an Area of Landscape Enhancement as defined by the Local Development Framework Proposals Map.

The application indicates that the site comprises previously developed land (used as a builders yard for the past 17 years) and whilst planning permission was never given for such a use it would appear that due to the continuous period that the builders yard has been operating from the site that it represents the lawful use of the site.

It is not considered that the application raises any issues of impact on residential amenity, coal mining risk or impact on trees and hedgerows subject to conditions. Therefore, the key issues in the determination of this application are considered to be:

- Is the development appropriate within the Green Belt? If it is not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?
- Is the principle of residential development acceptable in this location?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be an unacceptable impact on highway safety?
- What affordable housing and contributions, if any, are required?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the development an appropriate form of development within the Green Belt?

Paragraph 145 of the revised NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. One of these exceptions is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

The application site constitutes previously developed land. The applicant's agent has provided volume calculations of the existing buildings on the site and these are calculated as having a volume of 7844 cubic metres with the proposed seven dwellings and their garages having a total volume of 7056 cubic metres.

The agents indicate that this amounts to a reduction of 788 cubic metres, which would be a 10% decrease in overall built volume. The footprint of the proposed buildings is less than that of the existing buildings.

On the basis of the above it is considered therefore that the proposed development of this previously developed site would not have a greater impact on the openness of the Green Belt (as opposed to its appearance) than the builders yard and its associated buildings and external storage area. The proposal therefore constitutes appropriate development within the Green Belt and there is no requirement for the applicant to make a case based on there being "very special circumstances".

Is the principle of residential development acceptable in this location?

The application site lies within the Rural Area of the Borough in the open countryside. Policies for the control of development in the open countryside apply with equal force within the Green Belt

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The site is not within a village envelope and the proposed dwellings would not serve an identified local need, as will be explained later, and as such are contrary to policies of the Development Plan.

The revised NPPF published on the 24th July brings with it a new approach to the assessment of whether an area has a five year housing land supply.

Whilst your officers are seeking to bring a report on the five year housing land supply position to the Committee the position at the time of writing is that the Borough Council has yet to determine that it is able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy (CSS) requires updating).

Until the position changes the LPA has no alternative but to treat its policies on the supply of housing (which include both policies ASP6 and H1) as "out of date" and this means the presumption in favour of sustainable development applies and permission should be granted unless

- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits

Although the site does lie within one of the areas referred to in i) above (the Green Belt) given the conclusion reached above, that the development constitutes appropriate development policies on inappropriate development (in the Green Belt) do not provide a clear reason for refusing the development

The NPPF indicates with respect to housing in rural areas that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given of this is where there are groups of smaller settlements, development in one village may support services in a village nearby. However it goes on to indicate further that local planning authorities should avoid the development of new isolated homes in the countryside unless there are 'special circumstances'. None of the circumstances listed in paragraph 79 are considered to apply to this case

The site lies approximately 600 metres from the edge of the village envelope of Audley and 1.4km from the shops and services. There is a footway on Alsager Road but future occupiers

of the proposed dwellings would need to cross over at least twice because the footway is not continuous on each side of the road. The application proposes an extension to the footway on the eastern side of Alsager Road which will extend to the entrance of the development site on Cross Lane.

Manual for Streets Guidance advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. It goes on to say however that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km. Guidance within the Chartered Institution of Highways and Transportation (CIHT) document, "Guidelines for Journeys on Foot" states that the preferred maximum walking distance for commuters and education is 2km.

Notwithstanding the need to cross over the road at least twice (before occupiers get to the village envelope) to access services within the village there is a possibility that an occupier of the proposed dwellings would find walking and cycling, at least to facilities and bus services within Audley, a realistic alternative to the use of a private motor vehicle. In terms of access to facilities and a choice of mode of transport, it is considered that the site does offer an alternative to the use of a private motor vehicle via walking and cycling but it is acknowledged that this is likely to be infrequent given the distance involved.

Paragraph 8 of the revised NPPF states that there are three overarching objectives to sustainable development: economic, social and environmental. The applicant's agent states that in terms of the economic dimension, the proposal would result in the loss of a builders yard, although it would not result in the loss of the existing business which primarily operates off site. They state that other economic benefits would be through the construction of seven new houses by local builders and through expenditure by the additional households. The New Homes Bonus would be a further economic benefit.

The applicant sets out a range of environmental benefits, which include the removal of unsightly buildings with that they say is designed to enhance the landscape. Furthermore the proposal would not give rise to significant harm to biodiversity interests, and measures can be incorporated into the proposal to enhance biodiversity.

In terms of the social dimension, it is argued that the proposal would contribute to the supply of housing in the Borough and would deliver open market housing that would meet existing needs, as well as the needs of future generations.

In consideration of the above your Officer would point out that with respect to the New Homes Bonus that may be associated with the development as members will be aware officers have previously advised that no weight should be given to this particular "local finance consideration" given what it is spent on in the Borough.

Further consideration will be given in the final section to the harm and benefits associated with this development.

Is the proposal acceptable in terms of its impact on the form and character of the area?

The National Planning Policy Framework places great importance on the requirement for good design, which is a key aspect of sustainable development. Policy CSP 1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

The Urban Design Supplementary Planning Document, at R12, indicates that residential development should be designed to contribute towards improving the character and quality of the area. Where in or on the edge of existing settlements developments should respond to the established character where this exists already and has definite value. Where there is no established character the development should demonstrate that it is creating a new character that is appropriate to the area. At RE7 it indicates that new development in the rural areas

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: and RE7 says new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) in 10.1 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. The elevations of new buildings must be well composed, well-proportioned and well detailed and new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The site is within an Area of Landscape Enhancement. Policy N20 of the Local Plan states that within such areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The site is surrounded predominantly by agricultural land, with fields bounded by hedgerows and hedgerow trees.

The existing buildings and the use of the site, as a builders yard, do have an adverse impact on the character and appearance of the landscape, even though the buildings are of a single storey nature. The proposed scheme would result in the removal of the unsightly buildings and the associated significant areas of external storage of building materials. Photographs taken recently of the site will be available for members to view at the Committee meeting. The site is likely to be more prominent and intrusive in the landscape in the winter months when adjacent trees and hedgerows are not in leaf.

It is accepted that the layout, form and appearance of the proposed dwellings are sympathetically designed and the use of appropriate facing materials would further aid their appearance. The scheme provides opportunities that would not otherwise exist for appropriate landscaping within the site to reinforce existing vegetation.

It is accepted that the proposed development, by re-using previously developed land would not further erode the character and quality of the landscape and the submitted landscaping proposals would offer an enhancement to the site. As such the proposal would comply with Policy N20.

Impact on highway safety

The existing site has an existing access point onto Cross Lane and the proposal is to improve this access. The site access can accommodate two-way vehicle movements, and each dwelling would be provided with off street car parking space. A turning head would also be provided.

The NPPF advises that development should only be prevented or refused on highway grounds if there is an unacceptable impact on highway safety.

In this case the Highways Authority has raised no objections subject to a number of conditions which will ensure that appropriate visibility, parking and turning areas are provided, along with acceptable surfacing/ water run-off provision and a construction method statement are achieved

The site currently operates as a builders yard, which will generate some movements, and

whilst there will probably be an increase in vehicle movements to and from the site that would not result in an unacceptable impact on highway safety.

What affordable housing and contributions, if any, are required?

The Landscape Development Section (LDS) have indicated that the proposed development would require a contribution of £5.579 per dwelling to be secured for Public Open Space (POS) improvement and maintenance. The sum, it is proposed would be spent on improvements to play equipment at Alsager Road which is approximately a 790m walk from the site. Although this is some distance it is within the recognised acceptable walking distances referred to above. For the avoidance of doubt it is confirmed that the requirements of Sections 122 and 123 of the CIL Regulations in respect of this contribution are considered to be met.

The proposals generate in excess of 1000 square metres of floor space and there is a local policy requirement for 25% affordable housing to be provided on-site which would amount to 2 of the units.

The applicant has stated within their submission that the scheme cannot support the requested policy compliant contributions towards affordable housing and POS and the District Valuer's (DV) advice has been obtained by the Authority. This concludes that the scheme is not viable with policy compliant financial contributions, and when asked to confirm what, if any, financial contributions the scheme could support, the DV has confirmed that the scheme would be unviable if any level of contribution or affordable housing was secured.

The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution/ provision of on-site affordable housing, if the site were to found capable of financially supporting these features. It is suggested that in such an event any such residual land value if it equates to the value of less than either one, or two affordable housing units on sites should be allocated in equal proportions to offsite affordable housing and public open space improvements.

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?

Your Officer recognises that this is not a location that would generally be recognised as "isolated" although it is physically separated from the village of Audley. The introduction of 7 two storey dwellings replacing single storey sheds of an agricultural appearance will have some adverse urbanising impact on the character of this part of the countryside – that being an element of harm. Whilst residents would at least have a choice of modes of travel in this location that would only be via a 1.4 km walk and there is also still likely to be a fairly high level of use by the private motor car by the residents to access employment and most services so on the sustainability spectrum the site does not score particularly well. This is a further element of harm.

As indicated above there are significant benefits of the scheme, in particular the fact that unsightly buildings and external storage areas would be removed which would not otherwise occur. The development would also make a contribution towards addressing the currently accepted shortfall in housing supply within the Borough. Although this contribution is limited in scale it is appropriate to consider such contributions cumulatively. Finally it would bring about limited economic benefits associated with its construction and occupation. It would not however make any contribution to the supply of affordable housing.

Taking the above into account it is considered that the adverse impacts that have been identified above do not significantly and demonstrably outweigh the benefits of the development, and on this basis a recommendation of approval is given.

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 S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N20: Area of Landscape Enhancement
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations

[National Planning Policy Framework](#) (July 2018)
[Planning Practice Guidance](#) (PPG) (March 2014)

[Draft revised National Planning Policy Framework](#)

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

[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)
[Affordable Housing SPD](#) (2009)
[Newcastle-under-Lyme Open Space Strategy](#) (March 2017)
[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Planning History](#)

None considered relevant to the determination of this planning application.

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to conditions which secure the submission and approval of an environmental management plan and contaminated land information.

The **Highway Authority** has no objections following the submission of further information. They recommend conditions which secure the access. Internal road and parking areas, the

visibility splays being provided, the submission and approval of surfacing materials and surface water drainage, provision of a footway linking from the site access to the existing footway on Alsager Road, garages to be retained for parking of vehicles and cycles and the submission and approval of a construction method statement.

The **Landscape Development Section** has no objections subject to the following being secure via conditions;

- Approval of Tree and Hedgerow Protection Proposals
- Arboricultural Method Statement to BS5837:2012 to cover all works within the RPAs of retained trees.
- Prior approval of landscaping proposals (to include replacement tree planting and hedgerow planting).

A contribution by the developer is also requested 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 to upgrade local play equipment at Alsager Road which is 790m walk or at another suitable local Parish Council facility.

Audley Rural Parish Council resolved not to support this application due to the harm on the character of the Green Belt, the lack of special circumstances to develop the Green Belt, the fact that this was never used as a builders yard (with permission, due to no enforcement action taken) and was for agricultural purposes, highways safety issues regarding access onto Alsager Road, the unsustainability of the development which is not near any amenities, services or near to public transport links. It was also noted that a similar development on Nantwich Road had also been refused and that this should follow the same precedent.

The **Waste Management Section** indicates that no swept path information has been supplied with relation to our collections fleet of 26 tonne freighters and Romaquip recycling vehicles. Each property will need to be able to store a 180ltr refuse bin, a 240ltr garden waste bin, 3 x 55ltr recycling boxes and a 21ltr food caddy.

The **Coal Authority** indicates that in accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Representations

None received

Applicant/agent's submission

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

- Design and Access Statement
- Planning Statement
- Development Appraisal
- Landscape and tree report
- Ecological Assessments and phase 1 habitat survey
- Phase 1 Environmental Assessment

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00122/FUL>

Background Papers

Planning File

Planning Documents referred to

Date Report Prepared

3rd August 2018

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APPEAL BY MS ALEKSANDRA TOSEVA AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A BARN CONVERSION TO FORM TWO MARKET DWELLINGS, REGULARISATION APPLICATION FOR ROOF HEIGHT, ONE ADDITIONAL WINDOW AND ALTERATION TO HEIGHT OF 6 WINDOWS (ORIGINAL PLANNING APPROVAL 13/00755/FUL) AT MOSS HOUSE FARM, EARDLEYEND ROAD, NEWCASTLE-UNDER-LYME

<u>Application Number</u>	17/00326/FUL
<u>LPA's Decision</u>	Refused under delegated authority 6th October 2017
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	11th June 2018

The Appeal Decision

The Inspector identified the main issues to be:

- Whether the development as proposed is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the development.

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

Inappropriate development

- The appeal site comprises a former agricultural barn located in the Green Belt. Following an appeal, planning permission was granted in August 2014 for the conversion of the part of the barn that is the subject of this appeal to two dwellings (Ref. 13/00755/FUL) and planning permission was granted by the Council for the adjacent linked barns to be converted to holiday accommodation (Ref. 13/00754/FUL). The Council had no concerns regarding the structural condition of the barn with the application supported by a structural report.
- Policies of the Local Plan allow for the conversion of rural buildings for living accommodation subject to various criteria including that convincing evidence must be produced that the superstructure of the buildings is of permanent and sound construction and that reconstruction, extension or substantial alteration is not required. Paragraph 90 of the Framework states that the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction.
- It is clear from evidence and from a site visit that a significant proportion of the barn has been reconstructed with all the external walls and the roof having been rebuilt and therefore, the barn was not of permanent and substantial construction prior to the re-building works.
- The development is inappropriate development in the Green Belt which is by definition harmful to it. Substantial weight is attached to this harm to the Green Belt.
- Regard has been had to the two cases referred to in the appellant's rebuttal statement but neither is considered directly comparable to this appeal case and therefore limited weight is attached to these cases.

Other considerations

- It is acknowledged that the appearance of the partly reconstructed barn as shown on the submitted plans would be similar to the appearance of the barn as previously

approved however this would not be a benefit but rather would be a neutral factor and limited weight is attached to this consideration.

- The appellant states that the retention of the building as proposed would be a significant improvement in visual terms when compared with the alternative of a partly constructed building with no useful function should the elements of rebuilding be required to be removed by way of enforcement action. She also states that this would also be likely to have an adverse impact on the successful use and beneficial occupation of the approved holiday lets. Whilst it seems likely that some changes would be required to the building following the dismissal of this appeal, it is unclear exactly what changes would be necessary, whether the Council would pursue enforcement action and if so, the implications of any such action. Consequently it is considered that there is insufficient evidence to demonstrate that refusal of permission for the development proposed would result in visual harm or that it would prejudice the provision of the previously approved holiday accommodation and therefore limited weight is attached to this consideration.
- Whilst the provision of two dwellings would make a modest contribution to the Council's housing supply and that residential use of the barn would contribute to the local economy through additional retail and leisure spending, moderate weight is attached to this consideration.
- The circumstances surrounding the application including the works carried out by a previous builder, the delays experienced in discharging conditions attached to the previous permission and to the apparent structural deterioration of the building over time do not justify the granting of permission for inappropriate development in the Green Belt and limited weight is attached to his consideration.

Conclusion

- The development is inappropriate development and substantial weight is attached to this harm to the Green Belt.
- The development would bring some moderate social and economic benefits by contributing to the Council's housing supply and to the local economy and the resultant barn would be similar in appearance to that previously approved. There is insufficient evidence to demonstrate that visual harm would result should permission be refused for the development proposed and only limited weight is attached to the circumstances leading to the application that is the subject of this appeal.
- The other considerations in this case do not clearly outweigh the harm that has been identified and consequently the very special circumstances necessary to justify the development do not exist.
- The development is contrary to relevant paragraphs of the Framework and the Local Plan which seek to protect the Green Belt and to ensure that buildings that are to be converted are of permanent and substantial construction and do not require reconstruction.
- The appeal should be dismissed.

Recommendation

That the appeal decision be noted.

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

Purpose of the Report

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

Recommendations

a) That the report be noted

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

Introduction

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

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

This report covers the period between 24th April 2018 (when the Committee last received a similar report) and the date of the preparation of this report (3rd August 2018).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent agreed extensions, and extensions have been agreed with respect to some 7 applications.

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

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended period. This provides yet another reason for the Planning Service maintaining a clear and

continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

As from the 1st June the Service has signed up to a Staffordshire wide initiative to promote the use of a standardised Section 106 template agreement, with template schedules, which is being publicised so applicants are clear what documentation is required of them to complete the application process – with the aim of reducing delays and costs for applicants and to simplify the planning process. It is too soon to know what the effect of this initiative will be.

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

Details of the applications involved are provided below:-

(1) Land around Wilmot Drive Estate 17/00281/FUL

This application for full planning permission for the erection of 276 dwellings, public open space and associated infrastructure works came before the Planning Committee at its meeting on the 18th July 2017 (at around week 15). The resolutions of the Committee inter alia required obligations be entered into securing a financial contribution of £60,000 towards a Multi-Use Games Area, an undefined sum towards off site highway works, commuted off site affordable housing payments, travel plan monitoring fee of £6,430, an agreement for the long term maintenance of on site public open space, and the review of the financial assessment of the scheme and its ability to make additional contributions, if there has been no substantial commencement within 18 months of the grant of planning permission. The resolution included the requirement that the agreement containing these obligations should be completed by the 25th August 2017.

That date passed without the obligations being secured, following delays, and your Officer agreed to extend the time within which the agreement could be completed on a number of subsequent occasions due to steady progress being made on what was a fairly complicated agreement.

The agreement was eventually completed on the 4th May 2018 and the decision notice was issued "out of time" on the 16th May.

The decision was issued in this case some 58 weeks after receipt of the application.

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

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

The agreement was not completed by the 12th November 2017 following delays on behalf of the Council as the Local Planning Authority in providing instructions, and accordingly it was

considered appropriate by your Officer to agree an extension to the period within which the obligations can be completed by – to the 20th December 2017.

There were further delays on behalf of the applicant and the County Council (as the education authority) and your Officer agreed to further extend the time for the completion of the S106.

Your officer is seeking an update from the Council's legal representative on this case and a further update will be given prior to the committee meeting on the 14th August.

Some 77 weeks have now passed since receipt of the application.

(3) Land North of Bradwell Hospital 17/00515/DEEM4

This application, for outline planning permission for the erection of up to 85 dwellings, came before the Planning Committee on 10th October 2017 (at around week 16). The resolution of the Planning Committee included a time limit for the securing, by the 11th November 2017, of an agreement providing obligations relating to on-site affordable housing, and payment of contributions towards public open space and education facilities, and the monitoring of a travel plan.

The agreement was not completed by the 11th November 2017 due to delays on behalf of the Council as the Local Planning Authority in circulating a draft agreement, and accordingly it was considered appropriate by your Officer to agree an extension, and then a number of further extensions to the period within which the obligations can be completed by. The last such extension was agreed on the 23rd April.

The agreement was eventually completed on the 10th May, and the decision notice was issued "out of time" on the 11th May 2018.

The decision was issued in this case some 46 weeks after receipt of the application.

(4) Land Bound By Ryecroft, Ryebank, Merrial Street 17/00637/FUL

This application for full planning permission for demolition of existing buildings and construction of a mixed use development of student accommodation, retail and commercial units and associated car parking originally came before the Planning Committee at its meeting on the 7th November 2017 (at around week 15). The resolutions of the Committee inter alia required obligations be entered into securing a financial contributions of; at least £542,797 to public realm improvements with the remainder (being at least £250,000) to be spent on the enhancement of public open space at Brampton Park or Queen Elizabeth Gardens, £2,245 towards travel plan monitoring; Real Time Passenger Information system for bus services; improvements to the cycle route from Newcastle town centre to Keele University; Real Time Town Centre Car Parking Capacity Information System; to review and provide/amend traffic regulation and Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems. The resolution included the requirement that the agreement containing these obligations should be completed by the 8th January 2018.

However a further report came back to the Planning Committee on the 2nd February 2018 which set out that it is not legally possible for the Council to enter into an agreement with itself. The Planning Committee then resolved that all parties should enter by 8th March 2018 into an Agreement under Section 111 of the Local Government Act 1972, which requires that a draft S106 Agreement (in the terms as per the resolution of Planning Committee on 7th November), annexed to the S111 Agreement, is entered into once the transfer of the site has taken place.

The 8th March date was not achieved and whilst all parties have made considerable progress your Officer has considered it appropriate to agree further extensions of time within which the Section 111 agreement can be secured, the most recent being to the 25th August .

Some 52 weeks have now passed since receipt of the application.

(5) Land South of Honeywall Lane 17/00514/OUT

This application, for outline planning permission for the erection of up to 35 dwellings came before the Planning Committee on 7th November (at around week 19). The resolution of the Planning Committee included a time limit for the securing, by the 10th December 2017, of planning obligations with respect to the provision of 25% on-site affordable housing and financial contributions towards off-site public open space and primary and secondary school places.

The completion of the Section 106 agreement has suffered numerous delays on behalf of the applicant regarding land ownership matters and land registry. These matters have now been resolved and significant progress is likely to be made in completing the agreement and your Officer has agreed to allow a further extension to the deadline for the completion of the agreement to the 13th August 2018.

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

(6) 24 Greenock Close, Newcastle-under-Lyme 17/01015/OUT

This application for outline planning permission for the erection of two detached dwellings came before the Planning Committee at its meeting on the 27th March (at around week 14). The resolutions of the Committee inter alia required that an obligation to secure a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space. The resolution included the requirement that the agreement should be completed by the 20th April.

The agreement was not completed by the 20th April due to delays on behalf of both the Council and the applicant and your officer is now seeking an update from the Council's legal representative on this case to establish what level of progress has now been made on the matter. Information required by the Council's lawyers to complete the agreement has fairly recently been received from the applicant. It is hoped that a further update will be able to be given prior to the committee.

Some 31 weeks have now passed since receipt of the application.

(7) The Former Orme Centre, Orme Road, Newcastle 18/00090/FUL

This application for the variation of Condition 5 (the condition listing the approved plans) of planning permission 16/00796/OUT came before the Planning Committee at its meeting on the 24th May (at around week 5). The resolutions of the Committee required obligations securing should there be no substantial commencement by a specified date a review of the financial position and if viable payment of financial contribution of £93,408 towards public open space provision, £2,200 travel plan monitoring fee and a financial contribution of £50,000 to fund a Resident Parking Zone. The resolution included the provision that the agreement should be completed by the 29th June.

Progress on the completion of the Section 106 agreement has been slow and it is likely that this is because this site is also the subject of a further 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, which is pending consideration, reference 18/00183/FUL. Therefore it maybe that the application for the variation of Condition 5 of planning permission 16/00796/OUT will eventually be withdrawn, if the other application is the subject of a positive resolution.

Your officer is seeking an update from the Council's legal representative on this case and it is hoped that a further update will be given prior to the committee meeting on the 14th August

Some 14 weeks have now passed since receipt of the application.

Date Report prepared
3rd August 2018

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REPORT TO THE PLANNING COMMITTEE 14TH AUGUST 2018

ANNUAL REPORT ON PLANNING AND RELATED APPEALS

1ST APRIL 2017 – 31ST MARCH 2018

Introduction

1. Appeal decisions are reported upon receipt to the Planning Committee, as are decisions on the award of costs in appeal proceedings. In addition, an annual report on planning and related appeals is produced for consideration by Members, intended to identify general issues relating to the Local Planning Authority's (LPA's) appeal performance, and to encourage an approach that reflects upon and learns from such appeals. Appeal performance is considered by the Government to be the measure of the quality of the decisions of a local planning authority.

Appeal Performance

2. Well-considered decisions on planning applications are a key part of delivering an effective planning service. People should have confidence in the quality of the development decisions being made by the Authority – that all relevant considerations are being taken into account, and that the weight being given to different considerations is reasonable in the context of national and local policies. Appeals can be made both against the refusal of permission, but also against conditions attached to permissions. There are many cases where following a refusal of an application, discussions are held with an applicant and as a result the applicant decides either to no longer pursue the proposal or to submit revised proposals. In this way difficulties can be more effectively, quickly and cheaply resolved. Your officers would always seek to encourage such discussions. As advised in the National Planning Practice Guidance appeals should only be made when all else has failed.
3. An applicant has in most cases up to 6 months to lodge an appeal (from receipt of the decision notice), and given the time some appeals take to be determined, there is often a significant period of time between the LPA's original decision and the appeal decision. For householder applications, the time limit to appeal is 12 weeks and the time period for submitting an appeal where the same or substantially the same development is subject to an Enforcement Notice is just 28 days.
4. Appeals can also be made within a specified time against Enforcement Notices on various specific grounds. If an appeal is lodged the Notice does not come into effect until the appeal has been determined. If no appeal is lodged the Notice comes into effect.
5. During the 12-month period from 1st April 2017 to 31st March 2018, 12 appeals against decisions by the Borough Council as the LPA were determined. A list of the appeal decisions is attached as Appendix 1. 24 were decided in the previous year 2016/17.
6. The Government has a system by which it designates underperforming authorities. The measure used for assessing the quality of decisions is the percentage of decisions on applications that have been overturned at appeal, once nine months have elapsed following the end of the assessment period. The threshold for designation for both "major" and "non-major" development, above which a local planning authority is eligible for designation as an underperforming authority, is 10 per cent of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.
7. Technical concerns relating to some aspects of the appeals data used led to the suspension in 2015 of the publication of quarterly tables showing Local Authorities' performance on the quality of their decisions. Publication of the tables resumed in August

2017 when they were released as Experimental Statistics to enable local authorities to validate the information held. The latest information available at a national level relates to decisions made by the Borough Council in the 24 months ending in March 2017. In terms of decisions on Major applications some 3.3% of all of its Major decisions made between these dates were subsequently overturned on appeal (any authority having more than 10% overturned being at risk of designation). In terms of decisions on non-majors some 1.0% of all of its Non-Minor decisions were subsequently overturned at appeal (again any authority having more than 10% overturned being at risk of designation).

8. In terms of national ranking out of the 335 Local Planning Authorities, Newcastle is in 230th position in terms of the quality of its Major decisions and 189th position in terms of the quality of its non-major decisions.
9. Turning now to the appeal decisions received this year, in 2017/18, of the 12 appeals that were determined, 58% were dismissed and 42% were allowed. If an appeal is allowed it is in effect "lost" by the Council, although an appeal dismissal can sometimes be on a "technicality". If an appeal is allowed, that is a judgement, normally by the Inspector appointed by the Secretary of State to determine the appeal, that the Council's case has been found wanting.
10. The Council performed better in the previous two years with 33% of appeals allowed in 2016/17 and only 25% allowed in 2015/16 but given the relatively low number of appeal decisions received each year, and in particular in the last year, just one or two decisions can make a significant difference in the figures.
11. Given that the number of decisions received in the last year has been so low, the cumulative figure for the last 3 years has been assessed. During the 3 year period of April 2015 to March 2018, a total of 56 appeal decisions have been received. Of those 56 decisions 32% were allowed.
12. Table 1 below, looks at the different development types of the appeals decided in 2017/18. All planning and related applications, and appeals, are categorised by development type. For dwellings, a Major development is where the number of dwellings to be constructed is 10 or more. Where the number of dwellings to be constructed is not known, any residential development with a site area of more than 0.5 hectares is categorised as a Major development. For all other uses a Major development is one where the floorspace to be built is 1000 square metres or more, or where the site area is 1 hectare or more. Applications for Minor development are those which are not for Major development although within the "Other" category are domestic extensions, changes of use, advertisements, listed building consent applications and similar.

Table 1

Development Types	Number Allowed	% Allowed	Number Dismissed	% Dismissed
"Major" Appeals	1	100%	0	0%
"Minor" Appeals	3	37%	5	63%
"Other" Appeals	1	33%	2	67%
Total appeals	5	42%	7	58%

13. In recent years there has been a decrease in the number of householder appeals and an increase in the number of appeals against "Minor" dwelling proposals. Last year (2016/17) 67% of the appeals determined related to Minor dwellings proposals and this year the figure is again 67%. This is not surprising given the uncertainty created by the 5 year housing land supply position and the fact that the development plan has not been able to be relied upon to provide clear direction.
14. Given the particularly low number of appeals during the last 12 months and given the varied nature of those appeals, it is difficult to learn any particular lessons. During

2016/17 there were a number of appeal decisions that considered the sustainability or otherwise of sites in the Rural Areas of the Borough for residential development. The Annual Appeals Report for that year reflected on the picture that had begun to emerge from appeal decisions where the location of sites weighs significantly for or against the proposed development and it was reported that in the majority of cases the LPA's judgement as to the sustainability of the sites had been supported when tested at appeal.

15. During the last year there have been fewer appeal decisions that considered the sustainability or otherwise of sites in the Rural Areas, which is a reflection of the much lower number of appeals generally, but of the 3 such decisions received, all were dismissed, the Inspector agreeing with the Council's conclusion that the sites were not in a suitable location for housing. Two of those sites were in Ashley (16/01033/OUT and 17/00010/FUL, both on Pinewood Road) and one was in Rookery, Kidsgrove (16/00738/OUT). The LPA's judgement on this issue continues to be supported when tested at appeal.
16. Table 2 below, indicates the percentage of appeals allowed and dismissed according to whether the application was determined by your officers under delegated powers or by the Planning Committee. Appeal Ref. 16/00395/PLD (an appeal concerning a certificate of lawfulness) is not included in the figures as it was an appeal against the Council's failure to determine the application, for that certificate, within the statutory time period of 8 weeks.

Table 2

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Delegated	0	0%	6	100%
Committee	4	80%	1	20%

17. During the period 1st April 2017 to 31st March 2018 a greater proportion of appeals relating to applications determined by Committee have been allowed on (80%) than those relating to applications determined by officers under delegated powers (0%)..
18. With respect to the Committee decisions, Table 3 below provides information on the officer recommendation in these cases.

Table 3

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Committee decisions contrary to Officer Recommendation	4	100	0	0
Committee decisions in line with Officer recommendation	0	0	1	100

18. These five decisions were;

- Smithy Cottages, Bar Hill, Madeley – recommended for approval, refused and appeal allowed,
- Offley Arms Hotel, Poolside, Madeley – recommended for approval, refused and appeal allowed
- 5 Boggs Cottages, Keele Rd, Keele – recommended for refusal, refused and appeal dismissed
- 8, Barford Rd, Newcastle – recommended for approval, refused and appeal allowed
- Former Metropolis Nightclub, The Midway, Newcastle – recommended for approval, refused and appeal allowed

As above, the numbers are so few that it would be inappropriate to draw any wider conclusions, other than to note the high proportion of appeals against such decisions which were allowed.

19. Given that the numbers are so low, the cumulative figures for the last 3 years have been assessed. Table 4 below shows the figures for the 3 year period of April 2015 to March 2018.

Table 4

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Committee decisions contrary to Officer Recommendation	5	83	1	17
Committee decisions in line with Officer recommendation	4	57	3	43

20. The numbers involved are low even for a 3 year period, but the above Table shows that for decisions by the Committee made contrary to a recommendation of approval, the Council has not been particularly successful at appeal. For decisions made in line with Officer recommendation, a similar proportion of appeals have been allowed and dismissed.

Awards of Costs

21. Of particular importance in terms of the Local Planning Authority learning lessons from appeal performance, are those appeals that have resulted in an award of costs against the Council. In planning appeals the parties normally meet their own expenses and costs are only awarded when what is termed “unreasonable” behaviour is held to have occurred and the affected party has incurred additional costs in the appeal proceedings. The availability of costs awards is intended to bring a greater sense of discipline to all parties involved. Table 5 below indicates the applications for costs decided between April 2017 and March 2018, and where applicable the appellants costs that were paid by the Borough Council.

Table 5

App No.	Address	Appeal Decision	Costs application against the LPA	Costs subsequently paid
16/00594/FUL	Offley Arms Hotel, Poolside, Madeley	Allowed	Allowed	£2325
16/01008/FUL	3, Dales Green Road, Rookery, Kidsgrove	Dismissed	Refused	-
17/00483/FUL	8, Barford Road, Newcastle	Allowed	Partial award Allowed	£5250
17/00174/FUL	Former Metropolis Nightclub, The Midway, Newcastle	Allowed	Refused	-

22. In the two costs decisions where the Council was found to have behaved unreasonably (and a costs award against the Council was allowed either in part or in full), the Inspectors found that there was a lack of evidence and objective analysis to support the decisions of the LPA to refuse the applications contrary to the advice of officers.

Conclusions

23. The number of appeals determined in the period April 2017 to March 2018 is particularly low. The key conclusions of this report are:-

- That it is the Council's performance now that will have a bearing on whether we are designated by the government as an underperforming authority in the future – the focus needs to both on Major and Non-Major developments
- The Council's judgements about what is or what is not a sustainable location for residential development continue to be supported
- Decisions made by the Committee are much more likely to be overturned on appeal than those decided by officers
- In all cases where the Committee have gone against an officer recommendation of refusal and there has been an appeal against that refusal, the decisions have been overturned on appeal
- In two of those cases, the Council was found to have behaved unreasonably due to a lack of evidence and objective analysis to support the decisions

It remains your Officer's view that there are a number of steps which should be taken to further improve upon the existing situation and these are detailed below. The Committee has previously passed a number of resolutions when considering similar reports in previous years.

Recommendations:-

1. **That the above report be noted**
2. **That internal management procedures within the Service including the assessment of case officers' recommendations by more senior officers continue to be applied;**
3. **That, as previously resolved, Members of the Committee, and their substitutes, draw to Case Officers' attention any concerns that they have with an application, coming to the Committee for determination, as soon as possible having received notice of the application in the weekly list, so that potential solutions to the concerns are sought with the applicant in line with the requirements of the National Planning Policy Framework;**
4. **That, as previously resolved, full advantage be taken of the use of conditions in planning permissions to make developments acceptable;**
5. **That, as previously resolved, Members of the Committee, and their substitutes, who are disposed to move refusal of a proposal contrary to recommendation be urged to contact the Head of Planning no less than 24 hours before the Committee, with details of the reasons they are minded to give for such a refusal;**
6. **That, as previously resolved, when a proposal to refuse to grant planning permission is made at the Committee contrary to the officer's recommendation, advice be sought as to the most appropriate way to meet the requirement upon the LPA to work in a proactive and positive manner with applicants;**
7. **That, as previously resolved, the mover and seconder of a resolution of refusal contrary to officer recommendation be identified by the Chair and recorded in the Minutes and in the event of an appeal being lodged there be an expectation that those members will make themselves available as witnesses on behalf of the Council in the appeal proceedings should either the Head of Planning or the Councils' solicitor or their representatives deem that appropriate; and**

8. That a proactive approach be taken by officers to appeal handling with early holding of case conferences where appropriate, the strength of the case being continually reassessed in the light of any new evidence received.

Appendix 1 – Appeal Decisions 1 April 2017 – 31 March 2018

Application No.	Address	Description	LPA decision date	Decision	Appeal Decision Date
16/00395/PLD	Land. Adj Woodbury, Snape Hall Rd, Baldwin's Gate	Lawful development certificate for proposed single dwelling	N/A	Allowed	3.4.17
16/00226/FUL	Smithy Cottages, Smithy Corner, Bar Hill, Madeley	Erection of two detached dwellings and detached double garage	21.7.16	Allowed	12.5.17
16/00594/FUL	Offley Arms Hotel, Poolside, Madeley	Erection of 3 dwellings	10.11.16	Allowed	7.6.17
16/00738/OUT	5, High Street, The Rookery, Kidsgrove	2 bed bungalow with two bay garage with storage capacity	11.11.16	Dismissed	9.6.17
17/00020/FUL	57, Beresford Crescent, Newcastle	Single storey rear extension and first floor extension to create additional bedroom space	13.3.17	Split decision – Dismissed but single-storey extension allowed	20.6.17
16/01033/OUT	Site 2, Pinewood Road, Ashley	Erection of a small dwelling	2.2.17	Dismissed	14.9.17
17/00186/FUL	11, Woodside, Madeley	First floor extension to form a new bedroom	3.5.17	Dismissed	26.9.17
16/00969/FUL	5, Boggs Cottages, Keele Road, Keele	Variation of condition 1 of planning permission N21428 which restricted occupancy of the property	5.1.17	Dismissed	5.1.18
16/01008/FUL	3, Dales Green Road, Rookery, Kidsgrove	New detached house	21.3.17	Dismissed	9.1.18
17/00483/FUL	8, Barford Road, Newcastle	Construction of three dormer bungalows	26.9.17	Allowed	22.2.18
17/00010/FUL	Bank Top, Pinewood Road, Ashley House	Erection of detached dwelling	15.3.17	Dismissed	22.2.18
17/00174/FUL	Former Savoy Cinema, Metropolis Nightclub, The Midway, Newcastle	Erection of a 13 storey student accommodation building comprising 232 units	9.5.17	Allowed	23.2.18

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