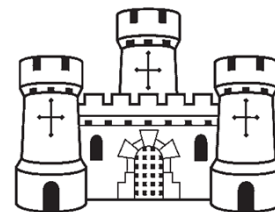


Date of meeting Tuesday, 4th December, 2018

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 - 8)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON. MR ANDREW GREEN. 18/00371/FUL** (Pages 9 - 18)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET KEELE. KEELE HOME LTD. 13/00970/OUT** (Pages 19 - 24)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - LAND AT BIRCH HOUSE ROAD, CHESTERTON. ASPIRE HOUSING GROUP. 17/01033/FUL** (Pages 25 - 36)
- 7 APPLICATION FOR MINOR DEVELOPMENT - LAND TO THE WEST OF NEWCASTLE ROAD (A53), BLACKBROOK. CARE OF AGENT. 18/00491/FUL** (Pages 37 - 48)
- 8 APPLICATION FOR OTHER DEVELOPMENT - MAER HALL, MAER VILLAGE, MAER. MR FRADLEY. 18/00821/LBC** (Pages 49 - 54)
- 9 APPEAL DECISION - 32 ALDERHAY LANE, ROOKERY. 17/00723/FUL** (Pages 55 - 56)
- 10 APPEAL DECISION - 145 OAKLEY COTTAGE, WOORE ROAD, OAKLEY. 17/00657/FUL** (Pages 57 - 58)

11 APPEAL DECISION - AXAIR FANS UK LTD.UNIT 3 LOWFIELD DRIVE, WOLSTANTON. 18/00220/FUL (Pages 59 - 60)

12 GUILLOTINE FOR REPRESENTATIONS/AMENDMENT OF SUBMITTED PLANS AT PLANNING COMMITTEE- REVIEW OF POLICY (Pages 61 - 62)

13 URGENT BUSINESS

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

Members: Councillors S. Burgess, Mrs J Cooper, A. Fear (Chair), H. Maxfield, P. Northcott, S. Pickup, B. Proctor, M. Reddish (Vice-Chair), C. 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.

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, 6th November, 2018
Time of Commencement: 7.00 pm

Present:- Councillor Andrew Fear – in the Chair

Councillors S. Burgess, Mrs J Cooper, H. Maxfield, P. Northcott, S. Pickup, B. Proctor, M. Reddish, S Tagg, G Williams and J Williams

Officers Geoff Durham - Mayor's Secretary / Member Support Officer,
Jennet Hough - Landscape Officer,
Rachel Killeen - Senior Planning Officer,
Elaine Moulton - Development Management Team Manager,
Trevor Vernon -Solicitor and
Darren Walters- Environmental Protection Officer

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

Councillor Burgess declared an interest in application 18/19003/HBG as a member of Kidsgrove Town Council.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 9 October, 2018 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON. MR ANDREW GREEN. 18/00371/FUL

Resolved: That an application on the decision be deferred but only until 4 December, to allow the views of the Lead Local Flood Authority to be obtained and for such views to be taken into consideration by the Planning Committee in its decision.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WOODROW WAY, ASHLEY. MARCUS MACHINE & TOOLS LIMITED. 17/00605/FUL

Resolved: That the decision of your officer taken under the Matters of Urgency provisions, following consultation with the Chair, that the Council should agree to enter into a Section 106 agreement, be noted.

6. APPLICATION FOR MINOR DEVELOPMENT - LAND OFF SANDFORD STREET, CHESTERTON. ASH GREEN (HOLDINGS) LTD. 18/00559/FUL

Resolved: (A) That, subject to the applicant first entering into a Section

106 agreement by 13th December 2018 to secure a review mechanism of the scheme's ability to provide affordable housing in accordance with policy and to make a policy compliant financial contribution of £33,244 (index linked) towards 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 contributions if found financially viable,

the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
 - (ii) Approved Plans
 - (iii) Facing and Roofing Materials
 - (iv) Boundary Treatments
 - (v) The access and access road being completed prior to occupation
 - (vi) The existing access permanently closed and footway reinstated
 - (vii) Parking and Turning areas retained for designated purpose
 - (viii) Cycle Parking
 - (ix) Contaminated land treatment
 - (x) Design Measures to Secure Noise Levels
 - (xi) Construction hours
- (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 affordable housing and an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development and 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.

7. APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO FARCROFT, MANOR ROAD, BALDWIN'S GATE. MR G ADAMS. 18/00674/OUT

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

- (i) The site lies within the open countryside outside the village envelope of Baldwin's Gate and the proposed dwelling would not serve an identified local need. As such, the development of this site is contrary to the objective of directing new houses to sustainable brownfield land within the village envelopes of the key rural service centres and would be contrary to Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026,

Policy H1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2018).

- (ii) The development would involve a high level of the use of the private car by occupiers of the dwelling and their visitors and therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2018).

8. APPLICATION FOR MINOR DEVELOPMENT - LAND AT DODDLESPool, MAIN ROAD, BETLEY. MR. MARK OULTON. 18/00299/FUL

Councillor G White spoke on this application.

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

- (i) Works to be completed in strict accordance with the approved plans and submitted information.
- (ii) The recommendations, mitigation measures and enhancements set out in the ecological report shall be carried out in full.
- (iii) Submission and approval of a monitoring programme for the works.
- (iv) The landscaping to be carried out in accordance with the approved plans and any planting lost or damaged within 5 years shall be replaced.
- (v) No more than a further 6000 tonnes of appropriate and relevant material for the construction of the track to be imported onto the site, unless otherwise agreed.
- (vi) All material associated with the construction and completion of the track shall cease within 24 months from the date of the decision.
- (vii) Only inert waste is to be imported - any non-conforming waste should be removed to an authorised facility.
- (viii) No more than 16 HGV movements shall enter the site per day using the Waybutt Lane access only.
- (ix) Restriction on hours of operation to 8am to 6pm on weekdays and 8am to 1pm at weekends and no construction activity on Sunday or a public holiday.
- (x) External lighting shall not be installed.
- (xi) Submission and approval of methods to reduce mud and debris onto the highway network.
- (xii) No screening or processing of inert waste shall be carried out on site.
- (xiii) Submission and approval of dust mitigation measures.
- (xiv) No waste to be burned on the site at any time.

In addition it was agreed that the full wording of condition 5 be agreed by the Chair and Vice Chair of Planning Committee, and that a bi-monthly report providing an update on the development and monitoring of its compliance with the planning permission be brought to Committee starting with the meeting on 3rd January 2019.

9. **MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2018/2019**

- Resolved:**
- (i) That the report be received.
 - (ii) That the Head of Planning with the Development Management Team Leader seeks to maintain performance of the Development Management team where satisfactory and improve the service provided where our level of performance falls significantly below the targets set out in the Planning Service Plan for 2018/19.
 - (iii) That the next 'Development Management Performance Report' be submitted to Committee around June 2019 reporting on performance for the complete year 2018/19.

10. **APPLICATION FOR MINOR DEVELOPMENT - 121 - 123 HIGH STREET, WOLSTANTON. RIGHT FINANCIAL PLANNING LTD (MR ABAD KHAN) 18/00467/FUL**

- Resolved:**
- (a) That, subject to the applicant first entering into a Section 106 agreement by 6th December 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 date of the decision, and the payment of such a contribution if found financially viable,

the application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of development
 - (ii) Approved plans
 - (iii) Secure weatherproof parking for 4 cycles
- (b) Should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant financial contributions towards public open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

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

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

12. QUARTERLY ENFORCEMENT MANAGEMENT REPORT

- Resolved:** That the information be received.

13. REPORT ON OPEN ENFORCEMENT CASES

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

14. APPEAL DECISION - BROOK FARM, 4 OAKWOOD LANE, ACTON. 17/00877/FUL

- Resolved:** That the appeal decision be noted.

15. MAER CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT

- Resolved:** (i) That the draft Maer Conservation Area Appraisal and Management Plan SPD and publication of the Consultation Statement and SPD for the required final period of representations be agreed; and
- (ii) That, subject to no representations being now received, seeking significant changes to the Appraisal and Management Plan SPD, the SPD be commended to Cabinet for adoption.

16. ARTICLE 4 DIRECTION FOR KEELE CONSERVATION AREA

- Resolved:** That the making of an Article 4 Direction for Keele Conservation area, on the terms set out in the agenda report, be agreed.

17. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - TOWER, KIDSGROVE (REF: 18/19003/HBG).

- Resolved:** That, subject to the appropriate standard conditions, a grant of £138 be provided towards a structural engineers inspection and report of the tower.

18. SCHEME FOR PUBLIC SPEAKING AT PLANNING COMMITTEE. REVIEW OF POLICY REGARDING DISPLAY OF MATERIAL

- Resolved:** That the existing scheme amended to allow the site layout plan to be displayed during public speaking; and that this amendment be brought into immediate effect.

19. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2, and 7 in Part 1 of Schedule 12A of the Local Government Act, 1972

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

Resolved: (i) That the information be received.
(ii) That an update on this case be given in a report to the Planning Committee meeting in January, 2019.

21. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 8.31 pm

FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON
MR ANDREW GREEN

18/00371/FUL

The application seeks full planning permission for the erection of 14 dwellings

The site lies within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.25 hectares

Access is proposed off London Road and the site was previously occupied by the Bennett Arms Public House which was demolished a number of years ago.

This application was reported to Committee on the 6th November but a decision was deferred to allow the views of the Lead Local Flood Authority to be obtained.

The statutory 13 week determination period for this application expired on the 9th August but the applicant has agreed a further extension of time to the statutory determination period to the 14th December.

RECOMMENDATION

Until further consultation comments from the Lead Local Flood Authority are received on the revised flood risk information indicating that their concerns have been addressed, refusal on the following grounds;

- 1. The development, without suitable flood risk mitigation measures and SuDS, would lead to the potential for flooding and would not meet sustainable development objectives is therefore contrary to policy CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2018).**
- 2. In the absence of a secured planning obligation there is not an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of a policy compliant financial contribution towards public open space and education places is not achieved. The proposal would thus be contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 & IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2018).**

Reason for recommendation

Whilst the principle of new housing development on the site is considered acceptable and the design of the scheme, access and parking arrangements and the impact on residential amenity levels are also considered acceptable, the development has failed to address flood risk concerns and it would be contrary to the NPPF.

Whilst it is considered that there is evidence that the scheme cannot support policy compliant contributions and delivery of the scheme would be desirable, without a secured planning obligation, there is not an appropriate review mechanism to allow for changed financial circumstance.

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

Officers requested a flood risk assessment to be submitted over 6 months ago and suitable information is still awaited. Without suitable information being submitted the Local Planning Authority has no alternative but to refuse the application because adequate time has been allowed for the applicant to address the flood risk matters.

KEY ISSUES

1.1 The application seeks full planning permission for the erection of 14 dwellings with associated landscape works and car parking.

1.2 The site was previously occupied by the Bennett Arms public house, which was demolished a number of years ago following the granting of planning permission (09/00155/FUL) for the demolition of the public house and the erection of seven dwellings. It is accepted that a material commencement of this development was achieved at that time but the development was not completed and the site has remained undeveloped since.

1.3 The main issues for consideration in the determination of this application are accordingly:-

- The principle of residential development
- The design and impact on the character and appearance of the area
- Car parking and highway safety
- Residential amenity matters
- Planning obligation considerations
- Flood risk considerations

2.0 The principle of residential development

2.1. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

2.2 Saved Newcastle Local Plan (NLP) policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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

2.4 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

2.5 The land is located in the urban area within an area of mixed land use and the principle of housing development on the land has been accepted previously. It is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

2.6 The proposed development complies with local and national planning policy guidance. The construction of 14 dwellings would contribute to the area's housing supply and the principle of residential development on this site is considered acceptable.

3.0 The design and impact on the character and appearance 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. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

3.2 The site is within a mixed area and sits on an important approach route into Chesterton.

3.3 The proposal is for a mix of two storey and two and a half storey town houses with six of the proposed dwellings fronting London Road. The access point for the development is also proposed to be off London Road. The remaining houses will be formed by two further blocks within the site with a car parking court arrangement proposed.

3.4 The matter was considered at a Design Review panel and necessary amendments were made to the scheme. The main change has been a more rationalised and simplified design and layout. The application is also supported by a landscape plan which demonstrates that there is some, albeit limited, opportunity to provide soft landscaping to the front of the dwellings that front London Road. The use of appropriate materials and boundary treatments would also ensure an acceptable appearance for the proposed development.

3.5 It is noted that the design and scale of the proposed dwellings would not be similar to the nearest residential properties on Leech Avenue, which have a traditional, uniform semi-detached appearance but the design and appearance of the proposed development would not harm the visual integrity of the streetscene or wider visual amenity of the area. The land has been left undeveloped for a number of years and the proposed development, particularly the buildings that front London Road, would enhance the appearance of this important approach route into Chesterton. The proposal is considered to be in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

4.0 Residential amenity matters

4.1 Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2 Existing properties that front Leech Avenue have a rear outlook towards the application site. The submitted site layout plan shows the relationship between existing and proposed dwellings with distances specified. In this respect the front elevations of plots 7-10 would face towards the rear elevations of properties on Leech Avenue which are likely to have principal windows at ground floor and first floor. The separation distance specified is 23.4 metres and the Council's SPG – Space around Dwellings advises that where a two storey dwelling faces a dwelling of a similar scale the distance between principal windows should be 21 metres. It is acknowledged that plots 7-10 are two and a half storey in height but the rooms within the roof space are not categorised as having principal windows and the additional 2.4 metre separation distance would help to ensure acceptable amenity levels for the existing occupiers on Leech Avenue. Furthermore, sections plans have been submitted which show that the proposed dwellings would be on a lower finished ground level.

4.3 The Council's SPG indicates that for a three bedroom dwelling a private garden area of 65 square metres should be provided. Plots 4, 5, 7, 10, 12 & 13 all have rear gardens significantly less than the guidance but these areas would still ensure that the future occupiers would have outdoor space to sit out and for children to play. The shortfall of private amenity space for the future occupiers of the plots specified is a concern but there are a number of areas of public open space within walking distance of the site which would, to a certain extent, meet the needs of the occupiers also.

4.4 The Environmental Health Division has advised a number of conditions to protect future occupiers from noise impacts of the nearby industrial estate.

5.0 Car parking and highway safety

5.1 The access to the site would be taken off London Road with off street car parking provision being via a parking court. The proposal provides 22 off street car parking spaces.

5.2 NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. In March 2015 the

Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. LPAs have also been encouraged not to set maximum limits on the amount of parking either.

5.3 The parking standards identified in the Local Plan indicates that for two or three bedroom dwellings, which are being proposed here, a maximum of two off street car parking spaces should be provided per dwelling. In this instance there are just over 1.5 spaces per dwelling.

5.4 The Highways Authority has raised no objections subject to a number of conditions, in particular the submission and approval of improved access arrangements and a car park management scheme which sets out how the car parking spaces will be allocated.

5.5 Whilst there is a shortfall in terms of the maximum specified car parking levels set out in Local Plan policy T16 the site is situated in a sustainable urban area with a bus stop directly outside the application site. The site is also within walking distance of shops in Chesterton, employment opportunities and education facilities which are in close proximity to the site. Therefore, the proposal would provide opportunities for other modes of travel other than the use of a private motor vehicle. The Highway Authority must be presumed to consider that the development would not result in an unacceptable impact on highway safety.

5.6 Subject to the advised conditions the proposed development is considered unlikely to lead to significant highway safety implications because an acceptable level of off street car parking is proposed and the access position is acceptable. The development would therefore meet the guidance and requirements of the NPPF.

6.0 Planning obligation considerations

6.1 The development of 14 houses does not trigger a requirement for affordable housing but a financial contribution of £33,244 towards secondary education places has been requested by the Education Authority who advise that a development of this size could add 3 primary school aged children and 2 secondary school aged children. Whilst Churchfields Primary School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development, Chesterton Community Sports College is projected to be full for the foreseeable future so they advise that a contribution is required.

6.2 A financial contribution of £78,106 towards the improvement and maintenance of public open space (POS) has also been requested and is required to make the development acceptable. This would make the development policy compliant and 'sustainable'. The contribution towards POS is sought for improvements to playground facilities at Bamber Place which is a 650 meter walk from the site, or Chesterton Park which is a 920m meter walk, or to open space facilities off Sheldon Grove which is immediately adjacent to the site, or Golf Course Walks which is 240 meter walk. It is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, to be directly related to the development and fairly and reasonably related in scale and kind to the development.

6.3 It is also necessary to consider whether the financial contributions sought comply with Regulation 123 of the CIL Regulations. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010. Regulation 123 would be complied with in this instance.

6.4 The financial contributions set out above were also requested during the determination of a previous planning application (17/00627/FUL) for a similar development - this application was subsequently withdrawn. At the time the applicant advised your officers that the scheme would be financially unviable with policy compliant financial contributions towards education places and Public Open Space. This resulted in independent advice being obtained from the District Valuer (DVS) who produced a financial viability report in April 2018. The report of the DVS concluded that the scheme is

unviable with any level of financial contributions and the deferment of the payments would also not alter this conclusion.

6.6 The new NPPF marks a significant change in the approach to be adopted to viability in planning decisions. 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. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. 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. The scheme does provide benefits, which include the redevelopment of a site that has been left undeveloped for a number of years and has had a detrimental impact on the visual amenity of the area. The development would also contribute to housing supply in the Borough and assist in particular in the regeneration of the Chesterton area where there have been a number of "stalled" housing sites in recent years. These benefits are considered to outweigh the harm caused by the additional demand created by the development on the infrastructure of the area that would be the result were no financial contribution made to adding to that infrastructure.

7.0 Flood Risk Matters

7.1 Paragraph 155 of the NPPF advises that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." It also states in para.165 that "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate."

7.2 Policy CSP3 of the CSS also requires all suitable flood mitigation measures to be investigated and where possible incorporated into the development, along with the use of Sustainable Urban Drainage Schemes (SUDS).

7.3 The LLFA advises that whilst a Flood Risk Assessment (FRA) has now been submitted it is recommended that further flood risk investigations and potential mitigation are required. Planning permission should not be granted until this further information is received because any mitigation measures could result in a material change to the design and layout of the proposed development. An acceptable Sustainable Drainage Strategy is also still requested and outstanding.

7.4 The application was deferred at the last Planning Committee meeting to allow the further views of the LLFA to be obtained following the submission of further flood risk information on the 5th November. . Until their advice is received on the further flood risk information your officers cannot be satisfied that potential flood risks matters have been addressed. The proposals therefore remain contrary to the precautionary approach advised in the NPPF and policy CSP3 of the CSS.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy 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 T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

Other material considerations include:

National Planning Policy Framework (July 2018)

Planning Practice Guidance (March 2014, as updated)

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

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Newcastle-under-Lyme Open Space Strategy – adopted March 2017

Space Around Dwellings SPG (SAD) (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

Planning permission was granted under planning application reference 09/00155/FUL for the demolition of the existing public house and erection of seven dwellings. The public house was demolished and construction of at least two of the dwellings commenced but no further work was carried out.

A planning application was also submitted under planning application reference 17/00627/FUL for 14 two and three storey terraced houses in three blocks. This application was subsequently withdrawn by the applicant.

Views of Consultees

The **Education Authority** states that the proposed development falls within the catchments of Churchfields Primary School and Chesterton Community Sports College.. The development is scheduled to provide 14 dwellings and a development of this size could add 3 Primary School aged pupils and 2 High School aged pupils. Churchfields Primary School is projected to have sufficient

space to accommodate the likely demand from pupils generated by the development. However, Chesterton Community High School is projected to be full for the foreseeable future. Therefore an Education Contribution for 2 High School places (2 x £16,622 = £33,244.00) is sought.

The **Highway Authority** raises no objections subject to conditions that secure the following;

- submission and approval of revised access details;
- no occupation of the dwellings until the road, parking and turning areas have been provided;
- submission and approval of surfacing, surface water drainage and delineation of car parking spaces;
- submission and approval of car park management scheme;
- existing site access made redundant and the crossing reinstated;
- provision of a sign indicating a private road at the new access;
- the access shall remain ungated; and
- submission and approval of a construction management plan.

The **Environmental Health Division** raises no objections subject to conditions that secure the submission and approval of a construction and Demolition – Environmental Management Plan, land contamination matters, prior approval of external lighting, design measures to control noise impact levels on future occupiers, and the submission and approval of an assessment of the potential impacts arising from noise from the Holditch Industrial Estate.

They also raise no concerns regarding air quality impacts and no detailed air quality impact assessment has been requested in relation to air quality impacts of the local area upon the development.

The **Landscape Development Section** raises no objections subject to conditions which secure tree protection to retained and overhanging trees and landscaping proposals to be in accordance with the plans provided.

They also request a financial contribution for capital development/improvement of offsite open space of £4,427 in addition to £1,152 (per dwelling) for 60% of maintenance costs for 10 years. Total contribution £5,579 (per dwelling). The money to be used for improvements to the playground facilities at Bamber Place which is a 650 meter walk from the site, or Chesterton Park which is a 920m meter walk, or to open space facilities off Sheldon Grove which is immediately adjacent to the site, or Golf Course Walks which is 240 meter walk.

Staffordshire County Council Flood Risk Team (LLFA) advises that planning permission should not be granted because the Surface Water Flood Map indicates that the site is affected by a flow path from the NE and potential ponding in the SW and site access. There is also a culverted watercourse shown to adjacent to the SW site boundary. Further flood risk investigations (additional to the submitted FRA) are required and potential mitigation should be identified. They say that these could be fundamental to the design and layout of the proposed development. They also advise that further information to demonstrate that an acceptable Sustainable Drainage Strategy can be achieved is also requested.

Their comments are awaited on the revised flood risk assessment.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** welcome the redevelopment of this site which has been an eyesore for a number of years. They raise no objections to the layout but advise that plots 1 and 6 in particular (but also plots 11 and 14) do not show (lockable) gating or fencing to the side of the properties. Other improvements to boundary treatments are also recommended.

The **Waste Management Section** raise no significant objections but require further information on waste collection arrangements.

Comments were also invited from the **Environment Agency, the Housing Strategy Section** and the **Greater Chesterton Locality Action Partnership** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

Eight letters of representation have been received raising the following objections and concerns;

- The public have objected to previous applications,
- The land floods,
- There is Japanese Knotweed on the land,
- Extra air pollution from biomass system,
- Overshadowing, loss of light and privacy to neighbouring properties,
- The existing bus stop is not on the plans and plots 1 - 6 encroach onto the public highway,
- The site is too small for 14 dwellings,
- Increased traffic and congestion on already busy roads,
- Some of the plots have very small gardens which is contrary to policy,
- The houses nearest London road need to be protected from noise,
- How can garden waste bins be emptied?
- It represents overdevelopment of the site and would be overbearing.
- Inadequate parking provision and access arrangements,
- The area is prone to subsidence with some houses on Leech Avenue previously affected

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00371/FUL>

Background Papers

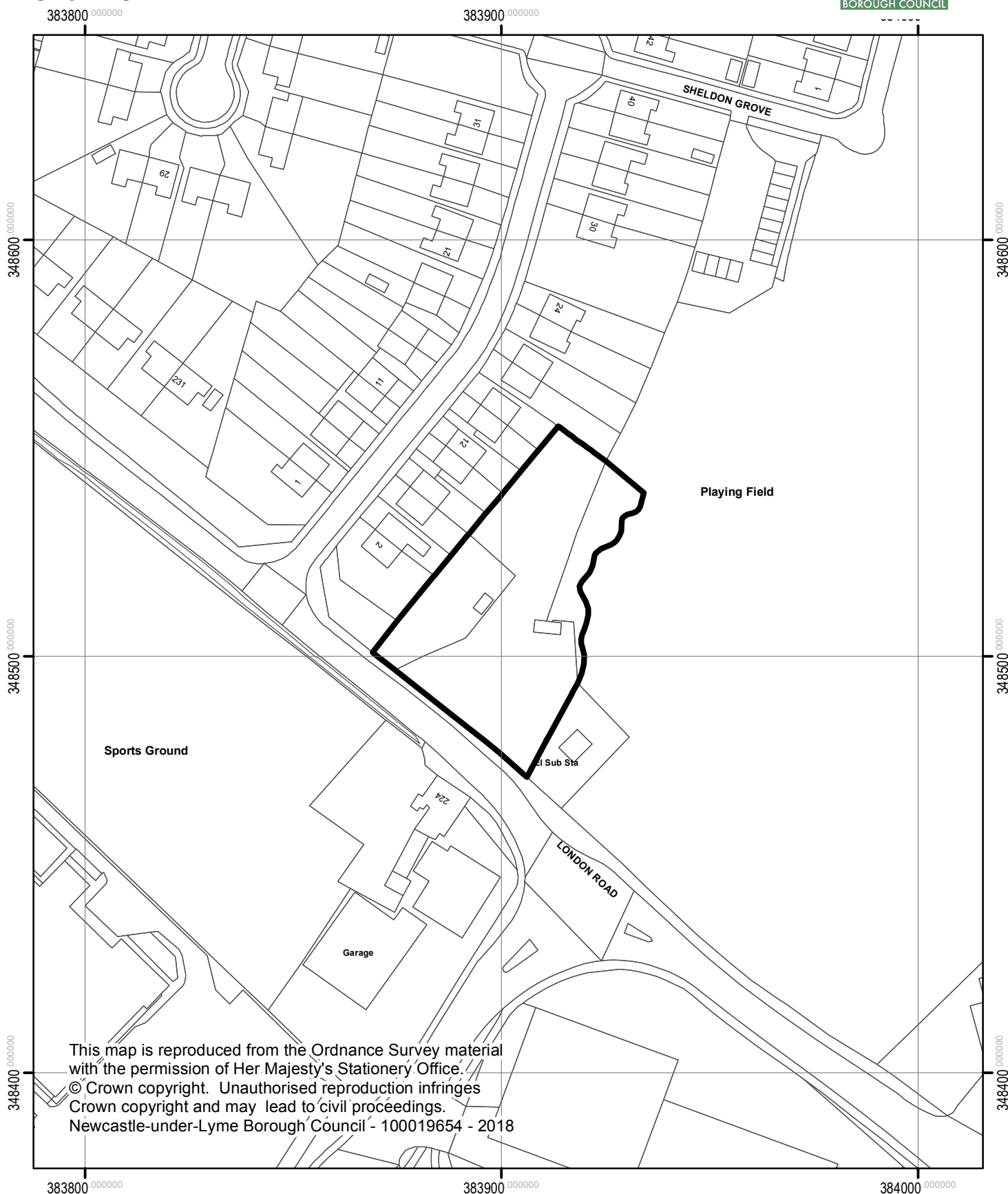
Planning File

Development Plan

Date report prepared

15th November 2018

**The Bennett Arms, London Road
Chesterton
ST5 7PS**



This page is intentionally left blank

LAND OFF PEPPER STREET KEELE
KEELE HOME LTD

13/00970/OUT

Outline planning permission for residential development of up to 100 dwellings was granted in April 2015, following the completion of an agreement under Section 106 securing various planning obligations.

A request from the applicant has been received to vary the terms of the agreement.

RECOMMENDATION

That, the S106 Agreement be varied , by reducing the amount of affordable housing to 6% as requested by the applicant, and that the trigger for reappraisal be amended to 18 months from the date of the District Valuer's final report in the absence of substantial commencement being achieved by that date.

Reason for Recommendation

It has been demonstrated that the scheme is financially unviable with 15% affordable housing in addition to the other contributions secured. It has also been demonstrated that with 6% affordable housing (and the contributions) the scheme is unviable. The applicants' request has been that the Council (and the County Council as the other party to the agreement) agree to amend the agreement to require 6% affordable housing and the other contributions, on the basis that otherwise the development will not proceed. The scheme does provide benefits including a significant contribution to the supply of housing in the Borough, and more significantly the mitigation of the burning spoil heap which has been ongoing since 2006 and which is a risk to the safety of those that access the site. These benefits are considered to outweigh the harm arising from a reduction in the amount of affordable housing that is secured through this development.

Key Issues

When a Section 106 agreement was drawn up in April 2015 with respect to the development referred to in planning application 13/00970/OUT, the agreement secured the following;

1. A contribution towards school spaces of £364,627 and the sum being able to be adjusted should the development as built be for less than the full 100 units;
2. 15% Affordable Housing provision;
3. The entering into of a Management agreement to secure the long term maintenance of the public open space and any play equipment provided to meet the needs of the residential development, and the maintenance of any boundary treatment to prevent access to the landfill site;
4. A Travel Plan monitoring fee of £6,500;
5. A financial bond to be held by the council to be used to fund the works necessary to complete the process of extinguishing the fire and reinstating that part of the site affected by such works should the developer fail to do so following commencement of such works; and
6. A financial viability reappraisal if the development is not been substantially commenced within 18 months from the grant of this outline planning permission and appropriate adjustments be made, on the basis of such reappraisal(s) to the level of affordable housing with a cap of 25% and a floor of the level of affordable housing referred to in 2) above.

In all respects other than with regard to affordable housing provision the contributions secured were policy compliant. The level of affordable housing secured was less than policy requires as it was demonstrated that the development could only support 15% provision.

Subsequently an application was received under Section 106BA of the 1990 Town and Country Planning Act (15/00359/DOAHR) which sought, for a limited period, the revision of the affordable housing contribution requirement of a planning obligation. The outcome of that process, as determined by the Planning Committee, was a further reduction in the level of affordable housing provision within the development to 6% for a 4 year time limited period (from the date of the decision).

That period has not lapsed and the required level of provision therefore remains at 6% although it is likely to revert to 15% before the construction of the dwellings commence.

The developer, however, maintains that affordable housing provision above 6% would render the development unviable and has requested that the original Section 106 agreement is varied by the Council. This is not a formal application but a request, at this stage there being no formal application process available to the developer at present. The case advanced by the developer that seeks to demonstrate their claim has been independently assessed by the District Valuer (DV).

The evidence received for this assessment to substantiate the developer'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 its related guidance on the consideration of viability.

In undertaking the review of viability of this development the DV has taken into consideration the development as approved under the reserved matters application 18/00262/REM and has, in his Draft report, concluded that the proposed scheme cannot support the provision of any affordable housing or the payment of any Section 106 contribution without being rendered unviable (the residual land value of such a scheme being less than the Existing Use Value + benchmark figure). Whilst the basis for that conclusion is not at present accepted by your Officer, what is accepted is the advice of the DV that the scheme cannot support any more than 6% affordable housing (and the Section 106 contributions). The developer is, only requesting the amount of affordable housing to be provided is reduced from 15% to 6% and is understood to be still prepared to pay all the contributions that were secured.

.

APPENDIX

Relevant Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
Planning Practice Guidance (PPG) (2014)

Developer Contributions Supplementary Planning Document

Background papers

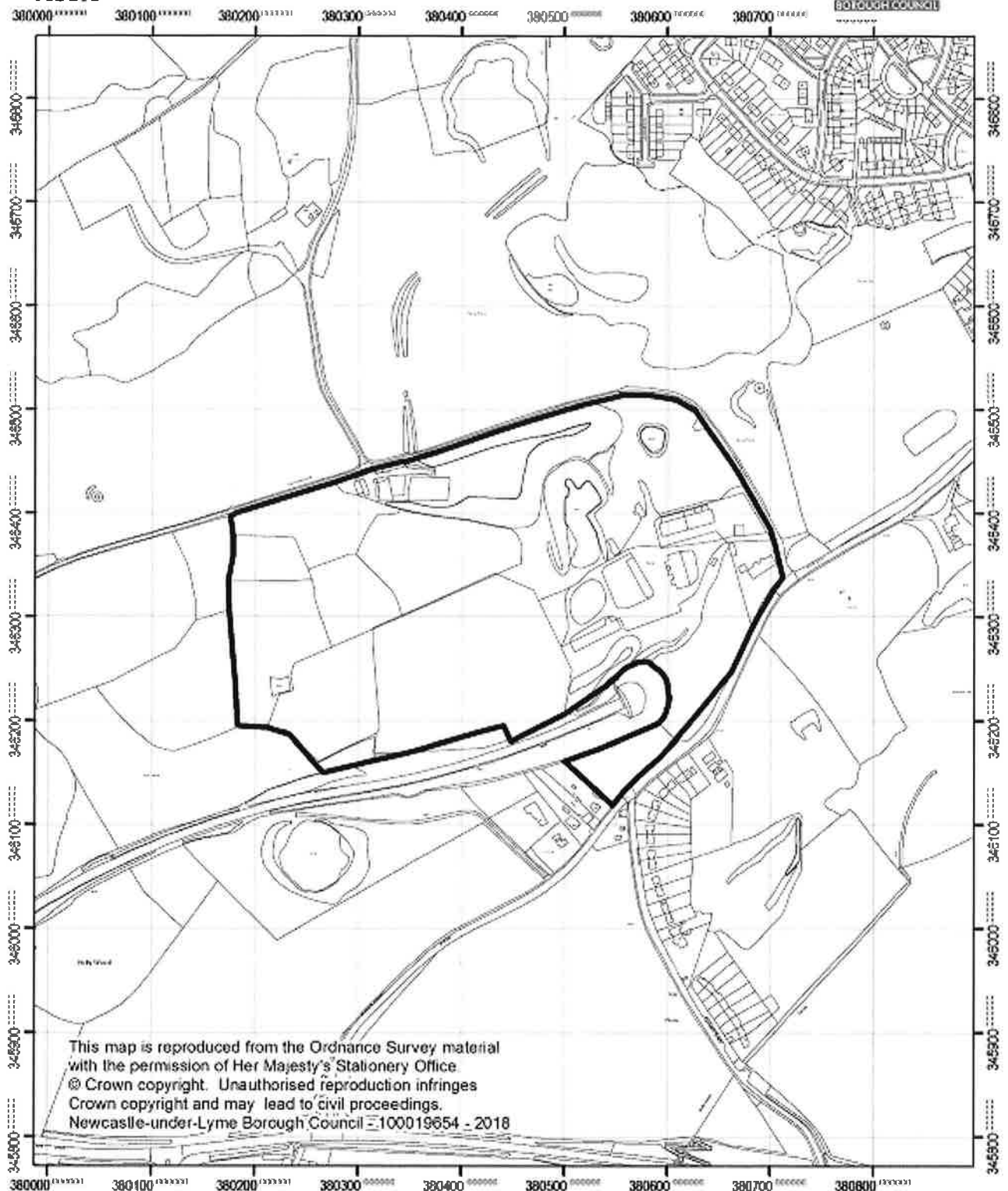
Planning file referred to
Planning Documents referred to

Date report prepared
23rd November 2018

This page is intentionally left blank

13/00970/OUT

**Land North Of
Pepper Street
Keele**



Newcastle Borough Council



1:5,000

This page is intentionally left blank

LAND AT BIRCH HOUSE ROAD, CHESTERTON
ASPIRE HOUSING GROUP

17/01033/FUL

The application seeks full planning permission for the demolition of a former community centre and construction of 30 dwellings

The site is located off Birch House Road, Holly Road and Whitethorne Way within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.57 hectares

The statutory 13 week determination period for this application expired on the 28th August but the applicant has agreed an extension of time to the statutory determination period to the 11th December 2018.

RECOMMENDATIONS

- A. Subject to the applicant first entering into a Section 106 agreement by 1st February 2019 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £167,370 (index linked) towards public open space at Crackley Recreation Ground (Hazel Road), if the development is not substantially commenced within 12 months from the date of the grant of the planning permission, and the payment of such contribution if then found financially viable,

PERMIT the application subject to conditions relating to the following matters:-

1. Standard Time limit for commencement of development
2. Approved Plans
3. Prior approval of a scheme for the provision of 8 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 of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.
4. Facing and Roofing Materials
5. Boundary Treatments
6. Proposed finished ground levels and first floor levels
7. Landscaping scheme, including replacement tree planting
8. Widening of Laburnum Place and off-site car parking provision
9. Provision of road, parking and turning areas
10. Surfacing, surface water drainage and delineation of car parking spaces
11. Gradient of access drives
12. Upgrading of two existing bus stops on Holly Road
13. Visibility Splays
14. Existing site accesses (on Whitethorne Way and Holly Road) made redundant and the crossing reinstated
15. Construction management plan
16. Restriction on construction and demolition hours
17. Land contamination
18. Flood Risk Assessment (FRA)/Drainage Strategy mitigation measures
19. Refuse and recycling collection arrangements
20. Bat and bird boxes

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, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for off site open space should financial circumstances then permit; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendations

The development is located within a highly sustainable urban area, on previously developed land, and there is a strong presumption in favour of sustainable development, which results in the development being considered acceptable in principle. The design of the scheme, highway safety and residential amenity levels are considered acceptable subject to conditions. It is accepted, following the obtaining of independent financial advice, that the scheme is not viable if policy compliant financial contributions towards public open space are required and whilst it is recommended that these policy compliant requirements are not sought, given the contribution the development makes to housing supply, particularly to affordable housing and the regeneration of this part of Chesterton, a Section 106 agreement is required to secure a review mechanism should substantial commencement not be achieved promptly.

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

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

KEY ISSUES

1.1 The application seeks full planning permission for the demolition of a former community centre and the construction of 30 dwellings.

1.2 The site was previously occupied by the Hulston Public House and a parade of shops which have since been demolished but the community centre still remains on the land.

1.3 The site is located off Birch House Road, Holly Road and Whitethorne Way within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.57 hectares.

1.4 The main issues for consideration in the determination of this application are accordingly:-

- The principle of residential development
- The design and impact on the character and appearance of the area
- Residential amenity matters
- Car parking and highway safety
- Planning obligation considerations

2.0 The principle of residential development

2.1. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

2.2 Saved Newcastle Local Plan (NLP) policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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

2.4 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

2.5 The land is located in an urban residential area, which is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

2.6 The National Planning Policy Framework (NPPF) advises, at paragraph 11 that decisions should apply a presumption in favour of sustainable development. It goes on to say that 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 NPPF 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.

2.7 Footnote 7 indicates that out-of-date as referred to in the second bullet point 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.

2.8 The Council, following the adoption of the latest five year housing land supply statement at Planning Committee on 27th September, can now demonstrate a housing land supply of deliverable housing sites, allowing for the appropriate buffer, of 5.45 years. The policies of the Development Plan referred can therefore be considered to be up to date and can be given due weight given that they are not inconsistent with the NPPF. Such policies are supportive of residential development in this location.

2.9 The proposed development complies with local and national planning policy guidance. The construction of 30 dwellings would contribute to the area's housing supply and the principle of residential development on this site is considered acceptable.

3.0 The design and impact on the character and appearance 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. Furthermore, paragraph 127 of the Framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

3.2 The site has been undeveloped following the demolition of a public house and parade of shops. The proposal therefore seeks to redevelop the site as a mechanism for the regeneration of the site and the applicant describes the proposed development as a 'mini landmark' for the neighbourhood.

3.3 The proposal is for 30 dwellings consisting of a mixture of 10 two-bedroom houses, 12 three bedroom houses, 2 two-bedroom bungalows and 6 one bedroom walk up flats which will all be offered as affordable housing.

3.4 The site is characterised by the steep gradient (approximately 1:10) which rises from Birch House Road, towards the south west, to the rear boundaries of existing properties on Maple Avenue, towards the north east.

3.5 The proposed development represents a relatively dense housing scheme within the urban area. The proposal seeks to re-establish a street frontage on Holly Road, Birch House Road and Whitethorne Way, which is considered appropriate but frontage car parking would have some level of impact on the street scene.

3.6 The submitted plans indicate that each dwelling will be constructed using two different facing bricks – a red brick on the ground floor elevations and a brown brick on the first floor elevations. Your officers do have significant concerns about this choice of feature and remain to be convinced that it is appropriate. Therefore, appropriate facing materials will still need to be secured by condition.

3.7 Notwithstanding the level of frontage car parking, it is considered that the proposed house types are acceptable and the scheme would enhance the character and appearance of the area, subject to conditions which secure appropriate facing materials, boundary treatments, hardstandings and soft landscaping.

3.8 The submitted flood risk assessment (FRA) and drainage strategy indicate that the site topography and proposed density of the development make surface SuDS features impractical and it is proposed that a new adoptable storm drainage system will be constructed beneath the new access road to the site with attenuation provided at each plot via permeable paving and a storage system.

3.9 Whilst surface water SuDS features within the development would have been preferable it has to be acknowledged that the topography of the land and the level of housing provision result in this being unrealistic in this instance. The LLFA have also raised no objections to the proposed drainage strategy subject to conditions.

3.10 The Waste Management section have raised concerns about the access arrangements to certain plots and the potential issues that this would create for waste collection. In response, the applicant has submitted revised information, which addresses the specific concerns, but a condition regarding waste/recyclables collection arrangements is still necessary to ensure that the development can function appropriately.

3.11 Subject to the recommended conditions, the proposal is considered to be in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

4.0 Residential amenity matters

4.1 Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2 As discussed, a constraint of the site is the steep gradient and the proposed dwellings that front Birch House Road towards the south west of the site would be approximately 8 metres lower than the proposed dwellings located close to the rear boundaries of existing properties on Maple Avenue towards the north east of the site.

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

4.4 Properties on the adjacent Maple Avenue are positioned on a higher level than the proposed dwellings but there would only be one instance whereby principal windows would face one another, this being between plots 1 & 2 and 16 & 18 Maple Avenue. The separation distances are between 21 and 23 metres and when taking into consideration the difference in ground levels there would be a slight shortfall in the required separation, which could lead to a potential loss of privacy for the future occupiers of plots 1 & 2. The installation of a solid boundary treatment on the rear elevation would assist in protecting residential amenity levels and on balance it is considered that the loss of amenity would not be so severe that a reason for refusal would be justified.

4.5 Acceptable levels of private amenity space would be achieved for the houses and there would also be an area of shared amenity space for the flats.

4.6 In conclusion, it is considered that subject, to suitable boundary treatments and landscaping which can be secured through suitably worded conditions, a good standard of amenity for all existing and future occupants of land and buildings, as required by the NPPF, could be achieved.

5.0 Car parking and highway safety

5.1 The proposed development has two parking courts but many of the proposed dwellings would take their access drives off the road frontage. Therefore, access will be achieved off Holly Road, Birch House Road, Whitethorne Way and Laburnum Place. The two parking courts would be taken off Laburnum Place and Whitethorne Way.

5.2 NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The NPPF sets out that there should be a presumption in favour of

sustainable development and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

5.3 The Highways Authority has no objections subject to a number of conditions, in particular the widening of Laburnum Place that has existing parking problems and the upgrade of two existing bus stops on Holly Road. Further, off-site highway works are also proposed with car parking spaces being created for existing properties on Laburnum Place to further improve access arrangements for one of the proposed parking courts.

5.4 The proposed development is for a mix of one, two and three bedroom properties and proposed development demonstrates that 52 spaces can be provided within the site. This is considered to represent an acceptable level of car parking for the number of units proposed in this location, which is within walking distance of shops, employment opportunities and education facilities. The off-site upgrade of the two bus stops would also be a benefit which would seek to encourage and improve public transport use in accordance with the new NPPF. Therefore, the proposal would provide opportunities for other modes of travel other than the use of a private motor vehicle.

5.5 Subject to the advised conditions the proposed development is considered unlikely to lead to significant highway safety implications because an acceptable level of off street car parking is proposed and the access arrangements are acceptable. The development would therefore meet the guidance and requirements of the NPPF.

6.0 Planning obligation considerations

6.1 CSS Policy CSP6 states that residential development within the urban area, on sites of 15 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

6.2 In this case, irrespective of the planning policy requirements outlined above Aspire as a Registered Social Landlord (RSL) have applied for development where all of the 30 units proposed are to be affordable. As such the policy requirements would be met.

6.3 Affordable Housing is usually secured by a S106 agreement but in the past applications by Aspire (where all units are to be affordable) a condition has been considered acceptable. On the basis of the number of dwellings proposed, the policy compliant affordable housing requirement for this site would be 8 units and whilst the proposal is 100% affordable housing it remains necessary for this number of units to be secured for that purposed in perpetuity to comply with policy. It is considered that this could be achieved through an appropriately worded condition, rather through a S106 planning obligation which would create difficulties in the Registered Provider obtaining funding from the Homes England.

6.4 The Education Authority has not requested a financial contribution towards education places in the locality because there is existing capacity. However, the Landscape Development Section (LDS) have requested a financial contribution of £167,370 towards the improvement and maintenance of public open space (POS). The contribution towards POS is sought for improvements at Crackley Recreation Ground on Hazel Road, in particular improvements to the teen play elements of the site, which is approximately 80m away from the application site. The applicant has contested the request stating that it is not justified, in particular they indicate that it has not been demonstrated how the contribution would help to mitigate the perceived impact of 30 units and the impact on the specified open space. Your officers however are satisfied that the impact of 30 units in this location would put additional pressure on the infrastructure of the area and the contribution would secure improvements to a specified project and its longer term maintenance to mitigate the impact. It is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, to be directly related to the development and fairly and reasonably related in scale and kind to the development.

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

infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010. Regulation 123 would be complied with in this instance.

6.6 The applicant stated that the scheme cannot support the requested policy compliant contributions towards POS and independent financial advice has now been received by the Authority. The report of Butters John Bee (BJB) concludes that the scheme is unviable with any level of financial contributions and the deferment of the payments would also not alter this conclusion. BJB have also confirmed that even if the scheme was not proposing 100% affordable housing, and was just proposing the policy complaint 25%, then it would not change the conclusions of the financial viability of the scheme.

6.7 The new NPPF marks a significant change in the approach to be adopted to viability in planning decisions. 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. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. 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. The scheme does provide benefits, which include the redevelopment of a site that has been left undeveloped for a number of years. The development would also contribute to housing supply in the Borough and assist in particular in the regeneration of the Chesterton area and provide 30 affordable houses. These benefits are considered to outweigh the harm caused by the additional demand created by the development on the infrastructure of the area that would be the result were no financial contribution made to adding to that infrastructure.

6.8 The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution towards POS, if the site were to be found capable of financially supporting these features.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy 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 T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

Other material considerations include:

National Planning Policy Framework (July 2018)

Planning Practice Guidance (March 2014, as updated)

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

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Newcastle-under-Lyme Open Space Strategy – adopted March 2017

Space Around Dwellings SPG (SAD) (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

16/00194/DEM Application for prior notification of proposed demolition of buildings (Public House)
Deemed Permitted

Views of Consultees

The **Education Authority** states that the proposed development falls within the catchments of Crackley Bank Primary School and Chesterton Community Sports College. The development is scheduled to provide 30 dwellings all of which are RSL dwellings. RSL dwellings are discounted from secondary school aged calculations only. A development of this size could add 5 primary school aged children. Crackley Bank Primary is projected to have sufficient space to accommodate the likely demand of the pupils generated by the development and a financial contribution towards education places in this instance is not sought.

The **Highway Authority** raises no objections subject to conditions that secure the following;

- Off-site highway works - the widening of Laburnum Place, improvement to the turning head and provision of four off road parking spaces;
- No occupation of the dwellings until the road, parking and turning areas have been provided;
- The private drives shall have a gradient not exceeding 1:10;
- Submission and approval of surfacing, surface water drainage and delineation of car parking spaces;
- The upgrade of two bus stops on Holly Road;
- Submission and approval of visibility splays onto Whitethorn Way;
- Existing site accesses made redundant and the crossings reinstated; and
- Submission and approval of a construction management plan.

The **Environmental Health Division** raises no objections subject to pre commencement land contamination conditions and a condition which restricts construction and demolition hours.

The **Landscape Development Section** express their disappointment that the most significant trees have been removed from the site prior to consideration of the application. They therefore request a landscaping scheme which should secure replacement tree planting.

They also request a financial contribution for capital development/improvement of offsite open space of £4,427 in addition to £1,152 (per dwelling) for 60% of maintenance costs for 10 years. Total contribution £5,579 (per dwelling). The money to be used for improvements at the Crackley Recreation Ground Hazel Road), which has been identified as needing improvements to the teen play element of the site, and is approximately 80m away.

Housing Strategy raises no objections subject a condition to secure Affordable Housing.

Staffordshire County Council Flood Risk Team (LLFA) raises no objections subject to a condition which secures acceptable mitigation measures in accordance with the submitted flood risk assessment and additional measures to limit surface water run off flows, attenuation volume, finished floor levels, maintenance of the surface water system, and water treatment elements.

The **Mineral and Waste Planning Authority** concludes that the development would not lead to the significant sterilisation of an important mineral resource and therefore raises no objections.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** welcomes the proposed redevelopment of this redundant site, which over the years has attracted anti-social behaviour. They advise that the layout appears to be very sound and would deter crime and anti-social behaviour where possible. However, a number of further security recommendations are advised which includes; fencing and gating should be positioned as close as possible to the front of the building line as possible and the addition of some external defensive hedge planting.

The **Waste Management Section** raises concerns regarding waste collection arrangements for a third of the plots which has the potential to mean that containers are left at the collection point between collections. A shared bin store at the point where the highway becomes unadopted, or adoption of the new length of highway is recommended.

Cadent (National Grid) advises that searches have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. They therefore provide a number of advisory notes/ recommendations prior to works commencing on site.

Comments were also invited from the **Greater Chesterton Locality Action Partnership** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

One letter of representation has been received raising concerns about on street car parking issues being exacerbated and possible loss of privacy from overlooking.

Applicant/agent's submission

All of the application documents can be viewed on the Councils website using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/01033/FUL>

Background Papers

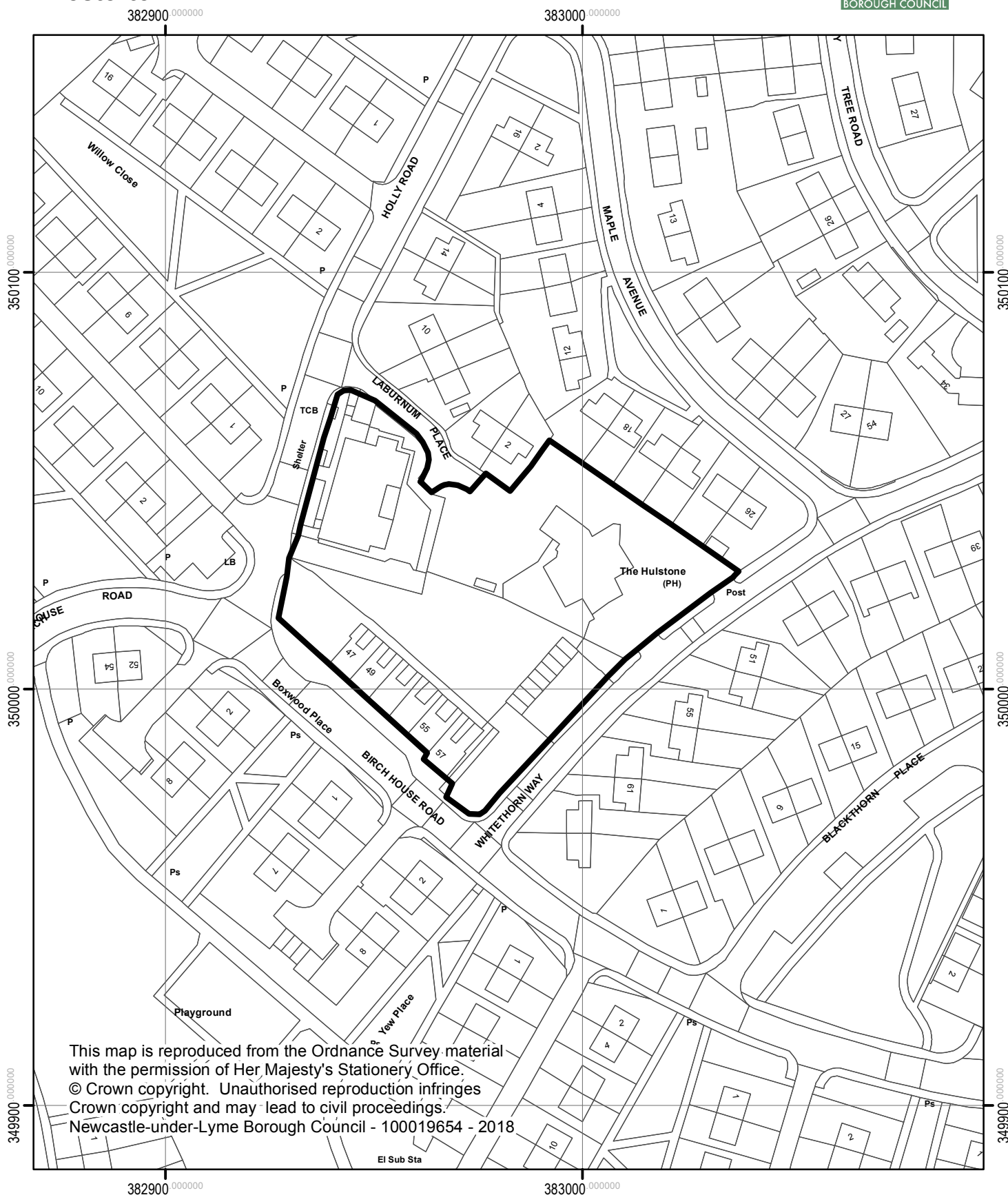
Planning File

Development Plan

Date report prepared

21st November 2018

Land At Birch House Road, Holly Road And Whitethorne Way Chesterton



This page is intentionally left blank

LAND TO THE WEST OF NEWCASTLE ROAD (A53), BLACKBROOK
CARE OF AGENT **18/00491/FUL**

The application seeks planning permission for the change of use of the land for the siting of caravans for residential purposes for 4 no. gypsy pitches.

The site in question measures approximately 0.24 hectares, and has been associated with Blackbrook nurseries and contains a glasshouse.

The application site is located off Newcastle Road (A53) and is accessed via an existing field gate. The site is located in an area of Open Countryside and an Area of Landscape Enhancement as defined within the Local Plan Proposals Map.

The application has been called in to Committee by two Councillors for the following reasons:

- The proposed site is close to a road junction that local residents and regular road users have complained is hazardous, particularly in relation to the heavy volume of HGVs passing through it. A large amount of photographic evidence exists to demonstrate this fact;
- This site is totally unsuitable, as it would not be at all safe for children to walk past the gate let alone to the bus stop. There is no footpath;
- This is not a socially sustainable development as there is a lack of local amenities nearby either in Loggerheads or Baldwin's Gate, both of which are served by only a very limited bus (one per hour) and none in the evenings or on Sundays;
- There are no details of any services to any of the site, no mention of sewerage or waste removal.
- The planning application is effectively a housing development and as such needs to be fully considered by the Borough Planning Committee and not delegated to a Case Officer;
- This is not a simple change of use but a fundamental planning application submission that does not fit with the rural characteristics of this locality.

The statutory 8 week determination period for the application has been extended to the 6th December

RECOMMENDATION

REFUSE for the following reasons;

1. The proposed development is in an unsuitable location within the open countryside away from services and facilities and without safe and convenient access to public transport. Whilst the Local Planning Authority recognises that there is an identified and unmet need for a further gypsy and traveller pitch in the period between 2014 and 2018, the benefits arising from the proposed development do not outweigh identified harm. The proposed development would therefore be contrary to Policy CSP7 of the Core Strategy and national policy within the Planning Policy for Traveller Sites.
2. The applicant has failed to demonstrate that the existing access is suitable for the proposed development and that the existing visibility splays are appropriate for the speed of traffic and that the development will not, therefore, result in an adverse impact on highway safety. As such the proposal is contrary to the guidance of the National Planning Policy Framework.
3. The applicant has failed to demonstrate that the residents of the site will not be adversely affected by the impact of noise from the A53 and the nearby pumping station and as such the proposal is contrary to the guidance of the National Planning Policy Framework.

Reason for recommendation

The application site is not located in a sustainable location. The applicant has failed to demonstrate the proposed access would have sufficient access and the potential noise impact upon the future occupiers has not been fully considered.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

KEY ISSUES

The application is for full planning permission for the change of use of the land for the siting of 4no. gypsy pitches on the site located on Newcastle Road.

The application site measures approximately 0.24 hectares and until recently has been used to support a small scale nursery business.

The application site is located in the open countryside, and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

Protected species surveys were submitted as part of the application, and offer mitigation with regard to protected species evident on site. Subject to the identified mitigation measures being implemented, which could be secured by condition, it is considered that the proposal would not have an unacceptable impact on protected species.

This report will address the following matters: -

- Relevant policy
- Need and supply
- Impact on Character and Appearance
- Residential Amenity
- Highway Safety
- Sustainability
- Human rights and safeguarding of children
- Planning balance

Relevant policy

National planning policy regarding traveller site is set out in Planning Policy for Traveller Sites (PPTS) which should be read in conjunction with the National Planning Policy Framework.

Paragraph 10(a) of Policy B of the PPTS (Planning for traveller sites) says that local planning authorities (LPAs), in producing their Local Plan, should identify and update annually, a supply of deliverable sites sufficient to provide five years' worth of sites for gypsies, travellers and travelling showpeople against their locally set targets, and identify a supply of specific, developable sites or broad locations for growth for years six to ten and, where possible, for years 11-15.

Paragraph 11 of the Planning Policy for Traveller Sites (PPTS) states local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally, and that planning policies should:

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;

- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

A number of paragraphs of policy H of the PPTS (Determining planning applications for traveller sites) are relevant to the determination of this application. Paragraph 22 indicates that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At paragraph 23 it says that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF as well as policy H of the PPTS.

Paragraph 24 says that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of provision and need for sites.
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications sites from any travellers and not just those with local connections.

Paragraph 25 says that LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Paragraph 26 requires LPAs to attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land;
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) Not enclosing with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Policy CSP7 of the Core Strategy states that pitches will be provided on sites that provide good access to shops, education, healthcare facilities and other essential services. Safe and convenient access should also be provided to public transport and the highway network.

Saved Local Plan.

Policy N20 seeks to ensure that development within areas of Landscape Enhancement will enhance the quality of the local landscape and would not act to erode its quality or appearance.

Need and Supply

As indicated above, the PPTS requires local authorities to identify and update annually, a five years' supply of sites for gypsies, travellers and travelling showpersons.

Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council, together with Stafford Borough Council and Staffordshire Moorlands District Council, commissioned a Joint Gypsy and Traveller and Travelling Showperson Accommodation Assessment in 2015 (GTAA). The Assessment provides updated evidence to identify the future accommodation needs of gypsies and travellers and travelling showpersons across the four local authority areas. For Newcastle-under-Lyme, the study identifies a shortfall of one pitch between 2014 and 2019. A further six pitches are required between 2019 and 2034, bringing the total requirement to seven permanent pitches. In addition to the provision of permanent pitches, the study identifies the requirement for five transit pitches across Newcastle-under-Lyme between 2015/16 and 2018/19.

The applicant contends that their research identifies a greater need than what has been established in the GTAA. It is noted, however, that Stafford Borough Council has implemented their local plan after examination which would suggest, notwithstanding the applicant's contention, that the evidence base is sound.

As no sites have, as yet, been identified or allocated to meet the identified need it has to be concluded that the Council does not have a five year supply. The shortfall is, however, minimal.

Character and appearance

As referred to above, there is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements as set out in Policy H of the PPTS (para 25). In addition, also referred to above, Policy CSP7 seeks to ensure that the development would not adversely affect local landscapes and environments.

The site was granted consent in the 1990s for use as a wholesale nursery, however from visiting the site it is apparent that the built form in relation to this use was minimal. Part of the site that includes the greenhouse and 'porta cabin' type structure could be argued to be previously developed land (PDL). However, the majority of the site remains open with not structures or hardsurfacing. It is noted that the proposed development would largely be located where the existing structures are located.

The clearance of the dilapidated building and glasshouse will offer some visual improvement to the site; however the introduction of mobile homes and touring caravans on four pitches that are proposed with the associated development including hardstanding for pitches and the access track will result in some visual harm to this open rural area over and above that which presently exists on site. The proposed pitches would be surrounded by native hedging and post and rail fence which would have an acceptable appearance within the rural location, however.

The proposal is therefore considered to conflict with policies CSP7, N20 and national policy in the PPTS and NPPF.

Residential Amenity

Having regard to the scale of the development and distance from neighbouring properties no significant amenity concerns are raised with regard to the existing residents.

Environmental Health have commented on the proposal and noted that insufficient information has been submitted with the application relating to the impact to occupiers of the site arising from noise from the A53 and pumping station in close proximity of the site.

As such, the proposal cannot be considered to be compliant with guidance within the NPPF as insufficient information has been submitted to date to enable such a conclusion to be reached.

Highways

The Highway Authority was consulted as part of the application process. They recommend that the application is refused on the basis that insufficient information has been submitted in order to demonstrate the existing access can provide sufficient visibility splays commensurate with the speed of traffic on the A53. They also note that the use of private vehicles is likely to be the preferred method of transport for the future occupiers of the site.

Sustainability

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. Other factors such as economic and social considerations are also important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

The application site is located in Blackbrook on Newcastle Road which is 3.7km from Baldwins Gate, the nearest established village with services and facilities service centre.

Newcastle Road (A53) is a national speed limit road, and there are no footpaths from the site to the nearest bus stop thereby making access to public transport safe and convenient. The A53 itself is a fast, busy road, and as such it is considered fair to assume that most movements to and from the site would be by private vehicle, however they are likely to be low in number due to the number of pitches proposed on site. Given the assessment, it is considered that the proposal would be in conflict of the PPTs and Policy CSP7 of the Core Strategy as safe and convenient access public transport and the highway network (as set out below).

Human rights and safeguarding of children

Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the judgment of the Supreme Court in *ZH* (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Based on the information provided, there is no basis upon which to conclude that issues of human rights or the safeguarding of children weigh in the favour of the granting of planning permission.

Planning balance

Having regard to the rural location of the site within the open countryside, the distance from facilities, and the absence of safe and convenient access to public transport the site is not considered to be in a sustainable or suitable location for the proposed development. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy.

Insufficient information has been submitted relating to the visibility of the existing access to the site, and potential noise impacts upon future occupiers caused by the A53 and nearby pumping station. There will also be an adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal.

The provision of gypsy and traveller pitches is a clear benefit of the proposal. However, whilst the requirement for sites and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm.

Weighing the harm against the matters in favour of the proposal and the potential imposition of conditions would not make the development acceptable even for a temporary period. The proposal is therefore considered to be contrary to Policy CSP7 of the Core Strategy, Policy H of the Planning Policy for Traveller Sites, and 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 ASP6: Rural Area Spatial Strategy
Policy CSP1: Design Quality
Policy CSP7: Gypsy and Travellers

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: sustainable location and protection of the countryside
Policy N2: Development and nature conservation - site surveys
Policy N3: Development and nature conservation – protection and enhancement measures.
Policy N20: Areas of Landscape Restoration

Other material considerations include:

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

[Planning Practice Guidance \(PPG\) \(2018\)](#)

[Planning Policy for Traveller Sites \(August 2015\)](#)

[Newcastle-under-Lyme, Stoke-on-Trent, Staffordshire Moorlands and Stafford Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015](#)

Human Rights Act 1998

Relevant Planning History

N20697

The erection of a wholesale nursery including the erection of a polythene tunnel and implement shed, plus improving access to A53 and construction of hardstanding.
Approved 1991

Views of Consultees

Whitmore Parish Council objects to the application on the following grounds;

- Greenfield site in unsustainable location with inadequate service provision.
- Public transport is difficult to access from the site
- Near to the A51/53 junction which is already heavily congested that will only worsen with HS2 traffic.
- Does not accord with policy CSP7 of the Core Spatial Strategy
- No details of how foul sewerage or waste will be disposed of
- Proposed domestic use is an unwarranted change of use

Maer and Aston Parish Council objects to the application on the following grounds;

- Limited access to services such as schools and shops
- Limited access to public transport and lack of pavement resulting in the need to walk on the roadside to access the bus stop
- Traffic exiting the site to turn right on the A53 would be dangerous.
- As such the site is unsustainable as demonstrated in a similar application for up to 8 houses in Hill Chorlton 14/00875/OUT which was dismissed at appeal
- Worsen traffic, particularly when considering the impact of HS2 vehicles.
- Lack of sewerage information

- The submitted information suggesting that there is a lack of wildlife on the site is challenged.
- Site contains greenhouse, however it is a greenfield, not a brownfield, site
- Development is unsustainable and unnecessary

Loggerheads Parish Council objects to the application on the following grounds;

- Not located in a sustainable location, there is no safe access to public transport and the nearest facilities are either in Baldwins Gate or Loggerheads.
- Dangerous access onto the A53
- Does not comply with policy CSP7
- Does not provide information on foul sewerage and waste storage

The **Staffordshire Badger Conservation Group** agrees with recommendations within the ecology report, and request this is made a planning condition. Would like to ensure lighting from the development is directed away from the sett on site.

The **Landscape Development Section** state that the development area shown in the arboricultural report and other plans is different from that shown on the location plan and before they can comment they request that this is clarified and the tree report amended where necessary. The proposal in the tree report to allow excavations for works within the Root Protection Areas (RPAs) is not acceptable. There should be no excavations within these areas and the scheme layout should be revised accordingly. Any surfacing within RPAs should be of 'no dig' construction. All other recommendations of the tree report should be followed. Permission should be subject to submission of a detailed, dimensioned Tree Protection Plan and details for all special engineering within RPAs and other construction details to BS5837:2012. Insufficient landscaping details have been submitted, and a more detailed scheme would be required. This should include tree, shrub and hedge planting to provide screening and to integrate the proposals with the surrounding countryside. Permission should be subject to approval of a detailed landscaping scheme. In addition they advise that there is no public open space sufficiently close to the site to warrant contribution towards off-site public open space.

The **Highway Authority** states it is not possible to assess the suitability of the access to the site from the level of submitted information and indicates that the application should be refused.

The **Environmental Health Division** object to the application as insufficient information has been submitted to assess the application and noise impact from the surrounding road network and pumping station and its effects on amenity and also the impact of any artificial lighting installed on the site.

The Waste Water section of **Severn Trent Water** note the proposal would have a minimal impact on public sewerage. The Clean Water section has, however, raised objections as follows:

- Lack of details relating to waste water management
- No proposed management of the surface water
- Location of Severn Trent Water observation boreholes within the site which would require decommissioning at the developers cost.
- Criticality of Wellings, which is a critical groundwater source used for public water supply and its vulnerability to surface influences

The views of **Housing Strategy** and **Planning Policy** have been sought but have not responded by the due date.

Representations

57 letters of objection were received during the course of the application. A summary of the comments is provided below; however the full documents can be viewed on file.

- Not a brownfield site
- Adversely affect the character of the area and landscape
- Adversely affect the amenities of neighbouring residents and businesses due to the intensity of the use and increase in vehicle movements

- Located in a rural area away from services and therefore not sustainably located
- Conflicts with paragraph 79 of the current NPPF (paragraph 55 of the previous NPPF)
- Poor access to site especially if towing vehicles
- Enhancing the visibility splay would again affect the character of the area
- Hazardous junction – vehicles turning from opposite carriageway would stop traffic
- High levels of traffic in the area already
- Nearest bus stop 200m from the site and no footpath for pedestrians
- No facilities are proposed for the site, such as toilets washrooms etc.
- Concerns regarding the ecological impact of the proposal
- Pollution risk to the river Tern
- Traffic will be worsened with HS2
- Concerns regarding the impact the proposal would have on neighbouring sites livestock
- Visual harm, contrary to N17 of the Local Plan
- Inappropriate residential development outside of the village envelope
- GTAA does not identify the need for the site
- Does not comply with policy CSP7
- Potential for the future expansion of the site
- No details regarding sewerage
- Should be located on the edge of more urban areas
- No evidence for the need for the site in this area
- Baldwins Gate 2 miles away, Loggerheads 3 miles away from the site
- Contravenes DCLG Designing Gypsy & Traveller Sites: Good Practice Guide
- Contravenes DCLG Planning and Policy for Travellers
- No relationship with the local community
- Noise issues from the proposed use
- Inappropriate development within the Green Belt, and no very special circumstances
- Light pollution from the development
- Concerns regarding anti-social behaviour
- Air quality issues from increase in exhaust fumes
- Very little built form on the existing site
- Site has never operated as a commercial nursery
- Not infill development
- No details of the disposal of rubbish waste
- Site floods
- Lack of employment opportunities in the area
- Site was auctioned with equestrian/agricultural use
- Application submitted with consideration for old NPPF which has been superseded
- Site is not allocated in the development plan
- NULBC now have a 5-year Housing Land Supply
- Application is not valid
- Sits over an aquifer

A petition was also received during the course of the application with 396 signatures.

Applicant/agent's submission

The application is supported by a Planning Application, Plans and Protected Species Survey.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00491/FUL>

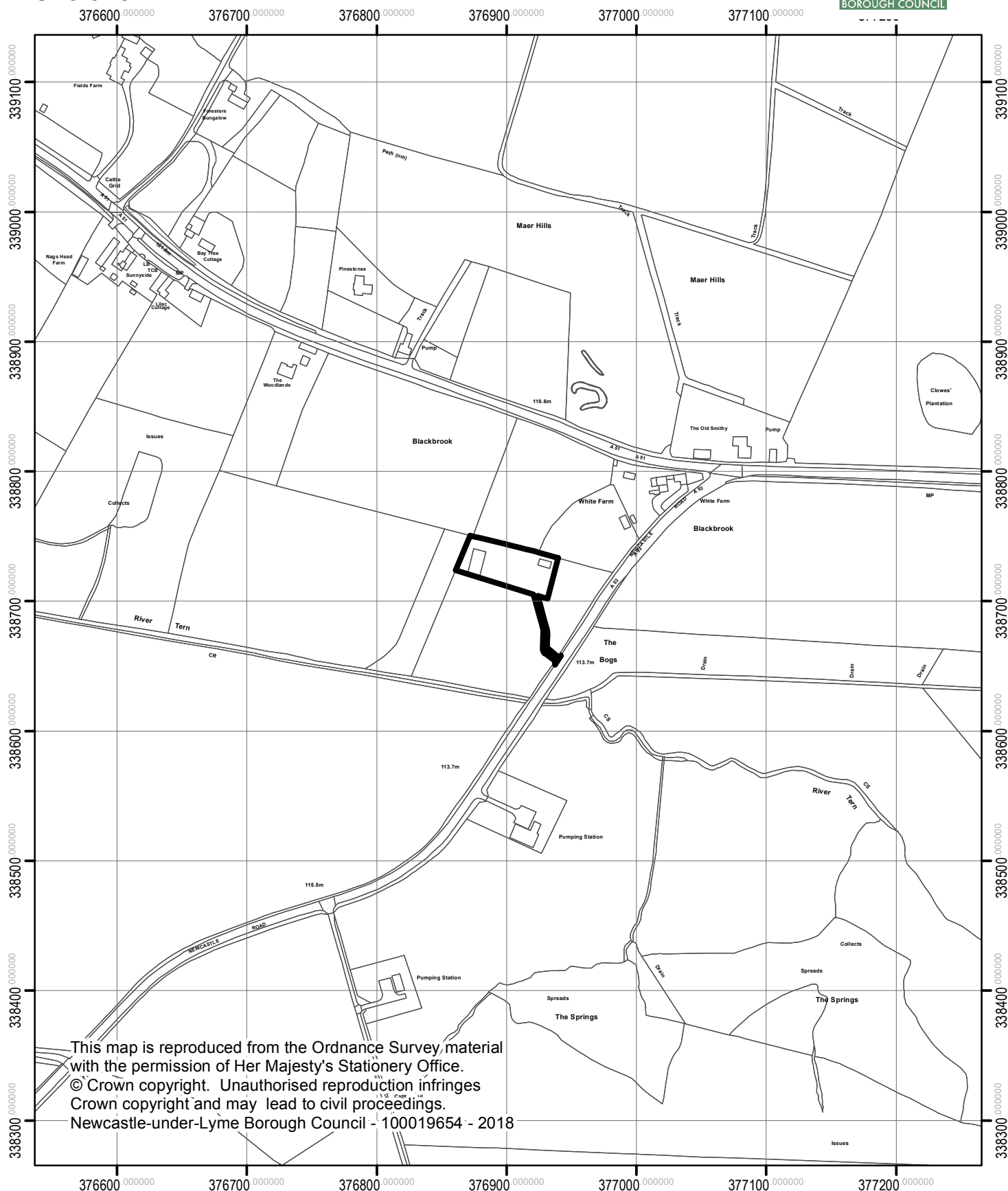
Background Papers

Planning File
Development Plan

Date report prepared

15/11/2018

Land To The West Of Newcastle Road (A53) Blackbrook ST5 5EJ



This page is intentionally left blank

**MAER HALL, MAER VILLAGE, MAER
MR FRADLEY**

18/00821/LBC

The application is for listed building consent to construct a canopy over the gate which provides pedestrian access to Maer Hall from the courtyard on the south east of the Hall.

Maer Hall is a Grade II listed building within the village of Maer, as indicated on the Local Development Framework Proposals Map. The gatehouse and walls to Maer Hall which front the main road through the village are Listed Grade II* and give access to the courtyard. The wall and gates which give access to the Hall are linked to the Grade II* Listed gatehouse and walls.

The statutory 8-week period for the determination expires on the 19th December 2018.

RECOMMENDATION

Permit, subject to the following conditions relating to;

- **Time limit condition**
- **Development to be carried out in accordance with the approved plans and submitted details**

Reason for Recommendation

The development would preserve the special character and appearance of the Grade II* Listed Building, and subject to the works being carried out in accordance with the submitted details, it is considered that the works would comply with policy B6 of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, and the guidance and requirements of the National Planning Policy Framework 2018.

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

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

KEY ISSUES

Listed building consent is sought for a canopy over a pedestrian access between two gate piers from the courtyard of the gatehouse to Maer Hall, south east of the Hall. Maer Hall is a private residence. The Hall is accessed through the gatehouse and its attached walls, which are Grade II* Listed and described in the list description as late 18th century gatehouse built from stone with stone slate roof. The walls are also built from ashlar stone. The connected walls and piers are built from brick and separate the Hall and its grounds from the courtyard. There is a pedestrian metal gate and double timber gates within the gate piers that give access into the Hall and the grounds.

The only issue to address in the determination of the application is whether the proposal preserves the special character and appearance of the listed structures and the setting of these structures.

In assessing applications for listed building consent the Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the NPPF details 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 any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Policy B6 of the local plan indicates that the council will resist alterations and additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy states that the council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

The applicant indicates in their heritage statement that they wish to construct a timber framed canopy on brackets covered in slates to match the recently reconstructed conservatory to the Hall. They state that the Hall will not be adversely affected by the new canopy.

Historic England and the Council's Conservation Officer have raised no objections to the application on the grounds that it is a relatively minor addition and one which will not be harmful to the character or significance of the Grade II* listed gatehouse and walls, or to its setting, and also to the setting of Maer Hall.

Subject to the works being carried out in accordance with the details submitted it is accepted that the erection of the small canopy would not result in a significant harm to the heritage assets and their settings and would comply with policy B6 of the local plan and the guidance and requirements of the NPPF.

APPENDIX

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

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

Policy CSP2: Historic Environment

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

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

Policy B6: Extension or Alteration of Listed Buildings

Other material considerations include:

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

[Planning Practice Guidance](#) (PPG) (2018)

Relevant Planning History

There is an extensive planning history relating to Maer Hall and its associated outbuildings. The most recent and relevant entry is 16/00847/LBC & 16/00846/FUL for the replacement of the existing conservatory and change of glazed roof to slate roof. It is proposed to use the same slate that was agreed on the conservatory roof on the proposed gate canopy roof.

Views of Consultees

Historic England are pleased that the canopy is proposed only over the pedestrian gate rather than extending over the whole vehicular access and defer to the Council's specialist conservation adviser with regard to the details of the proposed works.

The **Urban Design and Conservation Officer** advises that proposed canopy also requires planning permission and the applicant has been instructed of this. The officer remarks that the canopy is partially constructed which makes it unauthorised although the applicant claims that this was undertaken to aid pre application discussions following the removal of the larger unauthorised canopy which was erected over the large double gates. The proposed canopy over the pedestrian gate is less obtrusive being below the top of the gate piers and is constructed from appropriate materials. The proposal is a minor one and will not be harmful to the character or significance of the building.

The **Conservation Advisory Working Party (CAWP)** will consider this application at its meeting on 27th November 2018 and any comments will be reported to the Committee in a supplementary report.

Maer and Aston Parish Council and **Staffordshire Gardens Parks Trust** have been consulted but have not responded and as such it is assumed that they have no comment on the application.

Representations

None received.

Applicant/agent's submission

The application has been supported by a Heritage Design and Access Statement. This document is available for inspection on the Council's website by searching under the application reference number 18/00821/LBC on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00821/LBC>

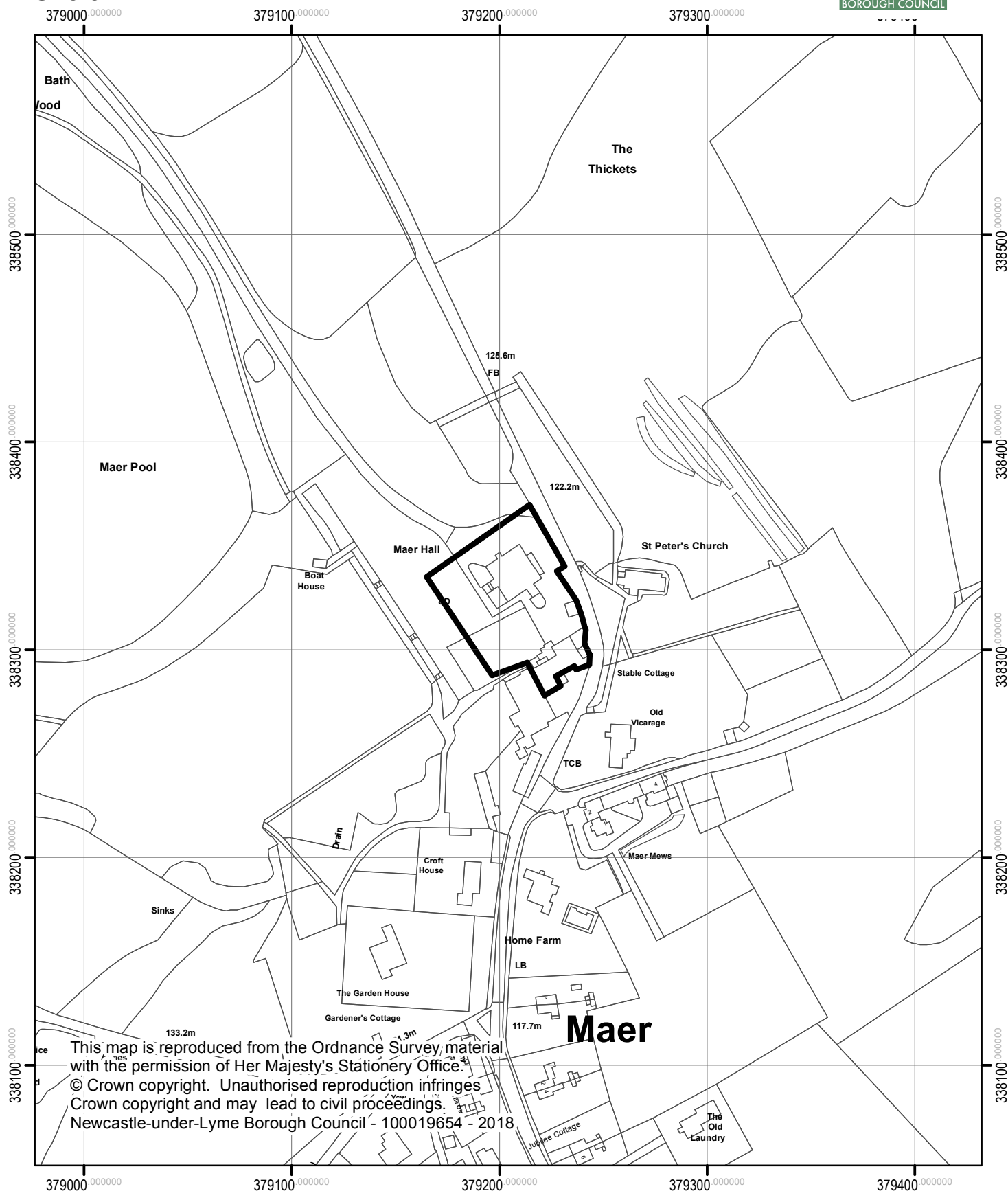
Background Papers

Planning File
Development Plan

Date report prepared

21 November 2018

Maer Hall
Maer
ST5 5EF



This page is intentionally left blank

APPEAL BY MR S GALLIMORE AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR ALTERATIONS AND EXTENSIONS TO 32 ALDERHAY LANE, ROOKERY

<u>Application Number</u>	17/00723/FUL
<u>LPA's Decision</u>	Refused under delegated authority 18th April 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	23rd October 2018

The Appeal Decision

The appellant submitted a number of revised plans with the appeal which the Inspector accepted due to the minor nature of the revisions and because no objections from residents had been received to the original scheme. The Inspector considered that this would not prejudice either party.

The Inspector identified the main issues as:

- Whether or not the proposed development is inappropriate development within the Green Belt.
- The effect of the proposed development on the openness of the Green Belt
- If the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

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

- On the basis of the revised drawings the appellant calculated that the floor area would be increased by 54% and the volume by 38% if the alterations were to go ahead. These calculations include the garage as part of the original dwelling, however it was added at a later date. Taking this into account, the new extension, when added to the garage, would increase the size of the original dwelling by about 67% in floor area and 58% in volume.
- The proposal would therefore result in a disproportionate addition over and above the size of the original dwelling contrary to Policy S3 and paragraph 145 of the NPPF.
- Openness is an essential characteristic of the Green Belt and this would be reduced by the additional built development proposed. However, when assessed in isolation, the loss of openness would be minimal.
- The Council accepts that the proposal would improve the overall appearance of the dwelling which lends some support to the scheme but this support is compromised by the elevated position of the dwelling above the highway, making the appeal site prominent within the locality. In conclusion on this issue, whilst the proposal would affect the openness of the Green Belt, the overall effect would be minimal.
- It is appreciated that additional accommodation is required to meet the appellant's health needs. The proposed extension would provide accommodation for the appellant's daughter and family when she eventually takes over the business operated from the appeal property. Whilst it is convenient for the person operating the business to be living at the appeal property there is insufficient justification to demonstrate that it is essential or necessary. Indeed there is no evidence that it is tied to the business in terms of its occupation or use.

The Inspector reached the conclusion as follows;

- The proposal would be inappropriate development in the Green Belt, and result in a minimal loss of openness. The NPPF establishes that such harm is a matter of substantial weight.
- The proposal would improve the appearance of the property and the Council do not object to the design. Whilst having sympathy with the health issues of the appellant, it was not considered that the business justification had been satisfactorily provided. These considerations were therefore not sufficient to outweigh the harm to the Green Belt and very special circumstances do not exist in this case.
- For the reasons given, the overall conclusion is therefore that the appeal should fail.

Recommendation

That the appeal decision be noted.

APPEAL BY MR A TOMSON AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE THE GRANT OF PLANNING PERMISSION FOR THE ERECTION OF A DETACHED GARAGE FOR THE STORAGE OF CLASSIC CARS AND TRUCKS AT 145 OAKLEY COTTAGE, WOORE ROAD, OAKLEY, MARKET DRAYTON

<u>Application Number</u>	17/00657/FUL
<u>LPA's Decision</u>	Refused by delegated powers 19th December 2017
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	23rd October 2018

The Appeal Decision

The Inspector identified the main issues to be the effect of the proposal on highway safety and the open countryside.

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

- The road is well trafficked and vehicles speeds are considerable. Although the Highway Authority requires the provision of visibility splays, it is not considered that these could be achieved on land under the control of the appellant.
- It is not considered that a vehicle could either leave or enter the site without overhanging the highway. This situation would cause significant harm to highway safety regardless of the frequency of use.
- Therefore, the appeal proposal is contrary to Paragraphs 108 and 109 of the Framework which state that, amongst other matters, development proposals should provide safe and suitable access for all users and that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.
- The building is industrial in design and appearance and would bring a harsh context to its rural environment and surroundings. The appearance of the building would cause significant harm to the character and quality of the landscape in which it is sited.
- For the reasons set out above, the appeal is dismissed.

Recommendation

That the appeal decision be noted.

This page is intentionally left blank

APPEAL BY MR GRANT EDWARDS, AXAIR FANS UK LTD AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE EXTENSION TO EXISTING WAREHOUSE ON AN AREA DESIGNATED AS EXPANSION SPACE AT UNIT 3, LOWFIELD DRIVE, NEWCASTLE-UNDER-LYME

<u>Application Number</u>	18/00220/FUL
<u>LPA's Decision</u>	Refused under delegated authority 18th May 2018
<u>Appeal Decision</u>	Appeal Allowed
<u>Date of Appeal Decision</u>	1st November 2018

The Appeal Decision

The Inspector identified the main issue to be the effect of the proposed development on parking and highway safety.

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

- The application site is within the context of an established industrial estate with, it is agreed by the appellant and the Highway Authority, a record of no highway accidents on Lowfield Drive in the last five years.
- Whilst acknowledging the differing policy interpretations with regards to parking requirements, the Inspector highlighted that the objective nonetheless is safe development, in line with Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Core Strategy) Design Quality Policy CSP1. As such, parking provisions should be sufficient to be safe, taking account of the function of the proposed extension and the realities on site.
- The Council's concerns with regards to the ability to restrict staffing numbers were acknowledged, however the restriction of the extension's use to storage space by planning condition would go some way to address this matter
- Considering the extension's proposed storage use, the appellant's statement on staffing numbers and the existing parking capacity, it is not considered that the proposed development is likely to generate much if any increase in parking on Lowfield Drive.
- The location of the nearest bus stop 0.9miles walk from the appeal site is somewhat separated from the industrial estate. Walking time on top of waiting for a bus makes the public transport propositions potentially challenging and requiring of a powerful approach with a Travel Plan.
- In light of the conclusion on parking demand and highway safety, a Travel Plan, including proposed motorcycle parking and secure undercover cycle parking as part of the development, has potential to reduce car parking demand.
- To conclude, the proposed development would not significantly affect highway safety. A Travel Plan would be an opportunity to manage and reduce car use at the site. It would enable the business to accommodate a changing supply chain and thereby retain jobs at this location. It would consequently comply with the relevant requirements of Local Plan Policy T16 and the Core Strategy which seek to ensure

that new development is safe and fosters the employment base. Therefore, for the reasons given above, the appeal should be allowed.

Recommendation

That the appeal decision be noted

REPORT TO THE PLANNING COMMITTEE

4th December 2018

GUILLOTINE FOR REPRESENTATIONS/AMENDMENT OF SUBMITTED PLANS AT PLANNING COMMITTEE- REVIEW OF POLICY

Purpose of the Report

To enable Members to determine whether or not they wish to revise existing policy concerning the guillotine for representations/amendment of submitted plans that applies to the Planning Committee

Recommendation

That the existing procedure be amended as follows:

For any application brought to the Planning Committee for determination the following rules shall apply

- (a) In order to allow Council Officers to be able to give a considered response, there will be a cut-off date of the close of business four working days prior to the meeting where an application is to be determined**
 - **for any representations made about said application, save for representations made by the Council's statutory consultees, and**
 - **any information, such as reports and/or assessments in support of the said application.**
- (b) In order that due consideration be given to an application, and that time for reflection on it be available to committee members, no alteration is permitted to plans submitted for determination from the close of business four working days prior to the meeting where the application is to be determined.**

Reasons

To ensure that the Planning Committee's procedures remain fit for purpose

1. Background

- 1.1 In July 2008 the Planning Committee agreed to a package of measures entitled "Reforms to Planning Procedures" of which the application of a guillotine on late submission of representations and amended plans arrangements. At the same time the Committee agreed to public speaking, withdrawal from the Planning Committee of "called-in" application, and a policy voting on planning applications where a site visit had been held.
- 1.2 The Committee at the same time agreed that the changes should be reviewed by the Planning Committee within a 6 month period.
- 1.3 A number of amendments to the protocol have subsequently been agreed as follows:
 - At its meeting on 30th September 2008 the Committee considered and agreed a requested amendment to the Committee's protocol on public speaking.
 - At its meeting on the 21st April 2009 the Committee agreed, having considered a detailed report, that the current procedures for the operation of the Planning Committee be continued.

- At its meeting on the 31st March 2015 the Committee undertook a further review of its procedures. With respect to Public Speaking, or direct representation, to the Planning Committee certain amendments to the procedures were made.
 - At its meeting on 25th April 2017 the Committee resolved that late representations from Parish Councils be considered to be subject to the guillotine procedure.
- 1.4 More recently, on 6th November 2018, the Committee agreed to amend the scheme for public speaking by agreeing that the site layout plan can be displayed whilst public speaking takes place.
2. Current procedure
- 2.1 The current procedure is for any application brought to the Planning Committee for determination the following rules shall apply:
- (c) In order to allow Council Officers to be able to give a considered response, there will be a cut-off date of the close of business four working days prior to the meeting where an application is to be determined for any representations made about said application, save for representations made by the Council's statutory consultees (which does not include Parish Councils)
- (d) In order that due consideration be given to an application, and that time for reflection on it be available to committee members, no alteration is permitted to plans submitted for determination from the close of business four working days prior to the meeting where the application is to be determined.
3. Discussion
- 3.1 The current Procedure sets a cut-off date after which representations and amended plans will not be reported to Committee and, as such, will not be taken into consideration in the determination of the application. This is to allow a considered response to be given to such late submissions. The policy is applied, on legal advice, having regard to the overriding requirement that a Local Planning Authority takes into account any material consideration relevant to the determination of a planning application, and it does not override where by reason of meeting publicity requirements a date after the cut-off date has been given for representations to be received by.
- 3.2 Representations are generally taken to mean those comments submitted by interested parties and consultees. The current Procedure therefore prevents representations, with the exception of those from statutory consultees (which does not include Parish Councils), from being taken into consideration by Committee when reaching a decision on that application. Supporting reports and assessments are not, indisputably, representations and as such it could be said that they are not caught by the guillotine. Such documents can, however, be technical and detailed and therefore sufficient time is also required for them to be properly considered. The reason for the application of a guillotine to representations applies equally to such supporting reports and assessments therefore.
- 3.3 It is recommended, for the avoidance of doubt and to ensure that proper consideration is given to such information, that it is appropriate to amend the current Procedures so that they explicitly include such supporting information as being subject to the guillotine.