

Public Document Pack

Date of meeting Tuesday, 11th September, 2018
Time 7.00 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 AT WEST AVENUE, KIDSGROVE. WESTLEIGH PARTNERSHIPS LTD, RELEVAN AND RELEVAN PROPERTIES LTD. 18/00239/FUL** (Pages 11 - 22)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - ORME CENTRE, ORME ROAD, NEWCASTLE. MR LADSON. 18/00183/FUL** (Pages 23 - 34)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER GE, WEST AVENUE, KIDSGROVE. REVELAN GROUP LTD. 18/00514/FUL** (Pages 35 - 38)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - DUALLING OF THE EXISTING 3.3KM STRETCH OF THE A500 BETWEEN JUNCTION 16 & MEREMOSS ROUNDABOUT. CHESHIRE EAST. 348/255 (CHESHIRE EAST REF 18/3766N)**
Report to follow.
- 8 **APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT 45 MORAN ROAD, KNOTTON. ASPIRE HOUSING GROUP. 18/00465/FUL** (Pages 39 - 48)

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| 9 | APPLICATION FOR MINOR DEVELOPMENT - KEELE UNIVERSITY, KEELE. KEELE UNIVERSITY. 18/00456/FUL | (Pages 49 - 56) |
| 10 | APPLICATION FOR OTHER DEVELOPMENT - 16 ST MICHAEL'S ROAD, CROSS HEATH. CLLRS J & G WILLIAMS. 18/00657/FUL | (Pages 57 - 62) |
| 11 | APPEAL DECISION - 26 CHURCH LANE, WOLSTANTON. 17/00992/FUL | (Pages 63 - 64) |
| 12 | APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - PROSPECT HOUSE, MAIN ROAD, BETLEY. 18/19002/HBG | (Pages 65 - 66) |
| 13 | REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - 2018 REVIEW | (Pages 67 - 68) |
| 14 | TREE PRESERVATION ORDER - LAND AT 3 ST MARGARET'S COURT, BETLEY. TPO 193 | (Pages 69 - 78) |
| 15 | 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, 14th August, 2018
Time of Commencement: 7.00 pm

Present:- Councillor Andrew Fear – in the Chair

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

Officers Head of Planning and Development - Guy Benson, Nick Bromley, Geoff Durham - Mayor's Secretary / Member Support Officer, Anne-Marie Pollard - Solicitor and Peter Stepien

Apologies Councillor(s) Maxfield and Spence

1. APOLOGIES

Apologies were received from Councillors' Maxfield and Spence.

2. DECLARATIONS OF INTEREST

Councillor Reddish stated that she had a 'perceived predetermination' in application 18/00482/REM which she did not agree with but would leave the room during its consideration.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 17 July, 2018 be agreed as a correct record.

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

Councillors' Gary and Simon White spoke on this application.

Revised recommendation proposed by Councillor Proctor and seconded by Councillor Holland.

Resolved: That the application be refused on the grounds that the layout in the northern corner of the development, and in particular the inclusion of the house on plot 22, by reason of its size, massing and limited space around it constitutes inappropriate overdevelopment which would not be in keeping with, and be detrimental to, the character and appearance of the area and accordingly contrary to policies in the development plan and the Supplementary Planning Document on Urban Design and the National Planning Policy Framework.

5. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF NEW ROAD, MADELEY. HILLBRE HOMES. 18/00225/REM**

Councillor Gary White spoke on this application.

Revised recommendation proposed by Councillor Proctor and seconded by Councillor Reddish.

Resolved: That the application be refused on the grounds that the scale, size and massing of the plots 7-12 (the flatted development) constitutes inappropriate overdevelopment which would not be in keeping with, and be detrimental to, the character and appearance of the area and quality of the landscape by virtue of its edge of village location and accordingly contrary to policies in the development plan and the Supplementary Planning Document on Urban Design and the National Planning Policy Framework.

6. **APPLICATION FOR MAJOR DEVELOPMENT - ORME CENTRE, ORME ROAD, NEWCASTLE. MR LADSON. 18/00183/FUL**

Resolved: That a decision on the application be deferred to enable officers to obtain and consider a final report from the District Valuer on the financial ability or otherwise of the scheme to make policy compliant contributions, and to then advise the committee of the position in the light of such a report.

7. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT WEST AVENUE, KIDSGROVE. WESTLEIGH PARTNERSHIPS LTD. 18/00239/FUL**

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

Resolved: That a decision on the application be deferred to enable officers to obtain and consider a final report from the District Valuer on the financial ability or otherwise of the scheme to make policy compliant contributions, and to then advise the committee of the position in the light of such a report

8. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WATERMILLS ROAD, CHESTERTON. CARDEN DEVELOPMENTS LTD. 18/00017/REM**

Resolved: That the application be refused 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.

9. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET, KEELE. KEELE HOMES LTD. 18/00262/REM**

Councillor Kearon spoke on this application.

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

- (i) Approved plans/documents
- (ii) 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).
- (iii) Prior to commencement of the construction of the dwellings details submission and approval of all external facing materials and hard surfacing materials.
- (iv) 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.
- (v) Prior to commencement of construction of the dwellings on plots 1-3 and 93-97 and the access to those plots, details of the depth of dig above the tunnel, foundation works and excavation /earthworks
- (vi) Approval of tree protection plans (including of hedgerows)
- (vii) Approval of a schedule of works to retained trees
- (viii) Prior approval of further landscaping details (planting numbers, density and sizes), including replacement woodland planting to supplement the approved Strategic Landscape Masterplan.
- (ix) No levels alterations within RPAs of retained trees unless prior written consent obtained
- (x) Approval of an Arboricultural Method Statement for all works within RPAs of retained trees
- (xi) Approval of proposals for boundary treatment
- (xii) Prior approval of revised internal access road details providing 6m internal access road junction radii.
- (xiii) Prior approval of surfacing materials and surface water drainage of private, parking and turning areas.
- (xiv) Provision of visibility splays.
- (xv) Private drive to have a minimum length of 6m.
- (xvi) Retention of roadside hedgerow along Pepper Street except where removal is required to provide the access.
- (xvii) Tree Protection Plans (to include hedgerows)
- (xviii) Approval of a Schedule of works to retained trees.
- (xix) Full Landscaping proposals including replacement woodland planting (positioned on the burning tip area)
- (xx) No levels alterations within RPAs of retained trees
- (xxi) Approval of an Arboricultural Method Statement to all works within RPAs of retained trees.
- (xxii) Approval of proposals for boundary treatment
- (xxiii) Prior approval of the full and precise details of the LEAP

including the type of equipment to be installed, its location, surfacing and means of protection/separation from the road and the pond.

10. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD AND WEST OF PRICE CLOSE, LOGGERHEADS. ELAN HOMES (MIDLANDS) LTD. 18/00315/REM**

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

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

11. **APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS. ELAN HOMES (MIDLANDS) LTD. 18/00314/FUL**

Resolved: (a) That, subject to the applicant entering into a planning obligation and/or any required Deed of Variation of the original Section 106 agreement, by 14th September 2018 that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/00202/OUT unless the Head of Planning in consultation with its Solicitor is satisfied that the matter can be dealt with via another mechanism such as a condition, the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Landscaping scheme for public open space
- (v) Revised access details
- (vi) Provision of private drive, parking and turning areas
- (vii) Surfacing materials for private driveway, parking and turning areas
- (viii) Off-site highway works
- (ix) Vehicular access to remain ungated
- (x) Construction Method Statement
- (xi) Noise levels
- (xii) Construction hours
- (xiii) Report of unexpected contamination
- (xiv) 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.

12. APPLICATION FOR MINOR DEVELOPMENT - LAND AT WEDGWOOD AVENUE/WHITFIELD AVENUE, NEWCASTLE. MR R WHALLEY. 18/00482/REM

Councillor Reddish left the room during consideration of this item.

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

- (i) Standard Time Limit
- (ii) Approved Plans
- (iii) Acoustic fence to be erected in accordance with the approved details prior to occupation of any of the dwellings
- (iv) Retain garages for vehicles only
- (v) Parking and Turning Areas on site prior to occupation
- (vi) Prior approval of Construction Method Statement
- (vii) Provision of a surface water drainage interceptor to rear of highway
- (viii) Gates 5m back into site
- (ix) Prior approval and implementation of Tree Protection proposals
- (x) Prior approval and implementation of an Arboricultural Method Statement
- (xi) Prior approval and implementation of a schedule of works to retained trees
- (xii) Prior approval and implementation of full Landscaping proposals

13. APPLICATION FOR MINOR DEVELOPMENT - NEW FARM, ALSAGER ROAD, AUDLEY. MR EMERY. 18/0122/FUL

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

Resolved: That the application be deferred to allow for further information to be provided to substantiate the claim that the site is previously developed land.

14. APPEAL DECISION - MOSS HOUSE FARM, EARDLEY END ROAD, AUDLEY. 17/00326/FUL

Resolved: That the appeal decision be noted.

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

Resolved: (i) That the report be noted.

- (iii) 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 applicants to enter into Section 106 obligations

16. ANNUAL REPORT ON PLANNING AND RELATED APPEALS 1ST APRIL 2017 - 31ST MARCH 2018

- Resolved:**
- (i) That the report be noted
 - (ii) That internal management procedures within the Service including the assessment of case officers' recommendations by more senior officers continue to be applied;
 - (iii) 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;
 - (iv) That, as previously resolved, full advantage be taken of the use of conditions in planning permissions to make developments acceptable;
 - (v) 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;
 - (vi) 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;
 - (vii) 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
 - (viii) 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.

17. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 9.35 pm

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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.

A decision on this application was deferred by Committee on 17th July and the 14th August at the applicant's request to give additional time for certain outstanding matters to be resolved, and in respect of the decision on the 14th August to also enable officers to review the advice on viability previously given, in the light of the new national planning practice guidance on Viability published on 24th July.

The 13 week period for the determination of this application expired on 16th July but the applicant has agreed an extension to the statutory period until 19th September.

RECOMMENDATIONS

A. Subject to

- (a) consideration being given to the additional information recently received, that still awaited, and the views of the Council's consultees upon that information, and
- (b) your Officer still concluding, in the light of the July 2018 viability guidance and expert advice received, that any public open space contribution would result in the development being unviable, and
- (c) the applicant first entering into a Section 106 agreement by 9th November 2018 to secure a review mechanism of the scheme's ability to make a policy compliant contribution 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 from the adjoining employment site.
 8. Submission of an assessment and mitigation measures to address issues of light from the adjoining employment site.
 9. Provision of a footway link from the site onto Knowle View or into the Woodland at the rear of the site.
 10. Access and parking to be provided prior to occupation
 11. Submission and approval of a scheme of coal mining remedial works, and the implementation of such works.
 12. 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.
 13. Any additional appropriate conditions arising from the consideration of the additional information now received
- 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 and where information was requested some time ago and is in some cases still awaited.

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 this proposal is acceptable.

1.2 Certain planning obligations were secured in connection with the outline planning permission for this site, including a primary education places contribution of £99,279 (index linked) in accordance with 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 than 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 Paragraph 124 of the NPPF 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. 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.

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 on 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 some time ago and has now very recently been received. 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, and it is anticipated that this concern can be resolved upon consideration of the additional information that has now been received. Further comments from them will be reported in advance of the Committee if received.

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 slays 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 has now been submitted by the applicant and the further comment of the Highway Authority has been requested and will be reported to the Committee if received.

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 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.

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 impact assessment, lighting assessment and noise assessment. A noise assessment has been received and it is anticipated that an air quality assessment is to be imminently submitted. The comments of the EHD are awaited and will be reported to the Committee if available.

5.5 Again it has to be noted that there is an extant planning permission for 44 dwellings on this site and in light of this it is considered that mitigation measures to address any lighting issues 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 contribution sought is therefore considered to meet the tests identified in paragraph 56 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.

6.7 The SPD indicates that 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.

6.8 The new NPPF marks a significant change in the approach to be adopted to viability. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. However in the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Joint Local Plan is finalised.

6.9 The NPPF goes onto say that all viability assessments should reflect the recommended approach in the National Planning Practice Guidance, including standardised inputs.

6.10 The information received has been the subject of an independent viability appraisal to further to examine the financial impact of seeking the contribution specified. The independent viability appraisal undertaken in June concludes that principally due to the cost of ground remediation, the scheme cannot support any level of policy compliant Section 106 contributions. The appraisal was, however, carried out prior to the publication of both the new NPPF and the new Practice Guidance on the consideration of the issue of viability. At this point in time your Officer is seeking to establish that the conclusions of that appraisal are still valid having regard to the latest Practice Guidance and further information will be reported in this regard if available.

6.11 The evidence received for this assessment to substantiate the applicant's claim that the Council's requirements render the scheme unviable, needs to be read in the context of the new National Planning Policy Framework, and also in the context of an identified housing land delivery shortfall. If a scheme is unviable it will not proceed and there will be no contribution to the supply of housing in a sustainable location where there has been under-delivery. In addition, as noted at paragraph 2.2, this development provides more affordable housing than is necessary to satisfy policy and as such will make a contribution towards addressing the shortfall in affordable housing provision on other developments within the Borough. These are material considerations and in light of such considerations it is concluded that it would not be appropriate, if granting planning permission, to insist upon the payment of the public open space contribution, provided the appraisal has been undertaken in accordance with the new required methodology.

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 N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

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

[Planning Practice Guidance](#) (March 2014, as updated)

[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** previously advised 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.

Their comments on the additional information requested have been sought.

United Utilities recommend conditions regarding drainage.

The **Environmental Health Division** previously objected 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.

Their comments on the additional information requested have been sought.

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** previously commented 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.

Their comments on the additional information requested have been sought.

They also requested 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

One letter of objection has been received commenting that no consent should be granted until the Mitchell Gardens development has been completed

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

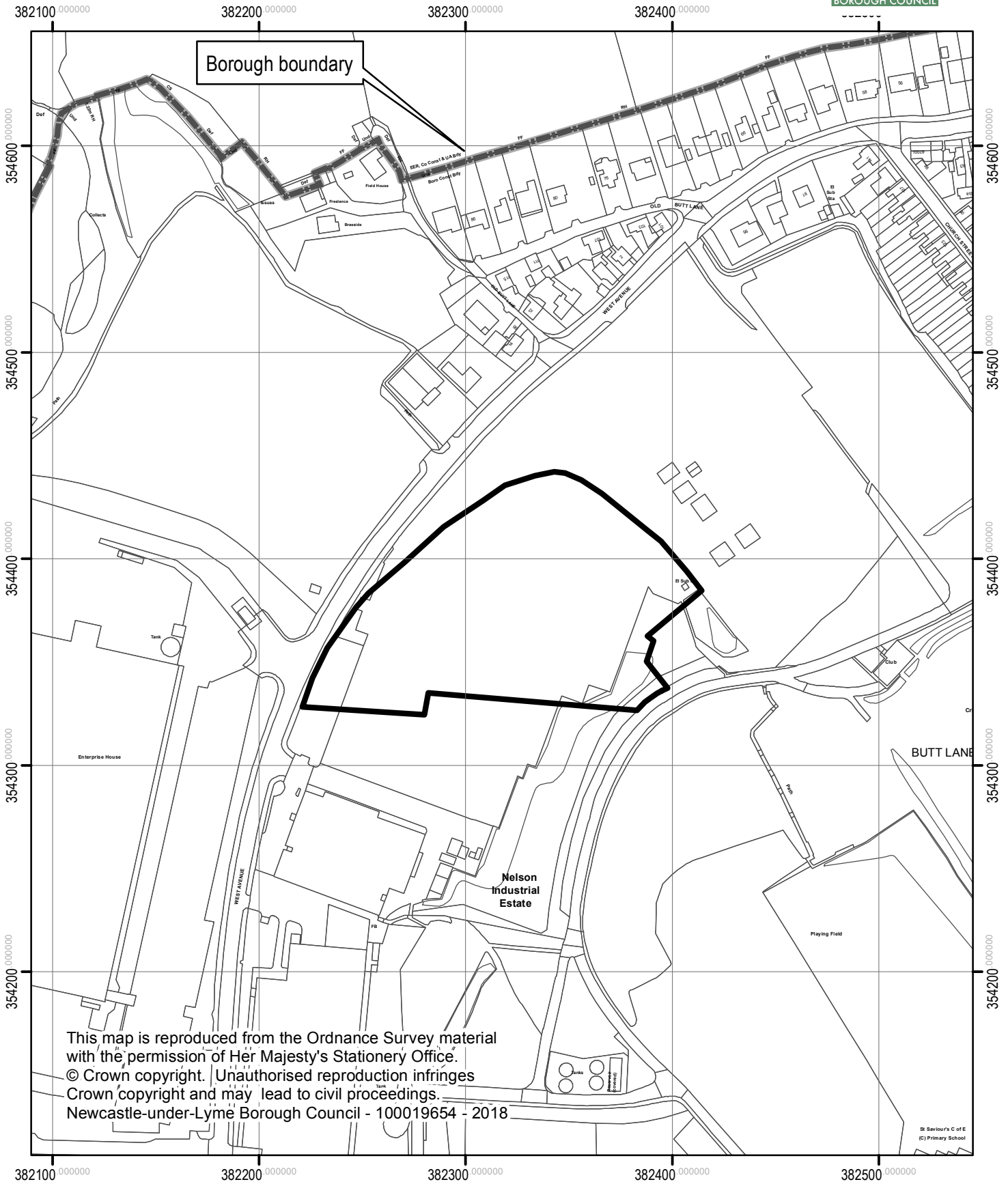
Planning files referred to
Planning Documents referred to

Date report prepared

29th August 2018

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Land at West Avenue, Kidsgrove



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

18/00183/FUL

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 meetings of the Planning Committee held on 17th July and 14th August 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

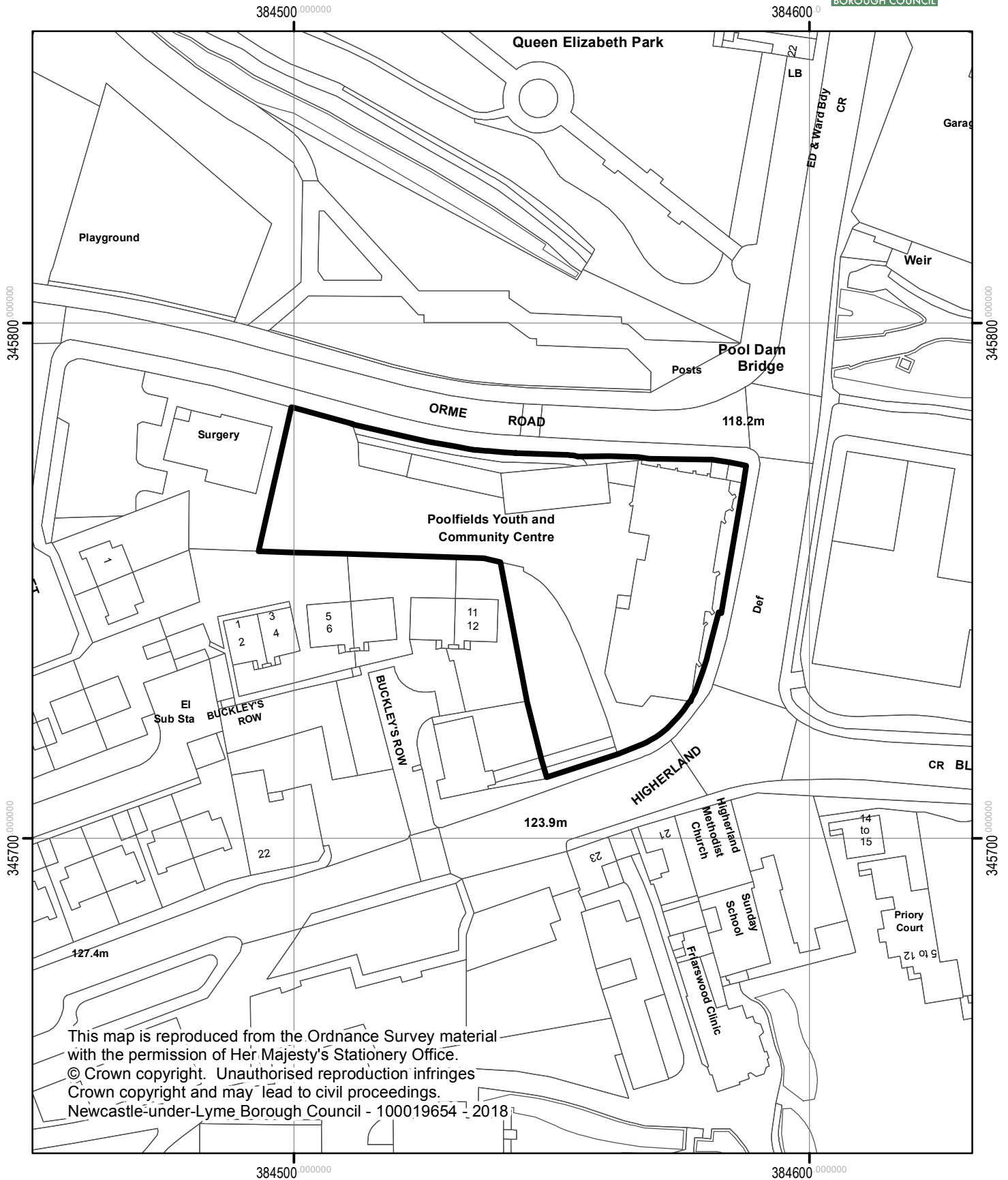
Planning files referred to
Planning Documents referred to

Date report prepared

30th August 2018

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Orme Centre, Orme Road, Newcastle



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**FORMER GE DIAMOND BUILDING, WEST AVENUE, KIDSGROVE
REVELAN GROUP LIMITED**

18/00514/FUL

The application seeks to vary condition 2 of planning permission 18/00029/FUL which granted full planning permission for the partial demolition of an existing warehouse, new two storey offices, new cladding and associated works. Condition 2 lists approved drawings and the variation sought is the substitution of amended plans to allow for minor alterations to the roof construction and the external cladding of the building.

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

The 8 week period for this application expires on 3rd October 2018.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. All other conditions of 18/00029/FUL as they continue to apply to the development**

Reason for Recommendation

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

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

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

Key Issues

The application seeks to vary condition 2 of planning permission 18/0029/FUL, which listed the approved plans, to replace approved plans with amended plans.

The current proposals involve an amendment to the roof. The approved roof has three gables and as amended this reduces that to two gables. This results in a marginal increase in overall ridge height from about 10.27m to 10.62m.

Further amendments to the approved plans as proposed are a change to the cladding. As with the approved elevations the current proposals involve sections of vertical and horizontal cladding but the proportions and arrangement are different than currently permitted.

The proposed change to the roof will not materially alter the appearance of the building on the west (front elevation) and as such it is considered that no visual harm arises. With regard to the amended cladding it is acknowledged that the same cladding as was previously considered acceptable is still proposed and the arrangement now proposed would break up the front elevation, visually, as was the case with the approved scheme.

Bearing the above in mind in the context of this employment site it is considered that the design and appearance of the proposed building as now proposed remains acceptable.

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 CSP1: Design Quality

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

None

Other Material Considerations include:

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

Relevant Planning History

10/00136/FUL Permitted - Generator and associated housing
11/00016/FUL Permitted - Generator and associated housing
11/00591/FUL Permitted - Relocation of existing test rig equipment with extension to recycling area
12/0379/FUL Permitted – Proposed alterations to loading bay
13/00195/FUL Permitted – Relocation of existing generator
14/00728/PLD Permitted - Application for a lawful development certificate for proposed remodelling of reception to office building, overcladding and upgrading/replacement of windows to the street elevations and roof to existing buildings. Erection of a screen wall to hide existing plant and machinery
14/00736/FUL Permitted – new industrial unit, link to existing unit, and associated service area and car parking
14/00738/FUL Permitted – alterations to existing car park and associated landscaping
17/00848/FUL Permitted – variation to condition 2 of 14/00736/FUL to allow for amendments to the approved elevations through the introduction of additional windows.
18/00029/FUL Permitted - partial demolition of an existing warehouse, new two storey offices, new cladding and associated works

Views of Consultees

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

Representations

None

Applicant's/Agent's submission

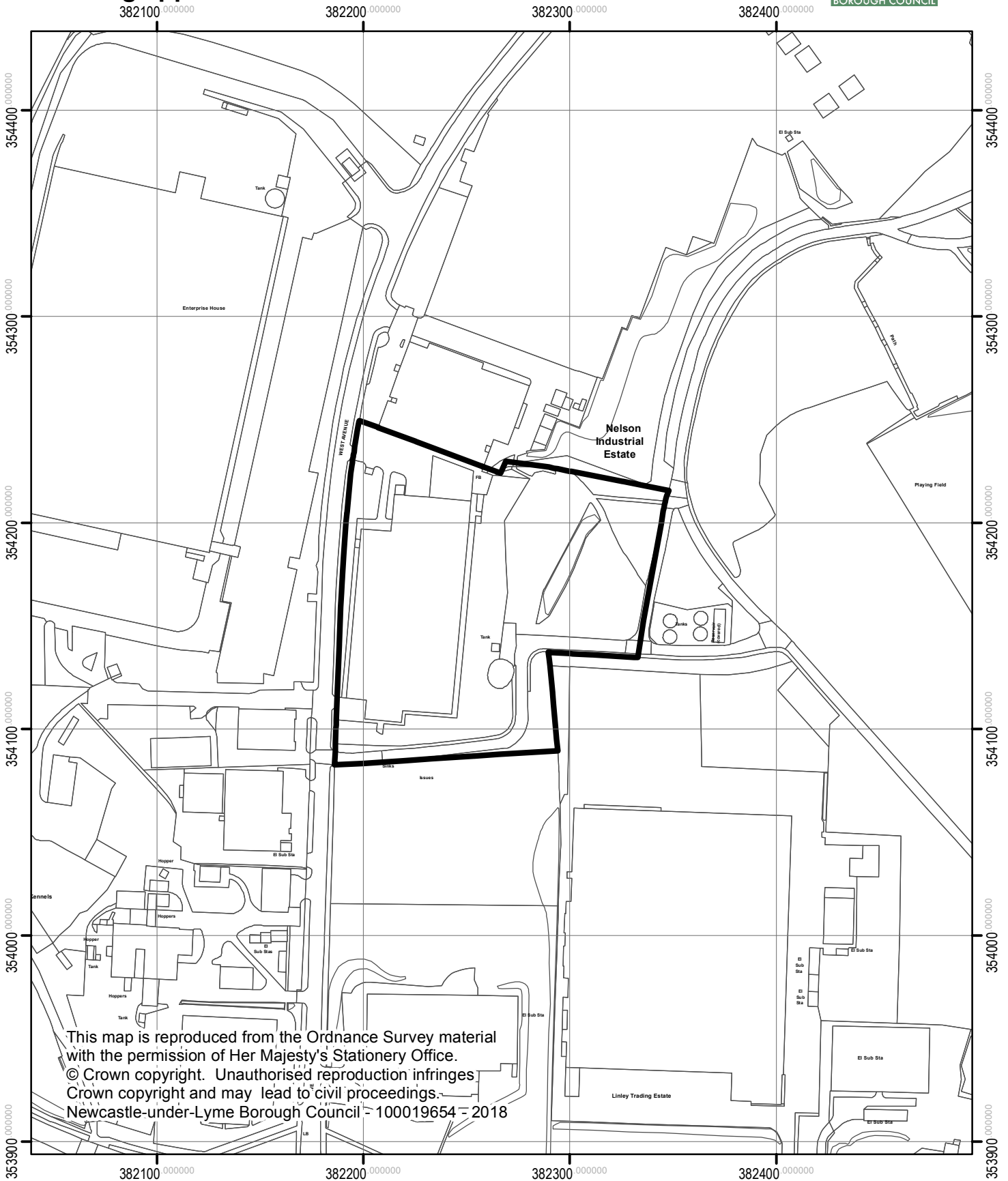
The application form and plan and supporting information are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00514/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared
24th August 2018

Former GE, West Avenue
Kingsgrove - Variation of condition 2 of
Planning application 18/00029/FUL



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 Newcastle-under-Lyme Borough Council - 100019654 - 2018

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LAND ADJACENT, 45 MORAN ROAD, KNUITON
ASPIRE HOUSING

18/00465/FUL

The application is for the construction of two flats (for affordable rent by Aspire Housing).

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

The development has been called to the Planning Committee for determination by Councillor Kearon and Councillor Johnson due to a range of public concerns to the proposal.

The 8 week period for the determination of this application expires on 21st August 2018.

RECOMMENDATION

A. Subject to the applicant first entering into a section 106 obligation securing a financial contribution of £9,866 towards public open space improvements and maintenance at a location to be agreed with the Landscape Development Section, by 9th November 2018, PERMIT subject to conditions relating to:-

- 1. Time Limit.**
- 2. Plans.**
- 3. Approved external materials.**
- 4. Detailed hard and soft landscaping provision.**
- 5. The provision of parking and turning areas.**
- 6. Provision of surface water drainage provision.**
- 7. Provision of secure weatherproof cycle storage.**
- 8. Site investigation and remediation works to deal with historical coal mining risk.**
- 9. Construction operational hours outside of the hours of 18:00 and 07:00 Monday to Friday, no time on Sundays, Bank Holidays or after 13:00 on any Saturday.**

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; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The site is in a sustainable location where the broad principle of new housing is acceptable. There are benefits in the proposed residential development – namely boosting local affordable housing supply as well as the related social and economic advantages new housing brings to the area. Whilst the development will lead to the loss of a small amount of undeveloped greenery within the existing street scene the overall scale, design and appearance of the scheme is considered to have an

appropriate impact to the character of the area. A satisfactory amount of off street car parking can be provided and there are no harmful impacts arising to neighbouring residential living conditions. Further consideration is being given as to where a public open space contribution could be spent, and it is anticipated that such a contribution could be justified.

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

Subject to conditions and legal agreement the proposal is considered to be a sustainable form of development.

Key Issues

The application is for the erection of two, one bedroom apartments. The footprint of the development measures approximately 58 square metres and is two storeys in height. The overall site area is 290 square metres. The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable?
3. Is the impact to neighbouring living conditions acceptable?
4. What is the impact to highway safety and is it acceptable?
5. What financial contributions are appropriate (if any) in order to secure planning permission?
6. Given the site is within a high risk coal mining area is it safe for the development to proceed?

1. Is the principle of residential use acceptable in this location?

Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy CSP5 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) sets out for the period 2006 – 2026, a minimum of 4,800 net additional dwellings will be provided within the urban area of Newcastle under Lyme. Of which Newcastle Urban Central (including Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre) was earmarked to provide 3,200 dwellings with Knutton as a particular location to secure investment in line with regeneration aims.

Paragraph 117 of the National Planning Policy Framework 2018 (the Framework) states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 12 also highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

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). As such whilst policies on the location of housing within the Development Plan are supportive of the proposal they are out of date and have limited weight. However even if the Council were to determine that it does have such a supply, and policies on the supply of housing are not out of date, such policies are supportive of the principle of the development given the location.

The site is presently undeveloped. It is a small wedged shaped grassed area which lies between existing residential properties at the corner of Moran Road. The site is within a sustainable urban location (highlighted as such by the Councils Core Spatial Strategy) within short walking distance of abundant local service provision and access to regular public transportation to the Town Centre and beyond. Regard is also paid to the economic and social benefits additional housing provides (commensurate to the provision of 2 affordable rented units in the area). There is therefore a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations. More detailed matters are now considered.

2. Is the design and appearance of the development acceptable?

Paragraph 124 of the 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.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The dwellings on Moran Road are predominantly terraced properties interspersed with some semi-detached dwellings either side of the road. A small number of surrounding properties have independent parking areas within the front garden but most properties still have front gardens or yards and are mostly separated from the highway verge by mature hedgerow and to a lesser extent fencing or walling.

The one bedroom flats proposed will break away from the existing pattern of terraced development in this location. The development will also lead to the removal of an existing area of greenery which has an open pleasant aspect observed from the highway. The flats have been designed to resemble a detached or semi-detached property with front the elevation detailing incorporating a gable – the appearance of which is evident on surrounding properties as a reference point. The applicant also proposes to use a red coloured facing bricks for the external walls and grey coloured roofing tiles for the roof similar to the building materials evident in the area. Whilst the development does not entirely replicate the form of housing in the area it is sensitively designed exhibiting some design features of surrounding properties including similar external facing materials. Overall subject to the use of planning conditions securing appropriate external facing materials along with complimentary hard and soft landscaping the view taken is that it would have an acceptable impact on the visual appearance of the area.

3. Is the impact to neighbouring living conditions acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. An acceptable level of separation is achieved between other neighbouring properties in accordance with the SPG. Although no outdoor garden space is proposed within the scheme there are publically available open space areas within a short walking distance for the residents of the apartments. The first floor of the development will lead to some overlooking of existing neighbouring garden space but the relationship would be similar to that of other properties which can overlook gardens at first floor level in the area.

4. What is the impact to highway safety and is it acceptable?

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. At paragraph 106 the Framework states that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

Saved policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The car parking standards set out in the Appendix to the Local Plan state no more than 1 space per each one bedroom unit.

2 off road parking spaces are to be provided by the scheme. The Highway Authority do not object to the proposal subject to the provision of parking and turning areas as proposed, surface water drainage provision and secure weatherproof cycle storage by condition. Overall subject to those conditions there are no highway safety concerns.

5. What financial contributions are appropriate (if any) in order to secure planning permission?

Paragraph 34 of the Framework states that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

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

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

In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £5,579 per residential unit. A total contribution of £11,158 for the development.

Both the NLP and the CSS form part of the approved development plan for the area. In this case the CSS is more up to date than the NLP. In addition the application of the Open Space Strategy in the determination of planning application is consistent with paragraph 96 of the Framework which indicates that policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

The development applied for is below the local plan policy C4 trigger threshold and it could be argued that the request is contrary to policy. It is, however, considered that the contribution accords with the CSP5 of the CSS which, as indicated above, specifies that developer contributions will be sought in accordance with the Green Space Strategy or any approved or replacement Strategy. As this policy is more up to date and is fully compliant with the Framework it should be given greater weight than LP policy C4.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

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

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that “tariff-style contributions” should not be sought from developments of 10 units or less which have a maximum combined gross floor space of no more than 1,000 square metres. The proposal is such a development.

A tariff style contribution is defined as one where the intention is to require contributions to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section have indicated that they propose that the contribution in this case would be applied to improvements to the Moran Road play area which is 160 metres away from application site, so whilst the amount is calculated on a “sum per dwelling” basis it is not considered to meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

The Framework advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 1 of the Framework states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Taking into account that the development involves one bedroom apartments which are not for family occupation the contribution to a local play area requested by the Landscape Development Section is not considered to meet the statutory tests outlined. It is not necessary to make the development acceptable in planning terms or directly related to this residential development and therefore cannot be requested on that basis. There are, however, areas of open space within the vicinity of the site that the occupiers of the development would use, as indicated above. As has been the practice in other cases involving accommodation not intended for families, it would be appropriate to secure a contribution towards improvements of one of these areas provided that a suitable project can be identified. As such the Landscape Development Section has asked reconsider their request and provide further advice as to where such a contribution could be spent and on what project. An update will be given on that once their views have been received and considered.

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

The application site falls within a defined Development High Risk Area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Records indicate that the application site has been subject to past coal mining activities, which has left a legacy of recorded geological fault across the western part of the site. The Coal Authority have assessed the applicants technical information acknowledging this and advise subject to appropriately worded planning conditions requiring site investigation and any remedial work necessary the risks posed to human safety would be acceptable.

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 Policy	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open space, sport, recreation
Policy CSP10	Planning Obligations

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

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations

National Planning Policy Framework (March 2012)

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

Supplementary Planning Documents/Guidance

[Space Around Dwellings SPG](#) (SAD) (July 2004)
[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)
[Developer contributions SPD](#) (September 2007)

Planning History

None relevant.

Views of Consultees

The **Coal Authority** has no objections subject to conditions requiring:-

1. The submission of a scheme of intrusive site investigations for approval, to locate and assess the fissure / ground conditions;
2. The submission of a report of findings arising from the intrusive site investigations;
3. The submission of a scheme of remedial works for approval, if required;
4. Implementation of the agreed remedial works.

The **Environmental Health Division** has no objections to this application subject to the restriction of construction operational hours outside of the hours of 18:00 and 07:00 Monday to Friday, no time on Sundays, Bank Holidays or after 13:00 on any Saturday.

The **Highway Authority** has no objections (their initial comments of objection where sent in error) subject to conditions relating to:-

1. The provision of parking and turning areas.
2. Provision of surface water drainage provision.
3. Provision of secure weatherproof cycle storage.

Landscape Development Section has no objection to this application with a condition to secure the approval of landscaping proposals as well as a contribution by the developer for capital development/improvement of offsite open space of £4,427 in addition to £1,152 for 60% of maintenance costs for 10 years. Total contribution £11,158. To be used to upgrade surfacing at the Moran Road play area which is 160 metres away.

Representations

A signed petition of some of some 63 signatories has been received raising the following concerns:-

- The development would remove useful open space where children to play.
- The development will exacerbate parking problems.
- The development is overbearing and reduces privacy.
- Safeguarding children in the area from new occupants could be a problem.

Applicant/agent's submission

Application forms and plans have been submitted along with Ecological Survey, Phase 1 Contamination Study and Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00465/FUL>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

29th August 2018.

Land Adjacent 45 Moran Road Knutton



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The application seeks planning permission for a proposed compound area containing an electrolyser, an electrical input container, a grid entry unit, a hydrogen storage vessel and substation adjacent to the university sports field. The compound will be fenced off by a 2m high wire fence to restrict access. The proposal is for temporary period and is to be removed and all land reinstated by June 2020.

The site lies within Grade II Registered Park and Garden and within a Landscape Maintenance Area defined on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 29th August but the applicant has agreed an extension to the statutory period until 30th September 2018.

RECOMMENDATION

PERMIT subject to conditions relating to the following:-

- 1. Time limit.**
- 2. Removal of the development by the end of June 2020 and the land reinstated.**

Reason for Recommendation

The proposal is, in part, inappropriate development within the Green Belt. It will result in a small degree of detriment to the visual appearance of the area which is within a Grade II Registered Parkland and will affect the openness of the Green Belt to some degree. However the proposal is linked to an important research initiative of wider public environmental benefit and it is concluded that the benefits derived from the development outweigh the harm identified particularly when borne in mind that development is only required for a temporary agreed period until the end of June 2020 and will be subsequently removed from the site in its entirety. As such it is considered that the very special circumstances required to justify approval of the scheme exist in this case.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

The proposed site compound area measures a total of 20m by 20m. Within the compound area are 2 containers measuring 9.1m in length and 2m in width with an overall height of 2.9m. A third container is proposed measuring 6.1m in length and 2m in width with a height of around 3m measured from ground level and a maximum overall height of 5.7m when the vertical pipework is taken into consideration. A cylindrical hydrogen storage vessel is also proposed with a diameter of 1.6 metres and an overall height of 5 metres. The substation, which is considerably smaller than the containers, is located in the corner adjoining the access point into the compound.

Various underground pipeline connections to the compound are also to be made including water, electricity and gas supply alongside a waste outlet. These connections run from the compound in a south easterly direction behind the existing University estate buildings and toward the road junction forming part of the University estate ring road.

The site lies within the Grade II Registered Park and Garden at Keele Hall. It also lies within a Landscape Maintenance Area defined on the Local Development Framework Proposals Map. The site is presently a grassed area of open land to the north of the University Sports Hall but not considered part of a sports field which is to further to the north and north east.

As background, the University submits that the proposal is in connection with an experimental project which has been designed to investigate the potential for hydrogen gas (as a zero carbon gas) to be used as an alternative to fossil fuel use. When burned hydrogen doesn't produce carbon dioxide (CO²) but only water and heat as by-products. The initiative is linked to Central Government commitments to reduce UK CO² emissions by 2050. The University states that currently 80% of UK homes are heated by gas, and heat accounts for a third of UK CO² emissions overall. The proposal is stated to be a practical experiment into decarbonising heat where there is currently little research and seeks to establish the potential for blending hydrogen into the natural gas supply to reduce CO² emissions. It is a one year trial on the University campus private gas network and will help to determine the level of hydrogen which can be added to the gas network safely, without any changes required to consumer appliances. Industry utility providers are providing support to the proposal in collaboration with Keele University. The results of the trial could provide evidence for a trial on a public network and a wider role out.

The key issues in the determination of the development to consider are:-

1. The appropriateness of the development in Green Belt terms
2. Is the design of the development, including the impact on the special character of grade II Listed historic parkland, and on the landscape as a whole, acceptable?
3. If inappropriate development, are there any very special circumstances to justify approval?

1. The appropriateness of the development in green belt terms?

The proposal includes structures brought to site which are similar to large shipping storage containers but will include fixed ground utility connections.

The National Planning Policy Framework (the Framework) represents the most up to date policy with respect to the Green Belt. The Framework advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to a number of exceptions. It also advises that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including engineering operations.

Certain elements of the proposal could be described as a type of engineering operation – particularly with respect to underground utility pipework connection. However the compound equipment and storage containers above ground would be defined as buildings and are not considered to be an appropriate form of development within the Green Belt as they do not fall into any of the exceptions identified within the Framework.

Very special circumstances are therefore required to justify the proposal and will be considered at the end of the report.

2. Is the design of the development, including the impact on the special character of the setting the Grade II historic parkland, and on the landscape as a whole, acceptable?

The Framework 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.

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

Policy N19 of the Local Plan states the Council will seek to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas as shown on the Proposals Map. Where development

can be permitted, it will be expected to contribute to this aim. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

When determining planning applications, local planning authorities are required to assess the significance of a heritage asset and the impact of the proposed development upon the setting of a heritage asset which include Registered Parks and Gardens.

CSS Policy CPS2 seeks to preserve and enhance the historic character and appearance of the Borough. Paragraph 192 of the Framework states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

At paragraph 193 the Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Three of the proposed structures within the compound will have an external appearance similar to shipping containers placed around a cylindrical shaped hydrogen storage vessel. All of which, including ancillary equipment proposed within the compound area, are to be painted green.

The site is in a secluded position to the rear of the University sports hall. The applicant has indicated that they have selected this location in order to limit its impact on the most significant long distance views of the campus and to avoid listed buildings and other important buildings in order to reduce any significant detriment to the appearance of the campus.

However it is has to be acknowledged that it is located within Registered Park and Garden and the proposed development will be seen from views across the park given the slightly elevated position of the land giving rise to some harm. It is not, however, in a particularly sensitive part of the Park and Garden, being located within the sports field environs, and is relatively small in scale and as such it is considered that the harm arising would be less than substantial. In such circumstances the Framework (at paragraph 196) indicates that the less substantial harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal.

It has been suggested that the compound would be slightly less conspicuous if it was sited closer to the rear of the sports centre rather than on the further edge of the former sports field. Whilst this is accepted it would still, in that location, result in less than substantial harm and the applicant is reluctant to do this is due to engineering practicality.

Overall taking into account that the proposal is to be a recessive green colour and is of a temporary nature, and in the absence of other significantly better alternatives within the campus, the public benefits arising from the development are considered to outweigh the limited harm to heritage and the landscape and is considered to be acceptable.

3. Are there any very special circumstances to justify approval of the development?

Paragraph's 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The Framework also advises Planning Authorities that when located in the Green Belt, elements of many renewable energy projects will often comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Paragraph 148 of the Framework goes on to say that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

In terms of identifiable harm, the development does result in some impact on the openness of the Green Belt by virtue of its size and position relative to what is presently a large area of open land within the campus as well as less than substantial harm to a heritage asset. However the development proposed is only required for a temporary period to allow an experimental research project to take place which aims to produce green energy.

Taking into account advice contained within the Framework, the proposal, although constituting inappropriate development within the Green Belt is linked to an initiative of wider public environmental benefit. Overall these are considered to be very special circumstances that justify approval of the scheme having regard to the overriding public benefit identified set against the harm to openness of the Green Belt and the impact on the heritage asset whilst bearing in mind that the development is required for temporary agreed period only.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

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

Policy S3: Development within the Green Belt
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

None relevant.

Views of Consultees

The **Conservation Area Working Party** has no objections but ask if the proposal can be located closer to the sports hall away from the edge of the site and views from Boggs Cottages as well as querying how temporary the proposal is.

The **Conservation and Urban Design Service** comment that the development is acceptable given the temporary nature and the fact that it is around the sports centre and fields, which is not a significant part of the listed parkland setting. However it is still within the parkland and the proposed development will be seen from views across the park given the slightly elevated land. It is suggested compound would be less conspicuous if it was sited closer to the rear of the sports centre rather than on the further edge of the former sports field.

The **Gardens Trust** acknowledges the proposal but do not wish to comment.

The views of **Keele Parish Council, Staffordshire Gardens Parks Trust** and **Historic England** have been sought, but they have not provided comment by the due date of the 31st July. As such it is assumed that they have no comments to make.

Representations

None received

Applicant's/Agent's submission

Application forms and indicative plans have been submitted along with a Planning/Heritage Statement. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00456/FUL>

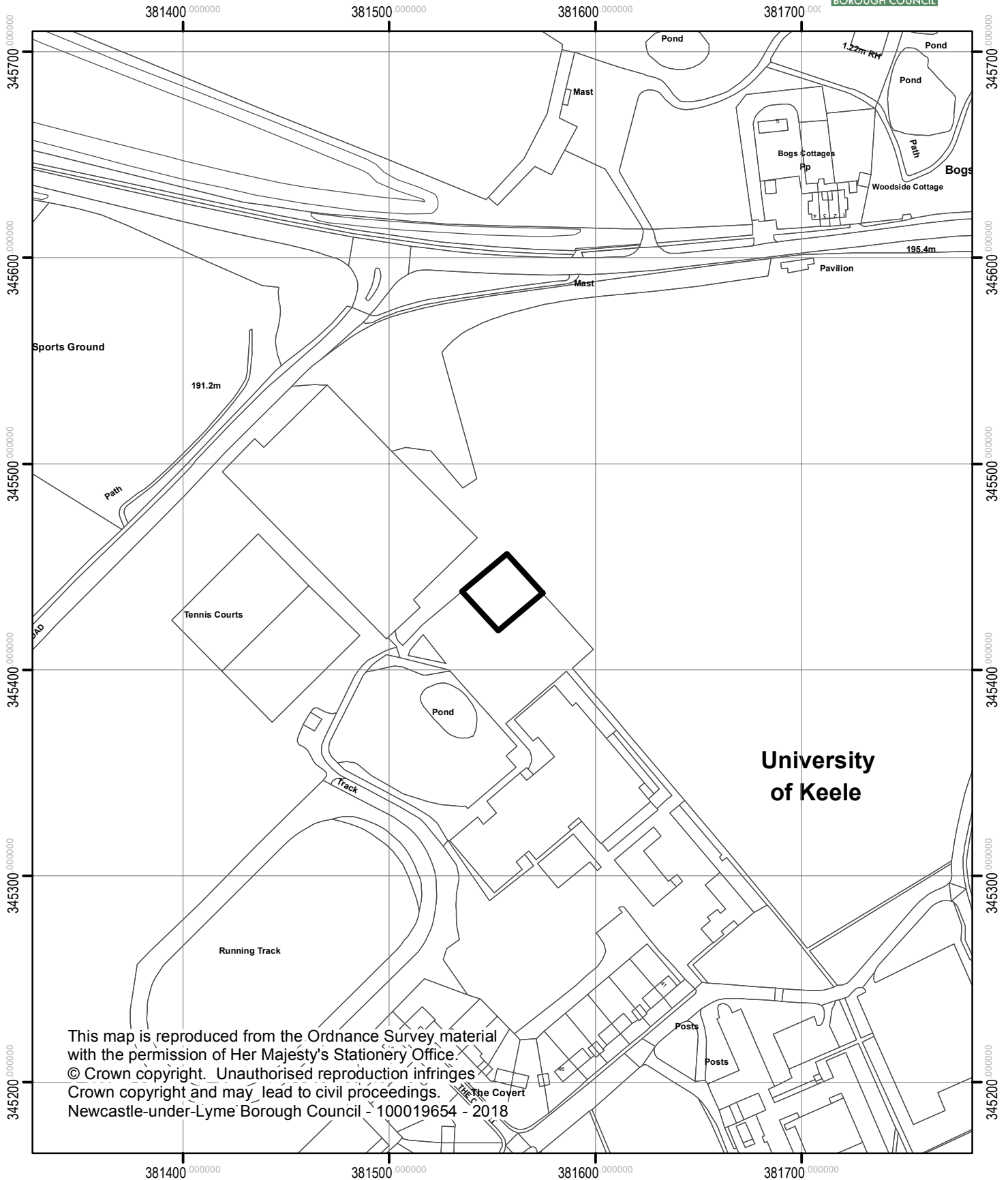
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

29th August 2018.

Keele University, Keele - proposed Electrolyser



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16 ST MICHAELS ROAD, CROSS HEATH, NEWCASTLE-UNDER-LYME
MR JOHN WILLIAMS

18/00657/FUL

The application is for a new vehicular access. The dropped kerb to be installed would measure 3.6m in width.

The application site is located within an established residential area in the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on the 9th October.

RECOMMENDATION

Subject to the consideration of the comments of the Highway Authority and the Landscape Development Section, PERMIT subject to conditions relating to the following matters:

- 1. Time limit relating to the commencement of development**
- 2. Approved Plans**
- 3. Provision of access/parking areas in a bound and porous material prior to first use.**
- 4. Tree protection measures**
- 5. Appropriate methods of construction to protect the tree.**

Reason for Recommendation

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

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

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

Key Issues:

The application is for full planning permission for a new dropped kerb to allow access off St Michaels Road, Newcastle under Lyme which is a C Classified Road. The site is located within the urban area of Newcastle-under-Lyme as identified within the Local Development Framework Proposals Map.

The key issues to consider are;

- The impact of the works on the visual amenity of the area, including impact on trees
- Parking and impact on highway safety

The impact of the works on the visual amenity of the area including impact on trees

The property is at the end of a terrace which currently benefits from a large gravel front garden with pedestrian access only. This part of St Michaels Road is lined on either side with grass verges interspersed by trees. One of these highway trees is located to the west of the proposed vehicular access. It is noted that a number of properties within the immediate vicinity have implemented new access points off St Michaels Road in a manner similar to that sought by the applicant.

Whilst the proposal would result in the loss of an area of grassed verge it is not considered that this would have a detrimental impact on the character or appearance of the surrounding area.

The mature tree located to the west of the proposed dropped kerb is likely to be in the ownership of Staffordshire County Highway Authority. Given the proximity of the development site to this tree, it is considered that the development may have some impact on its longevity.

Policy N12 of the Local Plan details that the council will resist development that would involve the removal of any visually significant tree unless the need for the development is sufficient to warrant the loss and the loss cannot be avoided by appropriate siting and design. This policy also details that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The Landscape Development Section has been consulted on the application with their comments anticipated to be received prior to the application going before the committee.

The tree is located approximately 3.5m to the west of the dropped kerb area, and whilst it is noted that this would result in increasing numbers of vehicles passing within close proximity to the tree and its associated roots, it is not considered that this would result in severe implications that would warrant the refusal of the application. It is assumed at this time that they will not object and that any impact on the tree can be address through tree protection measures and suitable construction methods.

Parking and the impact on Highway Safety:

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The property currently has no off-road parking spaces within the curtilage of the dwelling. The proposed dropped kerb together with an area of appropriate hardstanding would allow vehicles to be parked off the highway.

The Highway Authority has been consulted on the proposal with their comments anticipated to be received prior to the application going before the committee.

It is noted that there are a large number of vehicles parking on the highway in this particular area given the lack of vehicular access and parking areas within the curtilage of the surrounding residential dwellings. The development would increase the provision of off street parking in the area and reduce the amount of on-street parking.

Having considered recent applications for similar development along this part of St Michael's Road, it is not considered that the development would result in severe impacts on the surrounding road network as detailed above would offer an improvement. Permission should therefore be subject to conditions to secure the associated parking areas prior to the first use of the development and ensure the drive would be surfaced in a bound and porous material.

The development is therefore considered acceptable and would not raise any severe implications with regards to parking or highway safety and so accords with the provisions of the National Planning Policy Framework.

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 CSP4: Natural Assets

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

Policy N12: Development and the Protection of Trees

Policy T16: Development - General Parking Requirements

Other Material Considerations

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2018\)](#)

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

Other Guidance

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

Relevant Planning History

None

Views of Consultees

The views of the **Highway Authority** and **Landscape Development Section** are awaited and will be reported.

Representations

No representations have been received to date at the time of writing this report. The deadline for comments is the 10th of September.

Applicant/agent's submission

The requisite plans and application forms submitted can be viewed on the Councils website; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00657/FUL>

Background Papers

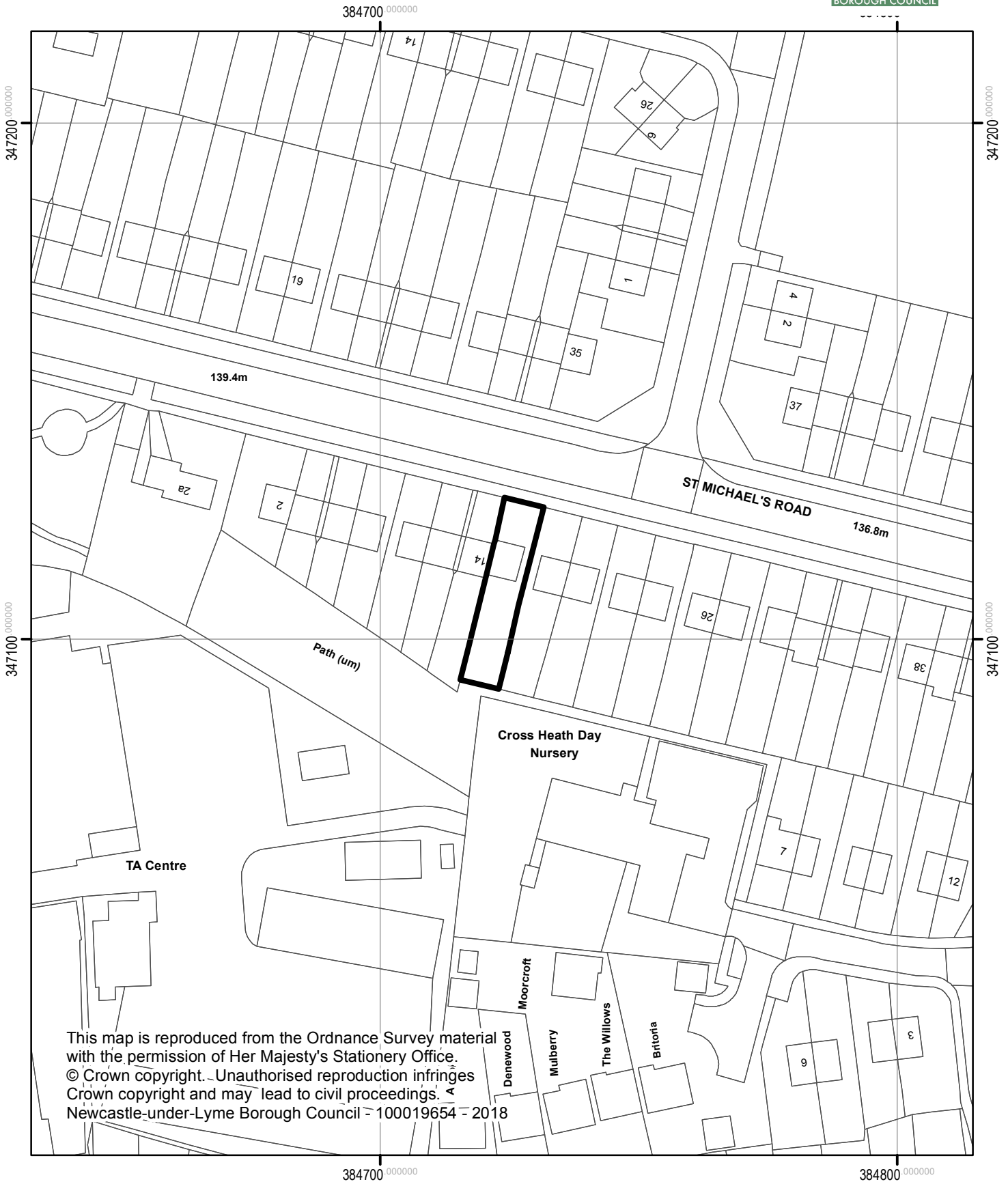
Planning File
Development Plan

Date report prepared

29th August 2018

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16 St Michaels' Road, Cross Heath – vehicular access



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APPEAL BY MR P JACKSON AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A SINGLE STOREY EXTENSION AT 26 CHURCH LANE, WOLSTANTON

<u>Application Number</u>	17/00992/FUL
<u>LPA's Decision</u>	Refused under delegated authority 5th February 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	11th July 2018

The Appeal Decision

The Inspector identified the main issue to be whether the extension would preserve or enhance the character or appearance of the Wolstanton Conservation Area.

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

- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is reflected in the National Planning Policy Framework (NPPF) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- The appeal property forms part of an early 20th century crescent composed of three pairs of two-storey, semi-detached dwellings that share a common design theme. Whilst there are slight differences in terms of external finishes and fenestration detailing, the form of the front elevations of the dwellings, which are viewed from the adjacent Church Lane, remain largely unaltered and the front gardens are free from built development. Overall, the uniformity of their design and layout makes a positive contribution to the character and appearance of the Conservation Area.
- The extension would be on the front elevation of the dwelling. Its significant projection and its width across much of the elevation would occupy a large portion of the front garden and represent a dominant feature that would fail to appear subservient to the host dwelling. Furthermore, as a result of its size and location, it would unduly disrupt the uniformity of the front elevations of the dwellings within the crescent. Consequently, its dominant and incongruous appearance would fail to reflect the existing form of the host dwelling and crescent and consequently diminish the significant positive contribution they make to the Conservation Area.
- The proposal would fail to preserve or enhance the character or appearance of the Conservation Area and is contrary to policy. In addition, it would fail to accord with the design objectives of the NPPF.
- Paragraph 134 of the NPPF in place at the time of the decision confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The Inspector acknowledged the requirement for the extension is to create a dwelling that meets the Lifetime Homes standard. Whilst this represents a public benefit in providing a suitable accessible home for the elderly and disabled, the Inspector did not consider that the need to provide such a home outweighs the harm the extension on the Conservation Area.

Recommendation

That the appeal decision be noted.

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund for Prospect House, Main Road, Betley (Ref: 18/19002/HBG).

RECOMMENDATION:

That the following grant is approved:-

- 1. £2,178 to overhaul and repair 6 windows at the property, subject to the appropriate standard conditions**

Purpose of report

To enable members to consider the application for financial assistance.

Prospect House (Grade II) is a former large dwelling, with attached schoolroom, now split into 2 dwellings. Known as The Croft and Prospect House, the latter is on the left hand side. Built in the early 19th Century at the south end of Betley village the 3 storey building is set back from the main road with the schoolroom (currently being refurbished) attached - The Croft.

Built from brick with plain tile roof, the windows are in need of general overhauling and the owner has achieved 2 quotations from reputable firms capable of such renovation for 6 of the windows.

The total cost of the works is estimated at £10,890.41. The works are eligible for a grant of up to 20% or up to a maximum of £5,000.

The Conservation Advisory Working Party will consider this application at their meeting on the 4th September and their recommendations will be reported to the Committee.

Financial Implications

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

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Register of Locally Important Buildings and Structures in Newcastle-under-Lyme – 2018 Review

Report to Planning Committee 11th September 2018

Purpose of the Report

To approve the updated Register of Locally Important Buildings and Structures following the 2018 review.

Recommendation

That Members agree to the proposed additions to the Register, as set out Section 2 of this report.

Reason

As previously resolved, to review the Register.

1.0 Background

- 1.1 A report was considered in October 2010 to compile a list of locally important buildings and structures in the Borough. Members resolved to accept that list and call it a Register of Locally Important Buildings and Structures. Members also resolved to review the Register annually (subject to resources), plot the location of the buildings and structures on a publicly available plan and agreed that the membership of the Assessors' Panel that would consider all future nominations should be determined by the Conservation Advisory Working Party. The current Register can be viewed on www.newcastle-staffs.gov.uk/localregister
- 1.2 A Supplementary Planning Document (SPD) was adopted in March 2012 for the Register of Locally Important Buildings and Structures which sets out the procedure by which buildings and structures are added to the Register, including the scoring system.

2.0 Proposed Alterations to the Register

- 2.1 A review of the Register has been undertaken and the proposed additions to the Register following consideration of the nominations by the Assessors' Panel are set out below. 41 nominations were considered by the Panel in the 2018 review. 22 buildings and structures are now proposed to be added to the Register. These are as follows:-

- 1 Ashley Methodist Church, Wesleyan Road, Ashley**
- 2 Ashley Surgery, School Lane, Ashley**
- 3 Loggerheads Inn, Market Drayton Road, Loggerheads**
- 4 War Memorial at Hugo Meynell School, Eccleshall Road**
- 5 Providence Chapel Chapel Lane, Hookgate**
- 6 Knighton Village Hall, London Road, Knighton**
- 7 Skelhorn's Anvil, Mucklestone Churchyard**

- 8 Porthill War Memorial, St Andrews Church, High Street,
- 9 St Andrews Church, High Street, Porthill
- 10 Dwellinghouse, Old Vicarage, Haddon Lane, Chapel Chorlton
- 11 K6 telephone box Chorlton Green, Haddon Lane, Chapel Chorlton
- 12 Silverdale Colliery Pit Wheel, Scot Hay Rd, Silverdale
- 13 Sacred Heart Catholic Church, 40 Mill Street, Newcastle
- 14 The Bush Public House, 199 High Street, Silverdale
- 15 Dwellinghouse, Camp Hill House, Camp Hill, Baldwins Gate
- 16 St Margarets Mission, Maerway Lane, Blackbrook
- 17 Maer Village Hall, Maer Village
- 18 Maer War Memorial, Stone Road, Maer
- 19 Signpost Bottom of Haddon Lane, Maer Village
- 20 Residence/consultancy, Field House, Sandy Lane, Newcastle
- 21 Offices, Hillcrest, 2 Woodlands Avenue, Wolstanton
- 22 Coop funeral care, 1 Park Avenue Wolstanton

2.2 There are currently 108 entries for buildings and structures on the Register and if the above 22 entries are added to the list, this will make a total of 130 entries. The views of the Council's Conservation Advisory Working Party on the above additions to the Register will be reported to the Planning Committee in a supplementary report.

3.0 Buildings & Structures scoring below the required amount

3.1 During the review, some nominated buildings and structures fell short of the required number of points to warrant inclusion on the Register. Buildings and structures will be reconsidered at the next review if significant and appropriate additional information is provided to enable a better assessment to be made of the building.

4.0 Next Steps

4.1 The nominators and owners of the buildings and structures which are to be added to the Register will be notified and a period of time given for them to send in any representations for consideration by the Council at the next review.

4.2 The buildings and structures will be added to the Council's Geographical Information System (GIS) and the amended Register will be put on the Council's website.

4.3 The Register will continue to be regularly updated and reviewed as resources permit.

5.0 Background Papers

English Heritage: Good Practice Guide for Local Listing: 2012 <http://www.english-heritage.org.uk/publications/good-practice-local-heritage-listing/>

Supplementary Planning Document – Register of Locally Important Buildings and Structures 2012

Confirmation of Tree Preservation Order

LAND AT 3 ST MARGARETS COURT, BETLEY

Tree Preservation Order No.193 (2018)

Town & Country Planning Act 1990

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

The Order protects two trees, a scots pine and a beech tree, situated in the rear garden of 3 St Margaret's Court, Betley. The Order was made to safeguard the longer term visual amenity that the trees provide after a Section 211 Notice was submitted to the Council for tree removal and pruning.

The Order was made using delegated powers on 22nd March 2018. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 22nd September 2018

RECOMMENDATION

That Tree Preservation Order No 193 (2018), land at 3 St Margaret's Court, Betley, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

The Order covers two trees within the rear garden of 3 St Margaret's Court

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

Representations

Four representations have been received.

Objection 1 from the property owners agent:

I have been instructed to lodge an objection to the making of the above Tree Preservation Order (TPO) and reference T1, Scots Pine. It is understood that the council have assessed the trees using an un-recognised method of assessment and not the commonly known method of TEMPO (tree evaluation method for preservation orders).

The amenity assessment in TEMPO is broken down into four sections, each of which are related to suitability for making a TPO. These are:

- a) Condition
- b) Retention span
- c) Relative public visibility
- d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

- a) Condition

This is expressed by five terms, which are defined as follows:

GOOD: Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so.

FAIR Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse.

POOR Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult.

DYING Trees showing very little signs of life or remaining vitality, or with severe, dangerous irremediable structural defects, including advanced decay and insecure roothold. Death or catastrophic structural failure likely in the immediate future, retention therefore impossible as something worthy of protection.

DEAD Tree with no indication of life.

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. Dead, dying or dangerous trees should not be placed under a TPO, hence the zero score for these categories, due to exemptions within the primary legislation.

I would suggest the Scots Pine is in fair condition and scores 3 points

- b) Retention span

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' potential retention span.

This factor has been divided into ranges, which are designed to reflect two considerations: It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the U category criteria set out in Table 1 of BS5837:2012

The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time. Scores are weighted towards

the two higher longevities (40-100 and 100+), which follow the two higher ranges given by the Arboricultural Association (AA). The AA publishes a guide to the life expectancy of common trees, which includes the following data:

300 years or more Yew

200-300 Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes

150-200 Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple

100-150 Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear

70-100 Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven

50-70 Most poplars, willows, cherries, alders and birches.

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive, though it should assist with determining the theoretical overall lifespan of most trees. However, TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection. It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection.

A note on the pro forma identifies for inclusion in the less than ten years band trees which are assessed being an existing or near future nuisance, including those clearly outgrowing their context, or which are having an adverse effect on adjacent trees of better quality.

The nuisance element is introduced to cover situations where, in this case, a Section 211 Notice has been received by the Local Planning Authority (LPA) for removal of a tree with the potential of causing nuisance. In relation to outgrowing its context, TEMPO is clear that trees which are a near future nuisance within the next 10 years should score 0.

I would suggest the Scots Pine is a near future nuisance and scores 0 points

c) Relative public visibility

The category each contains two considerations: size of tree and degree of visibility. Reference is made to 'young' trees: this is intended to refer to juvenile trees with a stem diameter less than 75mm at 1.5m above ground level. The reasoning behind this is twofold: this size threshold mirrors that given for trees in Conservation Areas, and trees up to (and indeed beyond) this size may readily be replaced by new planting.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion. Whilst the scores are obviously weighted towards greater visibility, I take the view that it is reasonable to give some credit to trees that are not fully visible and/or whose visibility is not expected to change. It is accepted that, in exceptional circumstances, such trees may justify TPO protection.

I would suggest the Scots Pine is a large trees with limited view and scores 3 points

Sub-total 1

At this point, there is a pause within the decision-making process: as the prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a-c. There is a clear warning however not to proceed if:

- 'Any 0' equating to 'do not apply TPO'
- '1-6' equating to 'TPO indefensible'

Sub total 1 for the Scots Pine is 6 points and also includes a zero

It is my assessment that the TPO should not be confirmed

Objection 2 from the owners of 6 Brassington Street:

We believe this tree is native to the British Isles, but is not native to England nor this area of South Cheshire / North Staffordshire. As such, a single specimen does not provide an important part of the local flora or provide or support habitat for a wide diversity local fauna. It is believed the tree was planted post the housing development in the area and the tree is not of suitable size for the location in which it is planted. The roots will cause significant damage to drainage, services and foundation over time. The height and spread of the tree is of concern as this will gradually shadow out the native trees underplanted, such as holly, field maple and a variety of native fruit trees. The falling needles cause an imbalance in the soil pH in the vicinity of the tree and thus altering and restricting the variety of native plant that are able to thrive beneath the canopy. Finally the size of the tree and its evergreen nature reduces rainfall onto our land all year and the tree takes much of this up again restricting the variety and number of plants that will grow beneath the canopy. Most native trees to this area are of a broad leaf deciduous variety.

We believe the tree would be better removed and we would plant two locally native trees of a size more suited to a garden situation in its place in our garden, 6 Brassington Street. We propose to plant a Rowan and Hawthorn in its place or alternatives upon your recommendation.

We would argue that the impact on visual amenity for the removal of this tree is far outweighed with regard to the provision and support to the habitat of local flora and fauna that would be improved by the planting of two locally native trees.

Objection 3 from the owner of 2 St Margarets Court:

I would like to comment on the order in relation to the Beech tree only.

1. When the houses in St Margaret's Court were built in 1983 the developer planted Beech saplings along the rear boundary of the gardens to form a hedge. These plants still exist and in my garden and that of my neighbour in No. 1 they are maintained by trimming to a height of 2 metres. The Beech in the TPO is also one of these saplings and could be considered a result of neglect rather than a visually significant tree.

2. The Beech is described in the order as being "close to the boundary fencing", in fact it overhangs the boundary with my property and those in The Butts to a large extent. When in leaf the Beech casts a shadow over most of my garden (being to the Southwest of my garden).

3. The council has in the past granted permission to the owners of the Beech in No. 3 to thin and reduce it. This has been done solely to the side of the tree over the garden of No.3 resulting in the tree growing in a lop-sided, unbalanced manner.

4. Given the uneven, lop-sided state of the tree, now that it has been protected, will the Council allow future pruning/management of the tree, or will it be allowed to grow unchecked indefinitely?

5. Have the Council considered how large a Beech of this type can grow in the context of it's proximity to houses?

6. There is a Cherry tree growing very close to the Beech, also in the garden of No.3, could this be removed to benefit the Beech as part of a plan to give it a more even shape?

Objection 4 from the owner of Swallow House, The Butts:

With reference to your letter dated 23rd March 2018 regarding the Tree Preservation order 193(2018) Land at 3 St Margaret's Court.

I am the owner of Swallow House which is directly south of No 3 and I also have a financial interest in 1 Church Villas which is south east of No 3. My daughter also lives in this house. I wish to raise the following points:

1) The Beech tree is only partially visible from surrounding areas and is only totally visible from one spot on The Butts.

2) The size of the Beech tree is causing us concern as we now appear to having more severe gales during Winter and the proximity of the tree to a 150 year old house is a safety hazard. Could you clarify for me that if the order is made permanent that the council are willing to pay for any damages to adjoining properties and possessions caused by the tree?

3) Your letter states that there has been poor pruning by neighbours! I was forced to take action and prune the tree as a branch cracked and fell during severe winds, only missing my daughter's car by a few feet, and with further bad weather forecast I was concerned about other branches falling including those nearly touching 1 Church Villas. Also in the past 2 years the owner of the tree employed a tree surgeon to prune on her side resulting in the tree becoming unbalanced.

4) We are, I believe, entitled to natural light and this tree blocks out a great deal of light from a number of neighbouring houses.

5) My family have lived on The Butts for over 100 years and as a result I know for a fact that the houses were built before the trees were planted.

In conclusion I do not believe a TPO on the Beech tree or even any tree in such close proximity to houses is appropriate. I believe the trees in No 3 St Margaret's Court should be removed for safety reasons. Those trees were planted by the previous owner of 3 St. Margaret's Court.

Officers response to objections:

Your officers do not use the TEMPO method of tree assessment but have assessed the tree for, in addition to other factors, condition, retention span and public amenity. It is not considered that the pine tree is a "near future" nuisance and that, with the correct management, it can be retained in its location. It is considered that both trees are of sufficient amenity value to warrant a TPO.

The scots pine is native to England although it is the trees visual amenity that is the main consideration in relation to the making of a TPO. The pine tree will ultimately develop a high crown that is unlikely to cause significant shading issues. There is no reason to believe currently that problems with tree roots are likely to be a significant issue and if problems do arise these can be appropriately dealt with. A similar scots pine has recently been removed from the rear garden of 6 Brassington Street and other trees in the garden have been considerably reduced in size and this has increased the visual significance of the pine tree. There should be nothing to prevent suitable management of the tree where it is located.

Irrespective of its origin, is considered that the beech tree is of sufficient amenity value to warrant a TPO and that it can be suitably managed in its location. Pruning is possible from all sides to maintain a balanced crown and it would be appropriate to remove the adjacent cherry tree for the benefit of the beech. Appropriate pruning to BS3998:2010 would be possible to prevent intrusion to buildings, excessive shading and falling branches. Although only clearly visible from The Butts it is considered to be an important feature within Betley Conservation Area.

Issues

The trees are situated within the rear garden of 3 St Margarets Court, Betley. They are two individual single stemmed deciduous trees, the first a scots pine located to the rear of the dwelling, close to the boundary with 6 Brassington Street, and the second a beech on the boundary with Swallow House on The Butts. They are both semi-mature. The pine is visible from St Margarets Court, The Butts and Brassington Street, and the beech is visible from The Butts.

A Section 211 Notice, 18/00073/TCA, for tree work within Betley Conservation Area was received by the Council on 28 January 2018. This was later revised to 17/00073/TWA when the Provisional Order was made. The notice was to fell the pine tree, along with pruning work to other trees, and it subsequently became apparent that poor pruning work had been carried out to the beech tree. On 27th February further information was requested in relation to felling the pine tree but only material relating to the trees age was provided on 9th March.

Your officers inspected all of the trees on the site, including other trees that were part of the Section 211 notice, and carried out a TPO assessment, and found the pine tree and the beech tree worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 22nd March 2018 in order to protect the long term well-being of the trees.

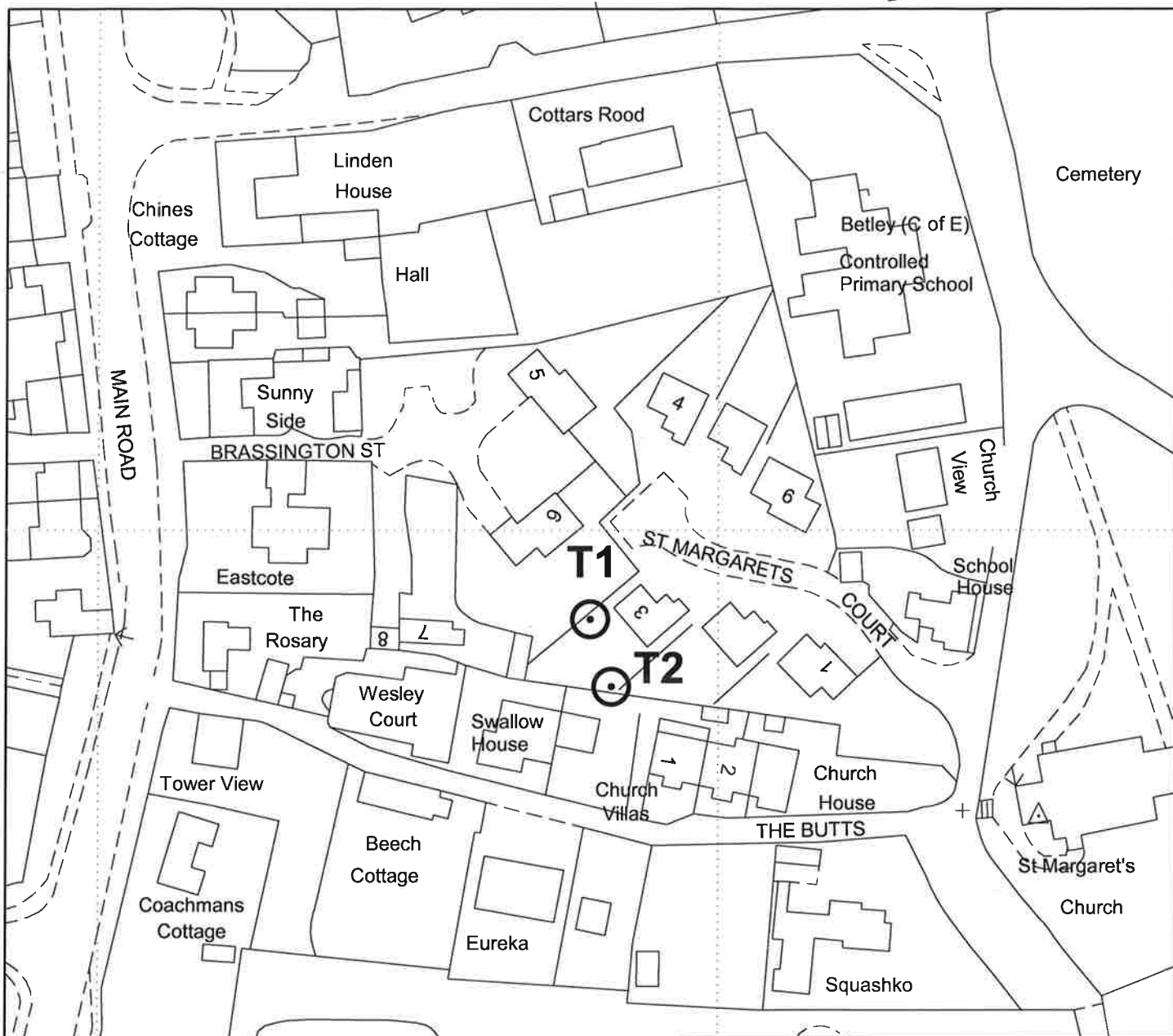
Permission was subsequently given to carry out much of the work original requested under the Section 211 notice. This included appropriate pruning of the beech tree but excluded felling the pine tree.

The trees are a significant feature to the locality, provide high public amenity and are an important visual contribution to Betley Conservation Area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. Recent loss and pruning of trees adjacent to the pine tree has increased its amenity value.

The making of the Order will not prevent the owner from carrying out good management of the trees and it will give the Council the opportunity to control the works and prevent unnecessary pruning. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Date report prepared 21st August 2018

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**NEWCASTLE UNDER LYME
BOROUGH COUNCIL**

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

TITLE:
**Land at
3 St Margarets Court
Betley**

DESCRIPTION:
**Tree Preservation Order
No 193 (2018)**

DRAWN BY:
PJS

SCALE:
1:1000

DATE:
March 2018

DRAWING NO.
Page 193

Signed

Date

22/3/18

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