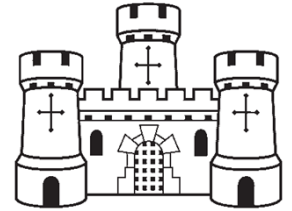


Public Document Pack

Date of meeting Tuesday, 29th January, 2019
Time 7.00 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 10)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - CROFT FARM, STONE ROAD, HILL CHORLTON. DAVID JAMES DEVELOPMENTS LIMITED. 18/00507/OUT** (Pages 11 - 22)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - 10 POPLAR AVENUE, CROSS HEATH. 18/00692/OUT. MR GEZ WILARD** (Pages 23 - 34)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 18/00736/OUT** (Pages 35 - 50)
- 7 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 18/00854/REM** (Pages 51 - 58)
- 8 APPLICATION FOR MAJOR DEVELOPMENT - CONSULTATION BY STOKE ON TRENT CITY COUNCIL WITH RESPECT TO AN APPLICATION FOR PLANNING PERMISSION ON LAND AT NEW INN.**
Report to follow.
- 9 APPLICATIONS FOR MINOR DEVELOPMENT - ASPIRE HOUSING** (Pages 59 - 74)

LAND ADJACENT TO 16 ST GILES ROAD, KNUTTON – 18/00016/FUL
FORMER PLAYGROUND, BRUTUS ROAD, CHESTERTON – 18/00243/FUL
LAND OFF ST BERNARDS ROAD, KNUTTON – 18/00443/FUL
LAND BETWEEN 155 & 161 KNUTTON LANE, KNUTTON – 18/00441/FUL
LAND ADJACENT 25 ARTHUR STREET, KNUTTON – 18/00461/FUL
LAND ADJACENT TO 45 MORAN ROAD, KNUTTON – 18/00465/FUL

- 10 **APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO THE BLOCKHOUSE, NEWCASTLE ROAD, WHITMORE. 18/00847/FUL** (Pages 75 - 88)
- 11 **APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN. 18/00943/FUL** (Pages 89 - 100)
- 12 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** (Pages 101 - 106)
- 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 White, 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

Thursday, 3rd January, 2019
Time of Commencement: 6.00 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 Head of Planning and Development - Guy Benson,
Geoff Durham - Mayor's Secretary / Member Support Officer,
Elaine Moulton - Development Management Team Manager,
Peter Stepien - Landscape Officer,
Trevor Vernon -Solicitor and
Darren Walters- Environmental Protection Officer

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

Councillor Jennifer Cooper declared an interest in application 18/00698/FUL as an employee of Keele University. There was no pecuniary interest.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 4 December, 2018 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - FORMER BRISTOL STREET MOTORS,LONDON ROAD. ADOBE RESIDENCIES. 16/01106/FUL

Resolved:

1. That it be agreed to amend the existing Section 106 agreement so that it requires contributions totalling £300,000 (index linked as from October 2017)
2. That such contributions comprise the following:
 - i. £207,455 (index linked) towards public open space and public realm enhancement and maintenance;
 - ii. £2,245 (index linked) towards Travel Plan monitoring;
 - iii. £50,000 (index linked) for residential street parking surveys and if required the implementation of resident on-street parking controls;
 - iv. £10,000 (index linked) for Real Time Passenger Information displays (and maintenance) at the bus stops on London Road;
 - v. £5,000 (index linked) for bus shelter upgrades;

- vi. £25,300 (index linked) towards local cycle network improvements from Newcastle Town Centre to Keele University.
 3. That the Section as varied require, in the event of the full £50,000 (referred to in 2ii above) not being required for the residential street parking survey and implementation of resident on-street parking controls, the remainder of that sum then being made available for public open space and public realm enhancement and maintenance.
 4. That the Section 106 as varied include a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to public open space and public realm enhancement and maintenance, should the development be not substantially commenced within 12 months of the date of this decision, and payment of such additional contribution if then found financially viable
 5. That the section 106 includes any appropriate amendments to ensure, as assumed in the appraisal, in particular that no revenue is obtained for the development from 53 car parking spaces within the development (such spaces being either in the case of 35 "gifted" to the occupiers of certain properties in London Road (in respect of proposals to introduce a Traffic Regulation Order on that road) or available for staff and visitors to the development
 6. That the Borough Council supports the variation of the existing payment triggers with respect to the Residential Parking Zone contribution and the Travel Plan Sum – in the manner indicated within this supplementary report - so that such payments do not have to be made so far in advance of when they are actually required, and to assist the viability of the development.
 7. That the Council's agreement to the above be time limited, such deed of variation/ revised Section 106 agreement needing to be completed by the 3rd March; or such other date as the Head of Planning may consider appropriate.
5. **APPLICATION FOR MAJOR DEVELOPMENT - SITES OF HORWOOD, LINDSAY AND BARNES HALLS, KEELE UNIVERSITY, KEELE. MR PHIL BUTTERS, KEELE UNIVERSITY. 18/00698/FUL**

The Chair, Councillor Andy Fear and Councillor Simon Tagg thanked Keele University for the way in which they had interacted with the Council.

Resolved: (A) That, subject to the applicant entering into a Section 106 obligation by 14th February 2019 to secure financial contributions towards travel plan monitoring (£2,360), the provision of real-time travel information (£15,000), and a

Toucan signal controlled crossing on Cemetery Road (£39,000),

The application be permitted, subject to the undermentioned conditions:

- (i) Commencement time limit
 - (ii) Approved plans
 - (iii) Contaminated land
 - (iv) Construction management plan
 - (v) External lighting scheme
 - (vi) Noise levels at residential units
 - (vii) Noise assessment for bars and social hubs
 - (viii) Noise levels from new external plant
 - (ix) Noise from internal plant and mechanical ventilation systems
 - (x) Noise from energy centres and commercial activities
 - (xi) Written Scheme of Archaeological Investigation
 - (xii) Details of surface water and foul sewage drainage
 - (xiii) Provision of parking, servicing and turning areas indicated on approved plans
 - (xiv) Cycle parking in accordance with approved details
 - (xv) Travel plan
 - (xvi) Upon occupation, or at a later date if agreed, a review of the parking and modal split situation at the University to be undertaken, and such measures as shall be justified by the conclusions of that review, including if appropriate, the provision of additional or alternatively reduced parking, and management measures, to be submitted to the Local Planning Authority for its approval together with a timetable for the implementation of such measures, and thereafter their implementation
 - (xvii) Tree protection plan and method statement
 - (xviii) Details of special engineering within RPAs
 - (xix) Monitoring of construction works where by arboriculturalist where affecting trees
 - (xx) Landscaping scheme
 - (xxi) Detailed information regarding the new pedestrian route and crossing at Keele Hall Drive
 - (xxii) Facing and surfacing materials
 - (xxiii) Sample panels to be retained on site
- (B) Should the above Section 106 obligations 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 matters being secured the development would fail to secure measures to ensure that the development achieves sustainable development outcomes, and does not impact on highway safety: or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

6. APPLICATION FOR MAJOR DEVELOPMENT - ORCHARD HOUSE, CLAYTON ROAD, NEWCASTLE. GLADMAN RETIREMENT LIVING LTD. 18/00693/FUL

Councillor Mark Holland spoke on this application.

Resolved: (A). That, subject to the applicant first entering into a Section 106 agreement by the 20th February 2019 securing a financial contribution of £130,203 (index linked) towards the maintenance and improvement of public open space at Lyme Valley Parkway, restriction of the occupancy of the accommodation so that it falls within the C2 Use Class, and a travel plan monitoring fee of £2,360 (index linked), the application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Materials
- (iv) Boundary treatments
- (v) Finished ground levels and floor levels
- (vi) Detailed soft landscaping scheme, including replacement trees for the holly and willow screening to Lyme Valley Parkway that will be lost and any others that are removed to accommodate the development.
- (vii) Dimensioned Tree Protection Plan
- (viii) Detailed Arboricultural Method Statement regarding the surface water outlet and levels increase adjacent to the protected horse chestnut tree and site specific details of all special engineering within tree RPAs, including drainage if necessary.
- (ix) Schedule of works to retained trees
- (x) An arboricultural site monitoring schedule
- (xi) Submission and approval of access improvements
- (xii) Design improvements/ screens to balconies to prevent overlooking
- (xiii) Visibility splays
- (xiv) Access, parking, turning and servicing areas
- (xv) Submission and approval of a car park management scheme
- (xvi) Bus stop upgrades
- (xvii) Submission and approval of a travel plan
- (xviii) Submission and approval of secure weatherproof cycle parking
- (xix) Submission and approval of construction method/ environmental management plan
- (xx) Waste management and collection arrangements (including hours restriction)
- (xxi) Surface water drainage design
- (xxii) Pumping station details – noise and odour impact
- (xxiii) Drainage plans for the disposal of foul and surface water flows
- (xxiv) Land contamination

- (xxv) External lighting
- (xxvi) Kitchen Ventilation System and Odour Abatement details
- (xxvii) Mechanical Ventilation of Residential Rooms
- (xxviii) External plant details
- (xxix) Electric Vehicle Charging Provision
- (xxx) Bat and Bird box provision
- (xxxi) Inclusion of a screen of evergreen trees planted as semi mature specimens within the Landscaping proposals in the vicinity of the Delbrook Court boundary

(B). That, should the obligations referred to above not be secured within the above period, Head of Planning given delegated authority to refuse the application on the grounds that in the absence of such the proposal would be contrary to policy on the provision of affordable housing, open space for housing developments and monitoring of an acceptable travel plan, or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be secured.

7. APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF MARKET DRAYTON ROAD, LOGGERHEADS. MULLER STRATEGIC PROJECTS LIMITED. 15/00202/OUT

Resolved: That the developer be advised that the Council, as the Local Planning Authority is willing to agree to the requested variations to the Section 106 agreement to allow staircasing to 100% of the market value and to vary the wording of the Mortgagee Protection clause.

8. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT END OF GATEWAY AVENUE, BALDWIN'S GATE. KIER LIVING LTD. 13/00426/OUT

Resolved: That Aspire be advised that the Council, as the Local Planning authority is willing to agree to a variation to the Unilateral Undertaking so that staircasing to 100% of the market value is permissible.

9. APPLICATION FOR MAJOR DEVELOPMENT - FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB, 72, HIGH STREET, NEWCASTLE. MODULTEC INTERNATIONAL LTD & METROPOLIS STUDENT LTD. 18/00483/FUL

Resolved: (A) That, subject to the applicant entering into a Section 106 obligation by agreement by 14th February 2019 to require:

- (i) a 3 month introductory or taster "free" bus pass for each new student tenant for travel to and from the Campus at Keele University, Staffordshire University, Stoke-on-Trent College or the Royal Stoke University Hospital
- (ii) a financial contribution of £22,200 towards the enhancement of public open space
- (iii) £2,200 towards travel plan monitoring
- (iv) £8,000 towards the ongoing maintenance of the Real

- (v) Time Passenger Information system for bus services
£10,600 towards improvements to the cycle route from Newcastle town centre to Keele University
- (vi) £11,000 towards public realm improvements in the vicinity
- (vii) A review mechanism of the scheme's ability to make a more or fully policy compliant contribution to public open space if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if then found financially viable

The application be permitted, subject to the undermentioned conditions:

- (i) Commencement time limit
- (ii) Approved plans
- (iii) Report of unexpected contamination
- (iv) Construction environmental management plan
- (v) Noise from plant and mechanical ventilation,
- (vi) Ventilation provision to habitable spaces
- (vii) Glazing specification
- (viii) Occupation by students only
- (ix) Secure cycle parking in accordance with approved details
- (x) Travel plan
- (xi) Facing and external surfacing materials
- (xii) Sample panel to be retained on site
- (xiii) Details of window reveals
- (xiv) Detailed surface water drainage scheme
- (xv) Archaeological evaluation
- (xvi) Provision of security measures to alleyway including a gate and lighting
- (xvii) Security measures to the building to be to Secured by Design standard
- (xviii) Telecommunications apparatus
- (xix) Extensive CCTV coverage of the environs of the development (to be monitored from within the building)
- (xx) Treatment of the front elevation to reduce opportunities for climbing
- (xxi) Details to be provided of the treatment of previous access points to the High Street (avoiding recesses)

(B) Should the above Section 106 obligations 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 matters being secured, the development would fail to ensure it achieves sustainable development outcomes, the public realm and safety improvements required to secure an appropriate context for the development and inclusive development would not be achieved, and the public open space impacts of the development would at least in part be met, and there would not be 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; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

10. **APPLICATION FOR MINOR DEVELOPMENT- LAND ADJACENT CARTREF, RYE HILLS, AUDLEY. MR & MRS COTTERILL. 18/00842/FUL**

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Boundary treatments
- (v) Landscaping scheme
- (vi) Tree protection
- (vii) Retention and protection of boundary hedgerow
- (viii) Construction hours
- (ix) Contaminated land
- (x) Provision and retention of access and parking area
- (xi) Surfacing of access drive
- (xii) Foul and surface water
- (xiii) Removal of permitted development rights

11. **APPLICATION FOR OTHER DEVELOPMENT - MAER HALL, MAER. MR FRADLEY. 18/00952/FUL**

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

- (i) Time limit condition
- (ii) Development to be carried out in accordance with the approved plans and submitted details.

12. **HALF YEARLY REPORT ON PLANNING OBLIGATIONS**

Resolved: (i) That the report be noted.
(ii) That officers, in the light of the July 2018 Guidance on the monitoring and reporting of planning obligations and upon receipt of the expected Regulations and national open data templates, bring forward a report in a new format that is compatible with such initiatives.

13. **APPEAL DECISION - LAND OFF WOODROW WAY, ASHLEY. 17/00605/FUL**

Resolved: That the appeal decision be noted.

14. **APPEAL DECISION - ROSEBANK, NEW ROAD, WRINEHILL. 18/00490/FUL**

Resolved: That the appeal decision be noted.

15. **CONFIRMATION OF ARTICLE 4 DIRECTION FOR KEELE CONSERVATION AREA**

Resolved: That the non-immediate Article 4 Direction for Keele

Conservation Area be confirmed as coming into force on 10 January, 2019, as set out in the Direction.

16. UPDATE ON LAND AT DODDLESPOOL.

- Resolved:**
- (i) That the information be received.
 - (ii) That further reports on this item be brought back to this Committee on a bi-monthly basis until the committee resolves otherwise.

17. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3

- Resolved:**
- (i) That the information be received.
 - (ii) That further reports on this item be brought back to this Committee on a bi-monthly basis until the Committee resolves otherwise.

18. TREE PRESERVATION ORDER OLD BUTT LANE, WEST AVENUE, KIDSGROVE. TPO 196

- Resolved:** That Tree Preservation Order No 196 (2018), Woodland at Old Butt Lane (as modified in the Supplementary Agenda) be confirmed as made and that the owners of the site be informed accordingly.

19. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 8.32 pm

**CROFT FARM, STONE ROAD, HILL CHORLTON
DAVID JAMES DEVELOPMENTS LIMITED**

18/00507/OUT

The Application is for outline planning permission for the demolition of existing buildings, the erection of a replacement farmhouse and 11 bungalows, access, parking and amenity space. Access into the site, but not within it, is for consideration in this application with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site, which measures 0.9 hectares, lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on 1st October 2018 but the applicant has agreed to extend the statutory period until 1st February 2019.

RECOMMENDATION

Refuse for the following reasons and for any further appropriate reasons following the receipt of the further views of the Highway Authority and the advice of the District Valuer and their consideration:

- 1. The site lies within the open countryside and the proposed dwellings would not serve an identified local need. As such, the development of this site is contrary to the objective of directing new houses primarily 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).**
- 2. The development would involve a high level of the use of the private car by occupiers of the dwellings and their visitors and therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2018).**
- 3. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.**
- 4. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.**

Reason for Recommendation

The proposal is for residential development in a location where such development is contrary to policies within the approved development plan for the area. As the Council is now able to demonstrate a supply of deliverable housing sites of more than 5 years such policies should not be considered to be out of date as a result of the supply position and given the level of consistency with the National Planning Policy Framework they can be given weight in the determination of the application. Due to the location of the site away from a higher level of services, employment and public transport links, there is likely to be a high level of use of the private car and this is not a sustainable development.

A Speed Survey has recently been carried out and the further comments of the Highway Authority are awaited and will be reported if they become available.

The applicant has submitted financial information to substantiate their claim that a policy compliant scheme would be financially unviable. The draft report of an independent valuer setting out her

appraisal of the development's viability is being considered and a further report will be brought to members on this issue.

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

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 this development.

Key Issues

Outline planning permission is sought for the demolition of existing buildings, the erection of a replacement farmhouse and 11 bungalows, access, parking and amenity space. Access is for consideration in this application with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site, which measures 0.9 hectares, lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Although reference is made in representations to the Chapel & Hill Chorlton, Maer & Aston and Whitmore Neighbourhood Plan, it is in its early states of consultation and therefore carries very limited weight.

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

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development have a significant adverse impact on the character and appearance of the area or the wider landscape?
- Would the proposed development have any material adverse impact upon highway safety?
- Is affordable housing provision required and if so how should it be delivered?
- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

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

The application site lies within the Rural Area of the Borough in the open countryside.

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

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

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within one of the village envelopes.

This site is neither within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by policies of the Development Plan.

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

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

It is the case that the Council is now able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan and as stated above, development for residential purposes on this site is not supported by policies of the Development Plan.

Decisions should be made in accordance with the approved development plan for the area unless material considerations indicate otherwise. The NPPF, a material consideration, indicates that existing policies should not be considered to be out of date simply because they were adopted or made prior to the publication of the Framework but due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities. In terms of the accessibility of the site, it is some 1000m from the shops and services of Baldwin's Gate. The applicant states that the walking route to Baldwin's Gate is largely on a well-maintained footpath starting off on a very safe single lane road that effectively leads to a dead-end and is only used by the 5 houses that adjoin it.

In dismissing an appeal for two dwellings on land adjacent to Maerfield Gate Farm (Ref. 16/00460/FUL) which is approximately 250m to the west of the current application site, the Inspector noted the distance from the centre of the village and that to get to the village would require at least a 15-20 minute walk along country lanes that have no footway or street lighting along them. The Inspector considered that they would therefore be unattractive and a safety risk to pedestrian use. The Inspector also noted the limitations of the bus service and concluded that the distance of the site from the shops and services of Baldwin's Gate would make it likely that most journeys by occupiers and visitors to the proposed dwellings would be made by car, making it an unsustainable location. In dismissing an appeal for four dwellings on a site to the east of Slater's Craft Village approximately 150m to the west of the current site (Ref. 14/00875/OUT), the Inspector made similar comments and concluded that the site was in an unsustainable location. Such a conclusion would equally apply in this case.

The NPPF refers to three objectives of sustainable development – economic, social and environmental. The applicants state in their original submission that the proposed development would bring with it much needed bungalows and a financial contribution towards affordable housing provision in the Borough, benefits to the local economy through household expenditure in the area and exceptional environmentally friendly dwellings. Whilst some of these benefits are acknowledged, importantly there is , at least for the present, no shortfall in housing supply in the Borough.

In conclusion it is appropriate to consider the proposal in the context of the policies contained within the approved development plan and in the absence of material considerations of significant weight, the decision should be one of refusal of the development on the grounds that the principle of the development is unacceptable.

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

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

RE5 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

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

The density of the proposed scheme would be approximately 12 dwellings per hectare. Your Officer's view is that given the location of the site, the density of the proposed scheme is appropriate. Although an indicative layout has been submitted to show how the site may be developed, layout, scale, appearance and internal access arrangements are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted.

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

The site is within a Landscape Maintenance Area and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The application is accompanied by a Landscape and Visual Impact Assessment which concludes that the overall impact of the proposed development on the landscape and visual amenity is considered to be not significant. It states that due to the topography and the screening effect of adjacent hedgerows, effects on the landscape will be highly localised to within close proximity of the site. It goes on to state that the inclusion of appropriate mitigation including tree planting will help to reduce the visual impact on the landscape.

The land slopes down from the road by up to 4m and the proposed replacement farmhouse at the entrance to the site would screen much of the development in views from the highway. Existing views of the site from the north are limited due to the presence of mature hedgerows and trees along its boundaries. Given that the proposed dwellings would be bungalows, with appropriate and sensitive additional planting, it is considered that the development would have a limited effect on the wider landscape character.

It is not considered therefore that an objection could be sustained on the grounds of adverse impact on the character and appearance of the area or the wider landscape.

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

Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The application is accompanied by a Transport Statement (TS) which includes a traffic speed survey on Stone Road (A51) and information regarding visibility splays. The TS states that appropriate visibility can be achieved in both directions and that the very small amount of additional vehicular movements associated with the development can safely be accommodated onto the highway network. The document concludes that the impact of the proposed development on the highway network cannot be considered severe.

The Highway Authority raises concerns regarding the proposed visibility and has advised that revised drawings, a Stage 1 Road Safety Audit (RSA) and a further Speed Survey are required. At present the recommendation that they have provided is one of refusal, as indicated in the consultations section below. Discussions have been held with the applicant and an RSA has been submitted. A Speed Survey has recently been carried out and the further comments of the Highway Authority are awaited. A further report will be given on this matter.

Is affordable housing provision required and if so how should it be delivered?

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

This application proposes 11 dwellings and at 25% provision for affordable housing, 3 affordable dwellings would be required.

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

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

Paragraph 62 of the NPPF states that where they have identified that affordable housing is needed, local planning authorities should set policies for meeting this need on site, unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The Council's Developer Contributions SPD states that whilst affordable housing should be provided on the application site so that it contributes towards creating a mix of housing, where it can be robustly justified, off site provision or the obtaining of a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted. The SPD suggests that one of the circumstances where offsite provision may be appropriate is where the Council considers that "the provision of completed units elsewhere would enable it to apply the contribution more effectively to meet the Borough's housing need".

The Housing Strategy Section was initially not satisfied that the applicants had robustly justified that an off-site provision is appropriate in this case and recommended that contact should be made with Registered Providers to enquire whether the types of units proposed would be taken up by them. The applicant contacted four Registered Providers, two of whom indicated that they would be interested in taking on the units as affordable housing. On the basis of this evidence, the Housing Strategy Section has advised that the affordable housing should be provided on-site rather than as an off-site contribution. Your Officer concurs with this view.

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

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

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

The Open Space Strategy which was adopted by the Council on the 22nd March 2017 requires a financial contribution of £5,579 per dwelling towards public open space improvements and maintenance. In this case, the Landscape Development Section requires the contribution to be used for improvements at Whitmore Village Hall. However, Whitmore Village Hall play area is approximately 1700m away from the site along roads with no footways and therefore it could not be argued that the occupiers of these dwellings are likely to place additional pressure on such facilities. On this basis it is not considered that it would be lawful to secure an obligation in this case.

Staffordshire County Council states that both Baldwin's Gate CE (VC) Primary School and Madeley High School are projected to be full for the foreseeable future and therefore a contribution of £55,306 is sought for both schools. The obligation is considered to meet the tests identified in the NPPF and is compliant with Section 122 of the Community Infrastructure Levy Regulations. However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. 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. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a specific project to provide additional classrooms and an extension to the dining room. Any subsequent planning obligations will be for a different project or projects than mentioned above. On this basis, it is considered that the contribution complies with CIL Regulation 123.

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

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

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

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

APPENDIX

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

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

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

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

Policy H1:	Residential Development - Sustainable Location and Protection of the Countryside
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4:	Development and Nature Conservation – Use of Local Species
Policy N17:	Landscape Character – General Considerations
Policy N21:	Areas of Landscape Restoration
Policy T16:	Development – General Parking Requirements
Policy C4:	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

[Affordable Housing SPD \(2009\)](#)

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

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

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

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

[Staffordshire County Council Education Planning Obligations Policy](#)

Relevant Planning History

17/00630/FUL	Extensions and alterations	Approved
17/00776/FUL	Erection of a replacement dwelling	Approved

Views of Consultees

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

The **Highway Authority** recommends refusal of the application on the grounds that the submitted development fails to demonstrate that adequate visibility can be provided at the proposed site access and that the plans within the Transport Statement do not scale at the indicated scale.

The **Waste Management Section** states that swept path analysis needs to be done to demonstrate that the layout is suitable for collection vehicles. The access road will need to be to highway standards or adopted over its entire length. Certainty is needed regarding access and egress from Stone Road. Without this a shared bin store is needed for all properties where the access road meets the adopted highway. Information about gradients is needed. The two properties at the far end of the site access behind the farmhouse look particularly problematic and would need a collection point. In such circumstances containers are often left at the collection point between collections, causing negative visual impact, road safety issues and neighbourhood disputes.

The **Landscape Development Section** has no objections subject to conditions regarding submission of a landscaping scheme and tree protection. A contribution of £5,579 per dwelling is sought towards off-site open space which would be used for improvements at Whitmore Village Hall which is approximately 1730m from the site.

The **Education Authority** states that the development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School and both schools are projected to be full for the foreseeable future. The development is scheduled to provide 11 dwellings which could add 2 Primary School aged pupils and 2 Secondary School aged pupils. An education contribution is sought for 2 Primary School places (2 x £11,031 = £22,062) and 2 High School places (2 x £16,622 = £33,244). This gives a total request of £55,306 for up to 11 houses.

The **Crime Prevention Design Advisor** states that the area is a generally low crime one and the broad proposals do not appear to introduce any obvious vulnerabilities. The proposals should include fencing and lockable gating close to the front of the building line along with attack resistant external doorsets and ground floor windows in line with the minimum recommended physical security standards in Secured by Design Homes 2016 document.

Chapel and Hill Chorlton Parish Council support the application in principle but make the following comments:

- The proposal would increase the number of dwellings in Hill Chorlton by 50% and would represent overdevelopment. Six rather than eleven bungalows would be supported.
- An opportunity for more publically available green space as outlined in the emerging Neighbourhood Plan would be welcomed.
- The replacement farmhouse should be built on or close to the present dwelling.
- The provision of affordable housing on site rather than the making of a contribution would be supported.
- More detail is required regarding how both foul waste and surface water drainage is to be dealt with.
- When leaving the site it is difficult to have a clear line of sight of vehicles approaching from the right so visibility needs to be addressed.
- The A51 has long standing and unresolved speeding issues and there is concern regarding the safety of people accessing and leaving the location. Traffic calming should be introduced.
- The submitted speed survey is inadequate and lacks validity. It was carried out over 1.5 hours in early afternoon on a single day in early August, i.e. during the school holidays and not at peak time. It is not representative of average traffic flow. In contrast, the safety van readings do show that there is a speed problem.
- Part of the visibility splay is across private land not owned by the applicant.
- Should the application be approved, there should be a condition requiring the maintenance of hedgerows between gardens rather than fencing.

- Only single storey dwellings should be permitted.
- A number of projects were suggested for S106 funding contributions – resurfacing of the path between Sandy Lane and Woodside, improvements to the hard standing for passengers at bus stops, improvements to Chapel and Hill Chorlton footpath number one by the use of compacted hardcore and traffic calming measures on the A51.
- The developers are congratulated for their innovative environmental approach.

The **Lead Local Flood Authority** raises no objection subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme.

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

The **Environment Agency** has assessed this application as having low environmental risk and therefore they have no comments to make.

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

Natural England makes no comment on the application and recommends that their Standing Advice is used to assess impacts on protected species and ancient woodland and veteran trees.

The **Housing Strategy Section** is not satisfied that the applicant had robustly justified that an off-site provision is appropriate in this particular case. There is a need for affordable housing within the Borough and this is demonstrated by the Strategic Housing Market Assessment. It could be the case that the types of housing that are being provided would not be taken up by Registered Providers and if this is the case then this would have to be evidenced. Following receipt of evidence, it is stated that an on-site contribution is required rather than an off-site contribution.

Representations

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

- The proposal is not sufficiently detailed to allow the key planning issues to be addressed
- Surface water and foul waste drainage have not been adequately addressed
- Highway safety concerns due to difficulties of access/egress and speed issues on the A51
- The speed limit should be reduced to 30mph and traffic calming measures installed
- Too many dwellings are proposed and a smaller development would be preferable
- Urbanising effect on a rural hamlet and a significant adverse impact on the character of the settlement and the area
- The replacement farmhouse should be built on the site of the current farmhouse as its siting is an important feature of the settlement's character
- Conditions are requested limiting the height and permitted development rights of the bungalows
- The western half of the site is agricultural land and has not been used as garden
- The site is crossed by power distribution lines
- There are a limited number of services in Baldwin's Gate and the minimum walking time to reach them is 20 minutes. All walking routes involve rural roads with no footway or lighting and a speed limit of 60mph.
- The majority of businesses at Slaters cater to the wedding and tourist trades and none provide for convenience or weekly household shopping.
- Most journeys would need to be made by car and therefore Hill Chorlton is not a sustainable location.
- The Council is now able to demonstrate a housing land supply of 5.89 years and therefore the Council's housing policies are no longer out of date.
- The Neighbourhood Plan has now reached the stage when it can be said to be emerging.
- Impact of street lighting on the night-time environment

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Transport Statement
- Road Safety Audit
- Sustainable urban Drainage Strategy (SuDS) Report
- Design & Access Statement
- Landscape & Visual Impact Assessment
- Tree Survey
- Preliminary Ecological Appraisal

These documents are available for inspection at the Guildhall and on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00507/OUT>

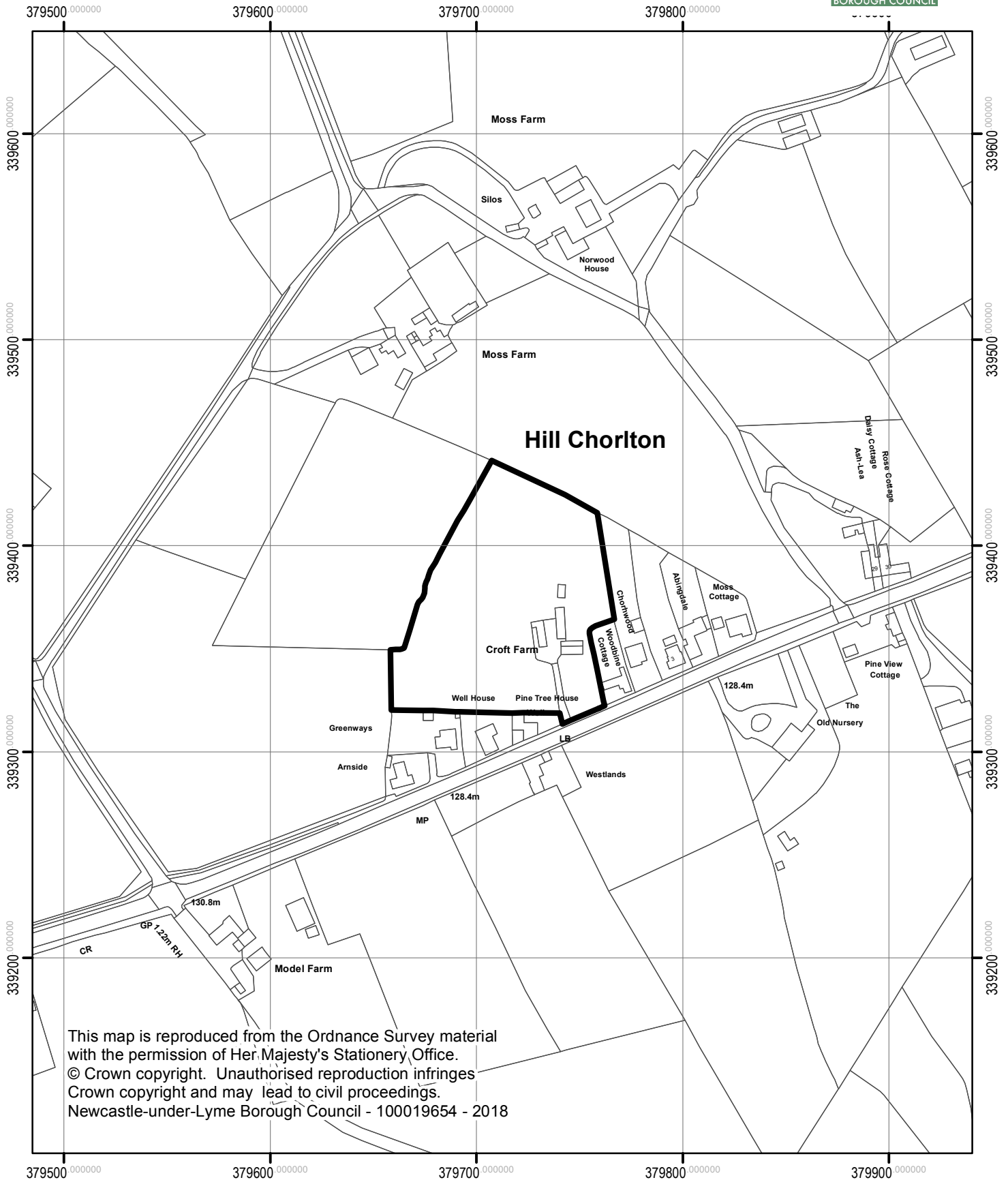
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th January 2019

Croft Farm
Stone Road
Hill Chorlton



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10 POPLAR AVENUE, CROSS HEATH
MR GEZ WILARD

18/00692/OUT

The application is for outline planning permission, with all matters reserved, for the formation of 9 new (net) dwellings involving clearance of existing single (1) bungalow and erection of building to contain up to 10 apartments along with on site parking and site access.

The site area concerned is approximately 1350 square metres. The site lies within the Urban Area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on 10th December 2018 but the applicant has agreed to extend the statutory period until 31st January 2019.

RECOMMENDATION

REFUSE for the following reasons:-

1. Given the limited size of the site and the number of apartments that are proposed, the proposed development and associated bin storage facilities would have a cramped appearance that would be out of keeping with and visually harmful to Poplar Avenue. The proposal would therefore be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies R3 and R12 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document, and the aims and objectives of the National Planning Policy Framework (2018).

2. The development is likely to lead to the loss of, or damage to, visually significant mature trees which will be detrimental to the appearance of the area contrary to Policy N12 of the Newcastle under Lyme Local Plan and the aims and objectives of the National Planning Policy Framework (2018).

3. The proposed development, given the limited size of the site and the number of apartments that are proposed, would be of a scale that would result in an unacceptable overbearing impact on, and loss of privacy to, the occupants of the adjoining properties. In addition the requirements to provide sufficient bin storage space for the number of units proposed and the disturbance associated with collection of the waste and recycling material would further negatively impact upon and the amenity of neighbouring properties. The proposal would therefore be contrary to the aims and objectives of Policy CSP1 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).

4. Without an appropriate secured financial contribution relating to public open space the additional demands upon open space arising from the additional dwellings as proposed would not be suitably addressed. As such the development would be contrary to policies on the provision of open space for residential development, contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, Newcastle under Lyme Borough Council Supplementary Planning Document on Development Contributions (2007), the Newcastle-under-Lyme Open Space Strategy (March 2017), and the aims and objectives of the National Planning Policy Framework (2018).

Reason for Recommendation

The site is in sustainable location where the broad principle of new and replacement housing is acceptable. There are also benefits to allowing additional new housing to occur on the site—namely boosting local housing supply as well as the related economic advantages new housing brings to the area. However the scale of the development to accommodate the number of units envisaged would result in a development which is out of keeping and harmful to the character of Poplar Avenue. Visually significant trees are likely to be damaged and/or removed as a result of the development and, due to the scale of the development, there will be a lack of space for meaningful replacement landscaping. The impact to neighbouring occupants would be overbearing and likely to erode privacy. There is also concern that the provision which needs to be made for bin storage would also have an adverse impact on the visual appearance of the scheme, the wider street scene and general amenity. The Council's Open Space Strategy (as a material planning consideration) triggers a requirement for a public open space financial contribution for the development. The lack of a legal agreement, "on the table", to pay an appropriate financial contribution of £50,211 towards the upgrade of public open space provision is therefore a further reason to refuse planning permission.

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

There are fundamental objections to the density of the development which haven't been addressed by the applicant. It is therefore 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 this development.

Key Issues

The application is for outline planning permission for the demolition of an existing residential property and the construction of up to 10 apartments on the cleared site. All matters of detail (layout, scale, appearance, landscaping and access) are reserved for subsequent approval however indicative plans have been submitted with the application showing that 6, 2 bedroom units are proposed and 3, one bedroom units are envisaged within a single block. The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable?
3. What is the impact to trees?
4. Is the impact to neighbouring living conditions acceptable?
5. What is the impact to highway safety and is it acceptable?
6. What financial contributions are appropriate (if any) in order to secure planning permission?

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

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

CSS Policy ASP5 sets out for the period 2006 – 2026, a minimum of 4,800 net additional dwellings will be provided within the urban area of Newcastle under Lyme. Within the overall urban area figure quoted a total of 3,200 are anticipated by the policy in the neighbourhood of Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre).

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within the urban area of Newcastle or Kidsgrove.

The site is within the urban centre of Cross Heath which is recognised by the Core Strategy as a highly sustainable location for additional residential development. The site presently contains an existing dwelling.

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

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

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

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

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

The current position is that the Council considers that there is a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy requires updating).

The redevelopment of the site would involve the efficient re-use of previously developed land. The site is within a highly sustainable urban location (highlighted as such by the Councils Core Spatial Strategy) within short walking distance of abundant local service provision along London Road (A34) and access to regular public transportation to the Town Centre and beyond. Regard is also paid to the economic benefits of additional housing. There is therefore a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations. More detailed matters are now considered.

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

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

The site lies within an established residential area. There is a detached bungalow to one side of the application site on Poplar Avenue, and a pair of semi-detached, two storey, dwellings to

the other side. The existing property on the site to be demolished is also a detached bungalow. Other dwellings along Poplar Avenue are two storey in height with a variety of architectural styles evident but predominantly semi-detached.

To the rear of the site is Poplar Court which comprises of three storey flats. The character of Poplar Court is markedly different to the street scene of Poplar Avenue which is the primary public highway the development would be viewed from.

Whilst layout, scale and appearance are reserved at this stage the view of your Officer is that 10 apartments on the application site would result in a development of a scale that would appear shoe horned onto the site and which would be inappropriate relative to other existing properties on Poplar Avenue.

Further consideration of the issue visual impact is given in the following section relating to impact to trees and impact on living conditions.

3. What is the impact to trees?

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

The Landscape Development Section object to the scheme on the basis that that the indicative gabion retaining wall and the raising of ground levels for the new drive are not acceptable within the Root Protection Areas (RPAs) of the sycamore tree and the lime tree (annotated as T6 and T7 within the submission) in the adjacent property. They are also concerned that new surfacing is likely to damage the root systems of both trees. Insufficient space has been left at the front of the plot for any meaningful landscaping, nor to mitigate the loss of the 4 existing trees shown to be removed.

Existing mature trees currently provide high visual amenity value to Poplar Avenue, particularly the sycamore (shown as T3 on the applicant's plans). Not all of the area to the rear of the current building within the RPAs of the important beech trees T8 and T9 is currently surfaced and it is not yet demonstrated that potential parking areas can be achieved without harm or loss of those trees. Whilst the applicant's agent has sought to refute this technical advice the case made is not convincing and your Officer's conclusion is that the concerns about the impact of the proposed development on the trees and the visual impact that the loss of the trees would have to the area weighs significantly against the granting of planning permission as does the limited scope for meaningful replacement and landscaping that there would be within the site given the scale of development proposed.

4. Is the impact to neighbouring living conditions acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. An acceptable level of separation can potentially be achieved between the development and the two storey dwellings opposite the site which would accord with the SPG's minimum separation distances. The position and orientation of numbers 12 and 14 Poplar Avenue, a pair of semi-detached two storey dwellings, is of concern particularly when it is noted that they are set at a lower slab level than the application site. Number 8 Poplar Avenue also a bungalow is likely to have a reduced standard of living conditions also. A development of the density proposed is therefore likely to have an overbearing impact to neighbouring residents and result in significantly reduced privacy particularly with regard to use of rear garden areas. A further matter also arises with likely bin storage provision which would be substantial in terms of its visual prominence owing to size in the confines of the site and the appropriateness of its proximity to neighbouring properties –leading to lower amenity levels.

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

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 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.

Saved policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The car parking standards set out in the Appendix to the Local Plan state that 2 or 3 bedroom properties should provide a maximum of 2 off road parking spaces. 1 bedroom properties are specified to provide one parking space with an extra visitor space per every three units.

The Highway Authority has no objections to the scheme subject to the agreement of a site layout which include parking and turning areas. The site is in a very sustainable urban location close to public transportation links to the Town Centre and beyond and bearing that in mind it is considered that the site could accommodate sufficient parking spaces to meet the needs of the development.

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

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

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

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

In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of for the additional dwellings in addition to the existing 6 two bedroom apartments would request £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years - total contribution £5,579 per dwelling for the 6 two bedroom apartments (allowing for the existing dwelling). For the three single bedroom apartments the play area element as itemised in the OSS (£512) and a proportionate amount of the maintenance contribution (£134) should be deducted, leaving £3915 for the capital element and £1018 for maintenance reduced amount £4,933 per dwelling. However given all matters of detail are reserved and as such the precise number of bedrooms is not known at this stage

it would not be appropriate to specify, within any planning obligation, a total amount of the contribution. The obligation would therefore need to state that of £4,933 for each one bedroom unit is required and for all other units £5,579 is required.

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

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

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

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

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

A tariff style contribution is defined as one where the intention is to require contributions to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section have indicated that they propose that the contribution in this case would be applied to improvements to the Douglas Road play area which is 550 metres away from application site, so whilst the amount is calculated on a “sum per dwelling” basis it is not considered to meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

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

The contribution being sought is considered to meet the statutory tests. It is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy, per residential unit. The contribution for any one bedroom units would be reduced by an appropriate amount as already detailed.

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

The applicant has not yet confirmed if they intend to enter into an obligation for the amount specified and no Section 106 agreement is 'on the table'. The Council's obligation requirements outlined above are consistent with other planning decisions for minor residential development and deemed to be necessary to allow planning consent to be granted. Therefore without an appropriate legal agreement to secure financial contribution towards public open space any refusal of this application would need to incorporate that added ground.

APPENDIX

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

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

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

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

Policy H1	Residential development: sustainable location and protection of the countryside
Policy N12	Development and the Protection of Trees
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations

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

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

Supplementary Planning Documents/Guidance

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

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

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

Planning History

None relevant.

Views of Consultees

Severn Trent Water has no objections subject to conditions requiring:-

1. Drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and fully implemented thereafter.

Staffordshire Police advise that given its location on a conventional residential street and sandwiched between two bungalows, the possible construction of what is likely to be a two-storey apartment block will result in potential for noise nuisance arising from coming and going at unsocial hours, and issues of overlooking. There are apartment blocks screened to the rear in Poplar Court, but a lower density accommodation would be more in keeping with the location and less likely to be provide the opportunity to generate any issues.

Notwithstanding the above, should the proposal proceed, the applicant is directed to Secured by Design Homes 2016 document available online where several security measures could be incorporated into the scheme. This includes communal entrance doorsets, apartment entrance doorsets and ground floor/accessible windows which have been tested and importantly, have third party certification to recognised minimum manual attack-resistant

standards. A reserved matters application should demonstrate in the site layout how crime prevention and community safety measures have been considered in the design proposal.

The Council's **Waste Management Section** comment that the proposal indicates that bin storage would be near the front of the site, which enables collections in a way which meet their manual handling and health and safety requirements. However information is required to clarify that the store area will be screened in a way which prevents it being visible from the road, as it would otherwise be vulnerable to antisocial behaviour. The store will also need fencing in some way to prevent it being parked on by residents and to make it less intrusive to neighbours – especially with regard to potential odour. Given the number of properties proposed there is concern that presenting the bins in the standard way will cause obstructions on the pavement and cause visibility issues for drivers. Therefore, rather than install individual containers for recycling and refuse it is proposed to install shared facilities which the collection crew will bring from the store to the freighter and return them after emptying. This is likely to comprise of 2 x 660ltr refuse bins and shared recycling containers.

The **Environmental Health Division** has no objections subject to conditions requiring:-

1. No construction activity on the site between the hours of 18:00 and 07:00 Monday to Friday, no time on Sundays, Bank Holidays or after 13:00 on any Saturday.
2. Agreement of measures to secure adequate internal and external noise levels provided by the development.

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

1. Approval of means of access, layout of site including disposition of buildings and provision of parking and turning areas within the site curtilage; surfacing materials for the access drive, parking and turning areas; means of surface water drainage for the access drive, parking and turning areas.
2. Prior approval of a Construction Method Plan (CMP) and its implementation on commencement of the scheme.

The **Landscape Development Section** object to the scheme on the basis that the proposed gabion retaining wall and raising of ground levels for the new drive are not acceptable within the Root Protection Areas of the sycamore tree T6 and the lime tree T7 in the adjacent property. They are also concerned that the proposed surfacing is likely to be greater than 20% of the existing unsurfaced ground within the RPA of both trees. Insufficient space has been left at the front of the plot for any meaningful landscaping, nor to mitigate the loss of the 4 existing trees shown to be removed. These trees currently provide high visual amenity to Poplar Avenue, particularly the sycamore T3. Not all of the area to the rear of the current building within the RPAs of the important beech trees T8 and T9 is currently surfaced and further information is required to demonstrate that the proposed parking areas can be achieved. There must be no changes in ground level and any proposed hard surfacing should be of 'no dig' construction and should not exceed 20% of any existing unsurfaced ground within the RPA of each tree.

If permission is granted it is requested that a contribution by the developer for capital development/improvement of offsite open space. Allowing for the existing dwelling, for the additional 6 two bedroom apartments would request £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years - total contribution £5,579 per dwelling. For the three single bedroom apartments the play area element as itemised in the OSS (£512) and a proportionate amount of the maintenance contribution (£134) should be deducted, leaving £3915 for the capital element and £1018 for maintenance reduced amount £4,933 per dwelling. This will be used for improvements to Douglas Road play area which is approximately 670m away.

Representations

4 representations have been received raising the following concerns:-

- Submitted boundary details are not accurate.

- The scheme will cause highway safety detriment on Poplar Avenue (which is one way in the section which joins to the A34), Poplar Court and the A34 owing extra vehicles on the road.
- The drainage system cannot accommodate extra development.
- Healthy mature trees will be put at risk of removal or damage.
- The driveway proposed will result in lower privacy levels to number 12 Poplar Avenue as well as unacceptable disturbance arising from comings and goings.

Applicant/agent's submission

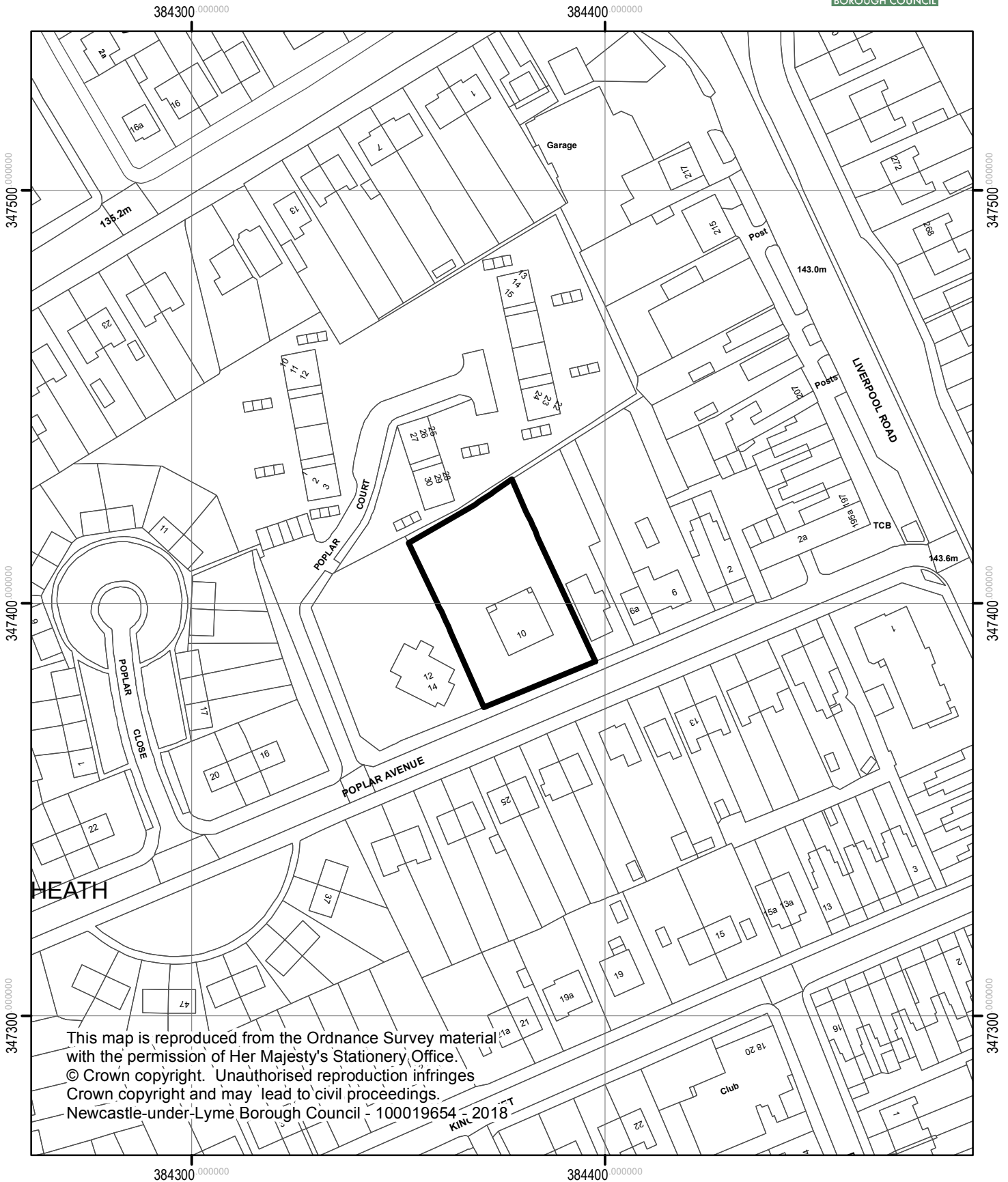
Application forms and indicative plans have been submitted along with an arboricultural report. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00692/OUT>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

11th January 2019.



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CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD
HARWORTH GROUP PLC

18/00736/OUT

This hybrid planning application seeks:

- full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial) and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

The Newcastle Local Plan Proposal allocates, at policy E2, the site which measures 44ha, for employment development.

A number of public rights of way cross the site. The application site is located within a Mineral Safeguarding Area as defined in the Minerals Local Plan for Staffordshire (2017). The southern part of the site is a designated Site of Biological Importance.

The 13 week period for the determination of this application expired on the 21st December 2018, but the applicant has agreed an extension to the statutory determination period to the 8th February 2019.

RECOMMENDATIONS

A. Subject to

- (a) further comments of the Highway Authority being received which raise no objections to the proposal that could not be addressed through the use of conditions and confirming the withdrawal of their holding objection, and**
- (b) Should Highways England not withdraw their holding objection within 1 month of the date of Committee and as such there remains a Direction requiring the Local Planning Authority if it is minded to approve the application to consult with the Secretary of State for Transport, that consultation is then undertaken, and a Direction under Article 31 of the Development Management Procedure Order is not then served directing the Council to refuse the application**

PERMIT the application subject to conditions relating to the following:

- i. Time limit for implementation of earthworks, the submission of application/s for approval of reserved matters and commencement of development. Such periods to be set to recognise the need for greater periods of time than would normally apply.**
- ii. No development to commence until a suitable assessment of the needs of walkers, cyclists and horse riders has been carried out and appropriate amendments to the off-site highway works at the A500 Talke roundabout as identified in the assessment have been agreed and implemented.**
- iii. No development to commence until a Sustainable Drainage Strategy has been submitted and agreed, which is to be fully implemented.**
- iv. No development to commence until intrusive site investigation works and remedial works have been undertaken in accordance with approved details.**
- v. Implementation of earthworks in accordance with the approved plans**
- vi. The development on plots C and D shall be for Class B1(b) and B1(c) or B2 which are demonstrably consistent with the role and objectives of this premium employment site.**
- vii. Removal of permitted development rights to change from Class B1(b) and B1(c) to Class B1(a) (which is a main town centre use)**
- viii. The total amount of floorspace for Class A3 and A5 uses shall not exceed 350m²**
- ix. Approval of a Framework Travel Plan and no building to be occupied until a Travel Plan has been agreed which is in accordance with the agreed Framework**
- x. Any reserved matters application shall be supported by further ecological surveys as appropriate.**
- xi. The details of the main spine access road shall be designed to enable a bus to turn safely.**
- xii. No building shall be occupied until full details of the pedestrian and cycleway enhancements have been approved and implemented which shall include cycle links to Bathpool Park, the existing cycleway on Reginald Mitchel Way, and existing cycleway in Bradwell Woods and Newcastle Road.**
- xiii. Detailed structural landscaping scheme to be submitted and approved within 12 months of the commencement of the earthworks. The scheme is to accord with the Green Infrastructure Strategy and should include the planting of a verge adjoining the footpaths. The structural landscaping scheme shall be implemented prior to any construction of buildings commences.**
- xiv. The on-plot landscaping details as submitted shall include areas of landscaping within parking and other hardsurfaced areas as appropriate.**
- xv. Approval of tree and hedgerow protection measures.**
- xvi. Approval and implementation of woodland and landscape management plans.**
- xvii. No development shall take place on any part of the site until the development has secured the implementation of a programme of archaeological works**
- xviii. Any reserved matters application relating to plots A and B shall incorporate rail freight access or shall demonstrate why such access is not appropriate/feasible.**
- xix. Submission and approval Environmental Management Plan for construction works**
- xx. Submission of an assessment into potential impacts arising from operational noise**

- and onsite vehicle movements in support of any reserved matters applications
- xxi. Approval of details of external lighting
 - xxii. Submission of an Air Quality Assessment in support of any reserved matters application to address the impact upon the nearby residential caravan.
 - xxiii. Air quality assessment prior to first use of any combustion appliance
 - xxiv. Electric vehicle charging points to be included in the development details submitted within reserved matters applications
 - xxv. The reporting of unexpected contamination and preventing the importation of soil or soil forming material without approval.
 - xxvi. Any appropriate condition recommended by the Highway Authority and Highways England

B. In the event that the Secretary of State under the terms of the Development Management Procedure Order directs refusal of the application, that the application be refused only for the reason given in that Direction.

Reason for Recommendation

This is a strategically significant employment development in accordance with development plan and regeneration strategies for the area. The proposal accords with the provisions of the approved development plan for the area and there are no other material considerations which would justify refusal of the application. It is considered that provided the development is undertaken in accordance with the conditions listed above appropriate mitigation of any effects arising from the development will have been obtained. As such it is considered that planning permission can be granted although this, assuming Highways England issue a further direction, can only be done following consultation with the Secretary of State for Transport. If the Secretary of State directs refusal then the Council will have no alternative but to refuse the application in accordance with that direction

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

Officers have been in discussions with the applicant to address concerns raised by consultees and this has resulted in amended and additional information and plans being submitted.

Key Issues

1.1 The application, as indicated above, seeks;

- full planning permission for earthworks associated with the creation of development plateaus, access roads and drainage works (i.e. cut and fill operations to form the levels upon which the development will be constructed); and
- outline planning permission for employment uses and ancillary services. All matters of detail are reserved for subsequent approval including access although the submitted supporting information shows a main point of access into the site from Peacock Hay Road and the formation of a roundabout at that junction, and a secondary access also onto Peacock Hay Road.

1.2 The site, Chatterley Valley, is a key development site which has a long standing employment allocation and has previously been subject to planning permission for its redevelopment.

1.3 The site is currently vacant and in part has been previously used for mining and quarrying operations. It extends to an area of 44ha, however the full application relating to the earthworks involves only part of the site - 24.5ha of land.

1.4 The issues to be addressed within this report are as follow;

- Principle of the development
- Minerals
- Visual impact of the development.

- Highway safety/ sustainability
- Impact on rail safeguarding area
- Nature Conservation

2.0 Principle of the development

Employment uses (Class B)

2.1 Saved Local Plan policy E2 allocates this site for employment development. It indicates that development of the Premium Employment Site, which forms the northern half of the site, will be restricted to light industrial uses and forms of manufacturing development which are demonstrably consistent with the role and objectives of this premium employment site. On the remainder of the site development for Class B uses will be supported in principle. It indicates that the following requirements must be met:

- i) Viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with the Mineral Local Plan policies 4, 5 and 6 (now superseded by Policy 3 of the latest Mineral Local Plan) and in a manner which does not jeopardise the realisation of the site's development prospects.
- ii) The design of development should be high quality
- iii) High quality landscaping should be provided to enhance the setting of development and the nature conservation value of the site should be enhanced and habitat linkages provided
- iv) The potential for rail freight access to the site should be safeguarded and exploited.
- v) The potential for access to the site by non-car modes, including a rail passenger station, should be fully assessed and exploited.

2.2 The requirements (i)-(v) will be addressed in the following sections.

2.3 Policy SP1 of the Joint Core Spatial Strategy (CSS) identifies that Chatterley Valley is designated as the area's Regional Investment Site. CSS Policy SP2 sets out spatial principles of economic development which include, amongst others:

- improvements in the levels of productivity, modernisation and competitiveness of existing economic activities, whilst attracting new functions to the conurbation, especially in terms of service-based industries;
- capitalising on North Staffordshire's potentially strong geographical position, its people and its productive asset base.
- Strategically planned land use on major brownfield sites for high value business growth to complement smaller, localised employment development elsewhere in the plan area.

2.4 CSS Policy ASP5 indicates that a minimum of 104ha of employment land will be brought forward over the plan period. It refers to Chatterley Valley providing a significant volume of high value added employment opportunities in accordance with its identified role as the plan area's Regional Investment Site.

2.5 At paragraph 80 the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

2.6 At paragraph 82 it indicates that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

2.7 As can be seen both local and national policy is fully supportive of the employment development on this site and there are therefore no objections to the principle of the proposed Class B uses (other than Class B1(a) offices for reasons set out below). However to ensure full accordance with Local Plan policy E2, which specifies that the northern half of the site (the Premium Employment Site) will be B1 uses and forms of Class B2 uses which are demonstrably consistent with the role and

objectives of this premium employment site, a condition should be imposed to ensure that the development on plots C and D accord with this policy requirement.

Ancillary uses (Class A3 Restaurant and Cafes and A5 hot food takeaways)

2.8 The proposed Class A3 and A5 uses are defined in the NPPF as main town centre uses. Whilst the following policies do not address such uses it is considered that they have some bearing upon the determination of the application as they do relate to other primary town centre uses.

2.9 CSS policy SP1 indicates that retail and office development will be focussed towards the City Centre and Newcastle Town Centre. Development in other centres will be of a nature and scale appropriate to their respective position and role within the hierarchy of centres.

2.10 ASP5 indicates that retail development outside of Newcastle Town Centre will be of a nature and scale appropriate to the role of each local centre and will primarily be to meet identified local requirements.

2.11 The NPPF indicates at paragraph 85 that planning policies and decisions should support the role that town centres play at the heart of local communities. At paragraph 86 it indicates that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

2.12 The indication within the submitted application is that the Class A3 and A5 uses as proposed are for purposes ancillary to the wider development scheme. It is noted that a very small amount of floorspace is proposed for such uses and as such it is considered that they will be primarily used by those employed on the wider site and limited passing trade rather than be a destination in their own right. Bearing that in mind it would not be appropriate to require consideration of town centre or edge of centre sites as they would not meet the site specific need for such uses. Provided that any planning permission granted limits the amount of floorspace that could be constructed for such uses it is concluded that there would be no objections in principle to them.

2.13 The application does not seek consent for Class B1(a) (office development) which is also defined in the NPPF as a main town centre use. It is, however, possible to change from Class B1(b) and B1(c) uses to Class B1 (a) uses without the need for planning permission. To avoid such a change of use taking place without any control by the Local Planning Authority and consideration against policies relating to main town centre uses, it would be appropriate to prevent such a change from happening through the imposition of a condition.

3.0 Minerals

3.1 Policy 3 of the current Minerals Local Plan (MLP) indicates that mineral resources, including Etruria Marl, within the Mineral Safeguarding Areas (MSA) will be safeguarded against needless sterilisation by non-mineral development. Policy 3.2 states that within an MSA non-mineral development except for identified exemptions, which do not apply in this case, should not be permitted until the prospective developer has produced evidence prior to determination of the application to demonstrate:

- a) The existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) That proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

3.2 Policy 3.3 states that within an MSA, where important mineral resources do exist, except for those types of development that are exempt which do not apply in this case, non-mineral development should not be permitted unless it has been demonstrated that:

- a) the non-mineral development is temporary and does not permanently sterilise the mineral; or,

- b) the material planning benefits of non-mineral development would outweigh the material planning benefits of the underlying or adjacent mineral; or,
- c) it is not practicable or environmentally acceptable in the foreseeable future to extract the mineral.

3.3 As indicated above saved Local Plan policy E2 indicates viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with the Mineral Local Plan and in a manner which does not jeopardise the realisation of the site's development prospects.

3.4 Paragraph 201 of the NPPF indicates that local planning authorities should not normally permit other development proposals in MSAs.

3.5 The application is supported by a Mineral Safeguarding Statement (MSS) which reviews the volume of recoverable marl and its current viability.

3.6 The MSS acknowledges that it was a condition of the previous outline planning permissions that minerals extraction was undertaken in compliance with an extraction scheme permitted by the County Council as Minerals Planning Authority. The current proposal involves a different earthworks scheme to the previous permission and the design of the plateaus has also changed due to the location of mineshafts and the need to make efficient use of land whilst retaining the former marl pit at southern end of the site to allow this water filled pit to provide ecological habitat. The MSS indicates that the proposed schemes requires the utilisation of all on-site material for the cut and fill works and it anticipates that there will be no surplus materials. It indicates that if the marl excavated as part of the proposed earthworks was to be removed, then there would be a 268,000m³ shortfall in "on-site" engineering materials available for the plateau creation.

3.7 The MSS sets out that the implications of the previously approved prior extraction scheme would involve delays and costs to the proposed earthworks scheme as it would require the import of suitable engineering materials and the acquisition and development of a local stockpiling site. In addition, given the range of current selling prices for Etruria Marl, the applicant suggests the estimated cost of the permitted scheme far outweighs the potential income that could be derived from the marl. While cost is a major factor, the fundamental issue to the applicant is one of timescales however.

3.8 The MSS considers alternative options for marl extraction but does not identify any viable alternatives.

3.9 The scheme has therefore been designed so as to avoid any removal of marl and thereby avoids the need for the importation of materials to replace the marl.

3.10 Staffordshire County Council as the Minerals Planning Authority (MPA) has considered and accepted the arguments set out in the MSS. The MPA indicates that in the absence of any industry interest in the marl at this time, or indeed when the previous extraction scheme was permitted, and having regard to the findings in the MSS that the prior extraction is unviable given there is no commercial interest in it, the additional costs incurred and the increased risk of delay, it is reasonable to conclude that the requirement to extract would jeopardise the delivery of the proposed employment scheme. As such the MPA has raised no objections to the proposal.

3.11 The views of the MPA on this issue should be given considerable weight in the determination of this application and are accepted by your Officer. In recognition of these comments it is concluded that the proposal is compliant with relevant saved NLP policy E2 as it is considered that it has been demonstrated that the extraction of the marl would jeopardise the realisation of the site's development prospects and that the benefits of this development outweigh the material planning benefits of the extraction of the underlying or adjacent mineral.

4.0 Visual impact of the development

4.1 Saved NLP policy N17 indicates that development should be informed by and be sympathetic to landscape character and quality and should contribute, as appropriate, to the regeneration, restoration, enhancement, maintenance or active conservation of landscape likely to be affected.

4.2 Core Spatial Strategy CSP1 indicates that new development should be well designed to respect the character, identity and context of Newcastle's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

4.3 As indicated above saved Local Plan policy E2 requires development at Chatterley Valley should provide high quality landscaping to enhance the setting of development and the nature conservation value of the site should be enhanced and habitat linkages provided and that the design of development should be high quality.

4.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) in addition to a Design and Access Statement, and includes a Green Infrastructure Strategy. The documents show that the mature woodland landscaping to south eastern boundary and smaller section on the south western boundaries are to be maintained and enhanced. Further screen planting is proposed, by woodland planting, to minimise the visual impact from the south west (the A500 boundary) and north eastern (Western Coastal Mainline). In addition significant landscaping is proposed on the north eastern, Peacock Hay Road, boundary. The Strategy shows landscaping adjoining the main spine road and between the development plateaus.

4.5 The proposal will result in the loss of hedgerows and trees, however to no greater extent than would have been lost in the previously approved schemes.

4.6 The extent of the structural landscaping to the boundaries of the site as proposed is similar to that shown in the previous planning permission. In addition a similar amount of landscaping is proposed within the site albeit distributed differently because the development plateaus differ in design. Such structural landscaping is considered to be appropriate and acceptable, and accords with the requirements of policy E2. Full details will, however, need to be secured by condition.

4.7 The indicative information provided within the application shows 14 units of varying sizes, with smaller units to the north and larger to the south - not dissimilar to the form of development that was shown on the approved masterplan of the previous decisions. Details have not been provided at this stage but there is no reason to consider that a high quality design could not be achieved.

4.8 The levels upon which the buildings are to be constructed on the northern plots (C and D) are being agreed at this stage, however, and as such consideration should be given to the acceptability of such levels bearing in mind the development that is proposed.

4.9 The LVIA that has been submitted considers that the large buildings that are to be constructed reflects large buildings already present in the local context and would be framed by the structural woodland landscaping that is proposed which will mature and assist in the assimilation of the development into the wider landscape context. It concludes that this development would be appropriate in this location and would not give rise to any unacceptable landscape and visual harm. Such conclusions are accepted. Overall it is considered that the construction of buildings for employment development on the levels as proposed can be carried out in a visually acceptable manner and without harm to the wider landscape context.

5.0 Highway safety/ sustainability

5.1 The NPPF indicates at paragraph 108 that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safety and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.2 At paragraph 109 it indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.3 At paragraph 110 it states that applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and second, as far as possible, to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport,
- create places that are safe, secure and attractive.
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.4 Policy E11 indicates that the potential for access to the site by non-car modes, including a rail passenger station, should be fully assessed and exploited.

5.5 As indicated above the indicative details show access into the proposed development off Peacock Hay Road. This differs from the previously approved development which had an access from Peacock Hay Road serving the northern part of the development and another from the Tunstall Western Bypass which served the southern part of the site. Highway mitigation works were proposed at the Talke (A34/A500) roundabout in the previous schemes and such works have been implemented.

5.6 In the current scheme, therefore, all the traffic generated by the currently proposed development will be using Peacock Hay Road and a larger proportion of the traffic movements will be using the Talke roundabout. As such Highways England (HE) considers that the implemented mitigation works at the Talke roundabout now forms part of the existing highway network and the planning application and its impact needs to be considered afresh.

5.7 The Transport Statement submitted in support of the application indicates that the development causes the Talke roundabout junction to operate above the desired capacity and that it is appropriate to mitigate against the development impact at that junction and improve its capacity. Such mitigation measures involve the creation of a third lane on the roundabout going southbound. In addition a third entry lane is proposed onto the roundabout from the A34 southbound approach to the roundabout.

5.8 Such mitigation measures have been considered by HE and their current response is that there are a number of outstanding matters and that at this time they cannot confirm that the suitability and timing of the proposed mitigation measures are acceptable. It is understood that primary concern is the lack of a Walking, Cycling, Horse Riding Assessment Review within a Road Safety Audit. Whilst the applicant is prepared to prepare and submit this information they request that this is done following the determination of the application via a condition of the permission. It is considered that it would be appropriate for a suitable assessment to be secured by condition as could any recommended adjustments to the off-site highway works proposed at the Talke roundabout junction. In light of the response of HE the local planning authority are currently prevented from granting planning permission for a time limited period which could be extended. At present, therefore, and unless HE do not renew their holding objection (which at present is to lapse on 17th January) the local planning authority have to first consult the Secretary of State for Transport and await the decision from the Secretary of State as to whether to serve a direction under Article 31 of the Development Management Procedure Order or not.

5.9 The Highway Authority has reviewed the latest information that has been provided which includes the provision of a Stage 1 Road Safety Audit (RSA). Whilst it is known that they do not have any objection in principle to the development as proposed they advise that at this time the applicant has failed to demonstrate that a safe and deliverable access can be provided. Whilst the means of access onto the site is a detail reserved for subsequent approval, earthworks and the levels on the site at the point of access are being agreed at this stage as part of the full permission. It is therefore important

to ensure that the levels that are approved will not prevent to the design and formation of a roundabout access. It is understood that a meeting took place between the applicant and the Highway Authority and that further information is to be provided. It is anticipated that the further comments of the Highway Authority will be received and these will be reported.

5.10 The indicative layout shows a main spine access into the site with a large turning circle that would be suitable for the turning manoeuvre of a bus. It would therefore be possible a bus route to incorporate the site, however it has to be acknowledged that such an access arrangement makes this less likely to happen as the operator's preference is to serve developments that have a through route and which don't, therefore, require the bus to travel along the same route out of the site onto the highway network..

5.11 The current proposal is therefore not as accessible to non-car modes of transport as the previous approved development, which is regrettable and does not fully comply with NPPF paragraph 110a which indicates that applications for development should – so far as possible - give priority to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus and other public transport services, and appropriate facilities that encourage public transport use.. The formation of a second point of access from Tunstall Western Bypass will, however, it is understood significantly increase the costs of developing the site and therefore would make it less viable. Any such requirement could very well result in a further significant delay in the development of the site for employment purposes.

5.12 In this case it is considered that the benefits of the development which include the provision of much needed employment land and the creation of an estimated 1,842 jobs on site outweigh the harm arising from a development proposal that does not optimise the opportunities to secure a bus service to the site. It would, however, be appropriate to require that the Travel Plan Framework includes a requirement that a shared private bus service be operated on behalf of the businesses on the development for their employees.

5.13 The proposal suggests significant enhancements to the pedestrian and cycleway infrastructure thereby maximising opportunities to access the site on foot or by cycle. Such improvements could be expanded upon in accordance with the advice of the Landscape Development Section and secured by condition.

6.0 Impact on rail safeguarding area

6.1 As indicated above saved Local Plan policy E2 indicates that the potential for rail freight access the site should be safeguarded and exploited and the potential for access to the site by non-car modes, including a rail passenger station, should be fully assessed and exploited.

6.2 The previous planning permissions did not secure a rail passenger station as it was not feasible to do so. There have been no material changes in circumstances since those decisions to conclude that this is now a possibility. The lack of a station as part of the current proposal is therefore acceptable.

6.3 A planning condition of the previous planning permission required that an area of land shall be safeguarded from development as to facilitate future rail freight use. The current proposal does not specify the final ground levels for the lowest southernmost plateaus to ensure that the option remains for them to be occupied by a development that could be served by rail from the adjoining railway line should there be a demand from such an operator in the future. The submission, however, points out that the sidings would access directly onto the West Coast Main Line and as such the opportunity to access the site during the day is severely compromised primarily due to the speed differences between freight and passenger trains. In addition there is also a limited market for rail-connected employment. The indication within the submission is that marketing of the site would be ongoing to determine whether the subsequent reserved matters application(s) would or would not create plateaus that would be used by rail freight operators.

6.4 Therefore whilst the applicant is indicating that there is doubt as to whether it would be feasible that the site will be developed and occupied by a rail-connected employment use the proposal as submitted nevertheless safeguards this option.

6.5 The views of Network Rail have been sought but they have not responded. In the absence of any objections it is considered that the proposal is acceptable and satisfies the requirement of policy E2.

7.0 Nature Conservation

7.1 CSS policy CSP4 states that the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through identified measures. Such measures includes ensuring that the location, scale and nature of all development planned and delivered avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character etc.

7.2 At paragraph 170, the NPPF indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. It goes on to say at paragraph 175 that when determining planning applications local planning authorities should apply the following principle amongst others:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

7.3 The application site has been subject to a number of ecological surveys undertaken over a number of years since 2004 as part of the ongoing promotion of the site and to support applications. This application is supported by a number of surveys. A lot of the site is grazed pasture land which has negligible ecological value. There will be some losses of habitat and protected species but the development has been designed to reduce the loss of ecological features and includes green infrastructure and aims to maintain habitat connectivity to the wider landscape for species such as Great Crested Newts (GCN), bats and badgers.

7.4 A large population of GCNs were identified within the site boundary mainly associated with waterbodies located within the south of the site. A trapping and translocation process has been ongoing as part of a Licence issued by Natural England.

7.5 The site contains a site of local nature conservation importance designated due to its population of GCNs and an area of ephemeral/short perennial vegetation which would be lost. The submitted proposals aim to mitigate this loss within the development site. Such mitigation involves the provision of four ponds which will accommodate GCN habitats (in addition to those previously permitted and implemented) along with 2.84ha of ephemeral perennial habitat located within close proximity. Broad swathes of tussock grassland and species rich wild flower areas will be located along the site margins and slopes between the plateaus. It is also proposed to provide species rich native hedgerow planting across the site to form ecological corridors for bats and birds.

7.6 The application indicates that the package of mitigation measures ensures that the Favourable Conservation Status is maintained, enhanced and linked to the wider environment to encourage wildlife movement.

7.7 The views of Natural England and Staffordshire Wildlife Trust have been sought but they have not responded. In the absence of any objections and in recognition that appropriate ecological surveys have been undertaken by suitably qualified consultants it is considered that this issue has been suitably addressed within the application proposal.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy E2: Chatterley Valley
Policy T9: Rail Freight
Policy T16 Development – General Parking Requirements
Policy N2: Development and Nature Conservation – site surveys
Policy N3: Development and Nature Conservation - protection and enhancement measures
Policy N4: Development and Nature Conservation – use of local species
Policy N10: New Woodland – considerations
Policy N12: Development and the protection of trees
Policy N14: Protection of landscape features of major importance to flora and fauna

[Minerals Local Plan for Staffordshire \(2015-2030\)](#)

Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

In 2007 outline planning permission was granted (04/00546/OUT) for an employment area, extending over a wider site than the current proposal, comprising B1 offices and workspaces, B2 industrial units, B8 warehousing, C1 hotel including restaurant and cafe (A3) drinking establishment (A4) and leisure use (D2) , leisure facilities, open space and associated highways, footpaths and landscaping. The Masterplan identified areas of development within the site and a phasing plan indicated when these would be delivered. This included 25,150 m² of high tech/workshop space on Peacock Hay and 50,000 m² of B8 on Chatterley Sidings (site 9) and 5,500 m² of offices on Chatterley Gateway North (site 8) (Phase 2). Such office accommodation was to be ancillary to B8 uses on Chatterley Sidings (site 9).

Reserved matters approvals for a single building for a use falling within Class B8 (storage and distribution) on Plot B of the Lowland Road site including a biofuel plant, was approved in 2007 (07/01144/REM) pursuant to the original outline planning permission reference 04/00546/OUT, and that development has been built out (Blue Planet).

In 2008 a further outline planning permission was effectively granted (07/00995/OUT) when an application for the variation of conditions of the original outline planning permission was approved. The conditions that were varied related to the Masterplan and the amount of floor space on the overall site.

The County Council as Minerals Authority permitted an application for the excavation of 530,000 tonnes of marl from the Peacock Hay and Chatterley Sidings sites with storage at the Bradwell West Marl Pit pending sale/disposal (04/00623/CPO).

There have also been two applications which address development associated with the required mitigation measures for Great Crested Newts. The first application was within Bathpool Park, involving the excavation of ditches and ponds for conservation, disposal of material on site, erection and subsequent removal of amphibian fence and hedge and tree planting (05/00811/FUL). That application was permitted in 2006. The second application was permitted in 2007 on land to the north west of the A500 again involving excavation of ditches and ponds for conservation purposes, disposal of materials on site, erection and subsequent removal of amphibian fence, hedge and tree planting (07/00730/FUL).

Views of Consultees

The **Environmental Health Division** has reviewed the revised air quality assessment, which has not found any adverse impact from the development proposal on the residential caravan at Copp Lane. The following conditions are recommended:-

- An Environmental Management Plan
- Submission of an assessment into potential impacts arising from operational noise and onsite vehicle movements with any reserved matters applications
- Approval of details of external lighting
- Submission of an Air Quality Assessment with any reserved matters application to address the impact upon the nearby residential caravan.
- Air quality assessment prior to first use of any combustion appliance
- Electric vehicle charging points
- The reporting of unexpected contamination and preventing the importation of soil or soil forming material without approval.

Highways England direct that permission should not be granted for a specified period.

The **Highway Authority** recommends that the application should be refused as to date the applicant has failed to demonstrate that a safe and deliverable access can be provided to serve the proposed site. They advise that negotiations and discussions are still ongoing to ascertain if an acceptable design can be delivered.

The **Landscape Development Section** makes the following comment:

- Impact on hedgerows on the site doesn't appear to have been fully assessed. An assessment should be done as to whether the hedgerows would be classed as important under the terms of the Hedgerow Regulations 1997. The proposal would appear to result in a considerable loss of hedgerow.
- The proposals appear to include the retention and strengthening of planting around the pond and surrounding wooded areas which are welcomed. It is suggested that a woodland management plan be provided.
- The strategy for improvements to footpath/cycle path connections could be expanded to cover
 - new cycle links to Bathpool Park, the existing cycleway on Reginald Mitchel Way, Bradwell Woods and Newcastle Road.
 - Surfacing, links to business units, signage, cycle storage.
- The proposed hedgerow planting and general principles shown on the structural landscaping proposals are welcomed, however it is requested that additional strategic structural landscaping be provided to break up large expanses of paving and grassed spaces between buildings to break up and soften views of buildings, changes in levels, and retaining structures.

- It is suggested that adjustments are made to woodland planting proposals to include a verge so that new woodland planting does not abut the public footpath.
- Conditions should be included in any permission requiring tree and hedgerow protection; approval of hard and soft landscaping proposals; approval and implementation of woodland management plans; and approval and implementation of landscaping management plans.

The Council's **Waste Management Section** has no objection or comment.

Staffordshire County Council as the **Minerals Planning Authority** has no objection to the application.

The **Environment Agency** has no objection and recommends contaminated land condition.

The County **Footpaths Officer** advises that the application plans do recognise the existence of Public footpaths No. 2 and 3 which run across the proposed development, but they do not show it in its correct alignment.

The Design and Access statement does indicate that the intention is to either divert or maintain the footpaths as to not isolate current users. The attention of the developer should be drawn to the requirement that any planning permission does not construe the right to divert, extinguish or obstruct any part of the public path network. A further application under section 257 of the Town and Country Planning Act will be required. In addition the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion.

It is important that users of the path network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development.

They ask that trees are not planted within 3m of the public right of way unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility. It is also unlikely that any of the new linking footways created through this development will be included on the Definitive Map of Public Rights of Way. Alternative arrangements will need to be made to ensure the maintenance in the future either by the developer or subsequent landowners.

The **Coal Authority** concurs with the recommendation in the submitted Ground Conditions Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works and remedial works should be undertaken prior to development. They recommend a condition to secure such investigation and remedial works.

Staffordshire County Council as the **Lead Local Flood Authority** recommends that planning permission should not be granted until certain points have been adequately addressed.

Cadent provide guidance regarding safe working in the vicinity of pipelines, given that a High Pressure Pipeline crosses the southern part of the site, and advise that all works carried out in the vicinity of the pipeline are to confirm to such guidance.

Police Architectural Liaison Officer comments are summarised as follows:

- The application represents a very exciting development and employment opportunity for the Borough, which can only be a good thing for the area.
- The ability for businesses to operate securely and for the site not to be subject to repeated criminal or anti-social activity will be an important consideration for the long term success of the venture.
- Whilst they have no objection to the broad proposals, it will be imperative that due consideration is given to matters of security, which should not be left solely to the respective tenants.
- The provision of a single vehicular access/egress point is potentially a big positive in terms of overall site security.
- It will be important to prevent unauthorised access to certain areas on site, notably HGV loading bay yards.
- Serious consideration should be given to the installation from the very outset of a site-wide monitored CCTV system under the ownership and operation of the site owner.

- The external building materials (external doors, roller shutters, windows, building shell etc.) will need to provide an appropriate level of intruder-resistance.

Staffordshire Badger Conservancy Group - it is a relief to read that the ecologist feels that use of the site by badgers has declined and that the scheme will replace lost foraging grounds for any badgers in the surrounding area. They support the badger mitigation measures detailed. If there is a delay in starting the project then the ecological survey would need to be updated. They support a survey of the whole area of semi-natural broadleaved woodland, that was in parts inaccessible, when foliage has naturally died back to make sure that no setts of any classification have been missed.

Severn Trent Water has no objections subject to conditions requiring the approval of and implementation drainage plans.

The views of **Network Rail, Stoke City Council, Natural England, Staffordshire Wildlife Trust** and the Council's **Economic Regeneration Section** have been sought. As they have not responded by the due date it is assumed that they do not have any comments,

Representations

None to date

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Supporting Statement
- Design and Access Statement
- Flood Risk Assessment Report and Sustainable Drainage Scheme
- Ecological Appraisal
- Reptile Survey Report
- Bat Report
- Breeding Bird Report
- Invertebrate Assessment
- Arboricultural Assessment
- Landscape/Visual Impact Assessment
- Ground Conditions Assessment
- Transport Assessment
- Travel Plan
- Noise Report
- Air Quality Assessment
- Mineral Safeguarding (Marl) Statement
- Archaeological Appraisal
- Statement of Community involvement

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of Stoke City Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00736/OUT>

Background papers

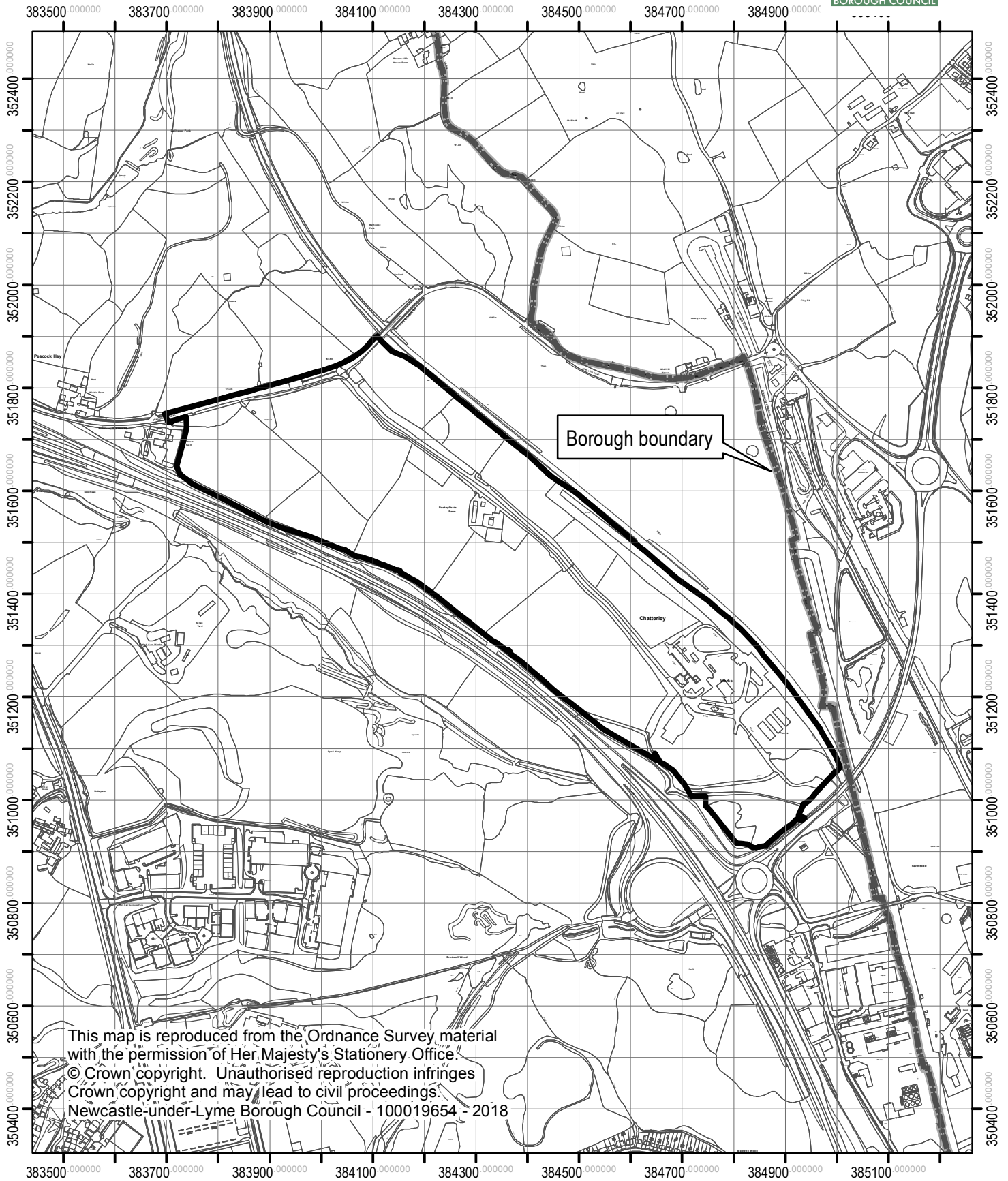
Planning files referred to

Planning Documents referred to

Date report prepared

9th January 2019

**Chatterley Valley Development Site
Peacock Hay Road, ST6 6QH**



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**LAND OFF DEANS LANE AND MOSS GROVE, RED STREET
PERSIMMON HOMES (NORTH WEST)**

18/00854/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 50 dwellings.

This application for the approval of reserved matters follows the granting of an outline planning permission in December 2017 for a residential development of up to 50 dwellings (16/00902/DEEM4). Details of access from the highway network were approved as part of the outline consent.

The application site lies on the edge but within the major urban area of all as indicated on the Local Development Framework Proposals Map. The site extends to approximately 1.47 hectares.

The 13 week period for the determination of this application expires on the 11th February 2019.

RECOMMENDATIONS

Subject to the receipt and consideration of further Lead Local Flood Authority comments;

PERMIT subject to conditions relating to the following:

1. Link to outline planning permission and conditions
2. Approved plans
3. Facing and roofing materials
4. Boundary treatments
5. Soft landscaping scheme
6. Method Statement for protection, treatment and future management of hedgerows
7. Off site highway works – provision of accesses and to tie in the existing highway & footway on Moss Grove into the carriageway & footway to the development site
8. Provision of visibility splays
9. Surfacing of parking areas
10. Surface water drainage
11. Retention of garages for parking of motor vehicles and cycles
12. Footpath link completed
13. Trees shown as retained shall be retained and protected throughout construction
14. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application

Reason for Recommendation

Subject to drainage matters being adequately addressed, the proposed development would be suitable for the site and the character and amenity of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD. The development for 50 dwellings also provides an acceptable level of off-street car parking, pedestrian connectivity and relationship with neighbouring properties and following the submission of amended/ additional information the design of the scheme is acceptable and meets the requirements of the National Planning Policy Framework.

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

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

Key Issues

1.1 The Application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 50 dwellings.

The principle of the residential development of the site has been established by the granting of outline planning permission 16/00902/DEEM4 in December 2017, following the completion of Section 106 agreement which secured 25% Affordable Housing onsite, a financial contribution of £147,150 towards the improvement of the equipment on Red Street Open Space and/or Barbridge Road Play Area and £99,732 towards secondary education places at Chesterton Community Sports College. A separate Unilateral Undertaking secured the provision and maintenance of acceptable visibility splays on third party land at the junction of Moss Grove and Deans Lane. Details of the access from the highway network were approved as part of the outline consent.

1.2 Given that this is a reserved matters application the key issues for consideration now are limited to:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area, including loss of hedgerows?
- Would there be any material adverse impact on residential amenity?
- Are the proposed access arrangements, parking provision and pedestrian connectivity works acceptable in highway safety terms?
- Sustainable drainage considerations and electric vehicle charging, and
- Is the affordable housing layout acceptable?

2.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including loss of hedgerows?

2.1 Paragraph 124 of the recently published revised National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

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

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

2.5 The application site is located on the edge of the urban area with the landscape to the north and west being fairly open.

2.6 The proposed development ensures that dwellings front both Deans Lane and Moss Grove. The dwellings that front Deans Lane would be at the expense of a hedgerow which is a change to the indicative layout that was presented during the outline planning application. The loss of part of this hedgerow was agreed and it is considered that dwellings that primarily front Deans Lane is an appropriate design solution that would help the development as a whole to enhance the appearance of the site and visual amenity of the area.

2.7 The proposed house types and mixture of dwellings are acceptable and corner plots would be dual frontage. Streetscene plans have been submitted to support the application which demonstrate that there would be active frontages to both Deans Lane and Moss Grove. The proposals would be enhanced by soft landscaping and a detailed landscaping plan has been submitted. The Landscape Development Section (LDS) have requested a number of further improvements to soften the appearance of the development. This has resulted in amended details being provided and whilst LDS have not made further comments to date, the principle of the amended landscaping scheme is considered acceptable and a condition can secure additional improvements also.

2.8 The dwellings would be constructed using facing brick and details have been submitted for approval. The proposal is to construct the dwellings using two types of facing brick throughout the development. Some of the dwellings would be constructed using a red brick and others will be constructed using a brindle or brownish brick. A greater variety and mixture of facing bricks to break up the appearance of the development would have been preferable but on balance the details are considered acceptable. A grey roof tile will be used for all of the dwellings

2.9 The proposed development offers an acceptable design that would not harm the character and appearance of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD and the NPPF.

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

3.1 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.

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

3.3 The proposed dwellings would all be two storeys in height and would be a mixture of 2, 3 & 4 bedroom dwellings. The separation distances and relationship of proposed dwellings with neighbouring dwellings accords with the SPG and is therefore acceptable. The plots would have acceptable rear garden sizes.

3.4 Separation distances and relationships between the proposed dwellings would be acceptable with the only shortfall in the separation distance being between plot 27 and plot 3 whereby ground floor principal windows of plot 27 face the two storey blank gable end of plot 3. The distance specified in the SPG is 13.5 metres to ensure that an overbearing impact is not caused. In this instance the distance is 12 metres but due to the relationship of the principal window with the gable end of plot 3 it is considered that the overbearing impact would not be significant. On this basis, it is not considered that a reason for refusal is justified because of this shortfall.

3.5 Overall, the proposal is considered to meet the guidance and requirements of the NPPF.

4.0 ,Are the proposed access arrangements, parking provision and pedestrian connectivity works acceptable in highway safety terms?

4.1 Details of the access to the site were approved when outline planning permission was granted. The development proposed a single point of access off Moss Grove via a continuation of that highway. Moss Grove is accessed via Deans Lane, a single lane carriageway subject to a speed limit of 30mph. However, the layout now proposed seeks access for seven properties off Deans Lane via a shared driveway (to serve three dwellings) or via individual driveways. Whilst this differs from the outline permission whereby all properties were to be served from Moss Grove the accesses that front Deans Lane would be taken directly off the highway with no adoptable highway road being proposed off Deans Lane. The majority of the properties and the new access roads within the site would be via Moss Grove which is broadly in line with the access details permitted in the outline planning permission. In terms of impact on safety on Deans Lane the only consideration can be the consequence if any of providing direct access from 7 plots onto Deans Lane. In granting the outline planning permission Moss Grove was agreed to be a suitable access onto Deans Lane for up to 50 dwellings and less are now proposed. There is no basis to reconsider the wider impact on say the junction of Deans Lane with Red Street.

4.2 The NPPF, at paragraph 109, advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. LPAs have also been encouraged not to set maximum limits on the amount of parking either and NLP policy T16 states that development

which provides significantly less parking than the maximum specified levels referred to in that policy will not be permitted if this would create or aggravate a local on-street parking or traffic problem.

4.3 The proposed dwellings are a mixture of 2, 3 and 4 bedroom properties and each dwelling would have a minimum of two off street car parking spaces. This is considered acceptable for this location.

4.4 The Highway Authority has raised no objections to the current proposal subject to a number of conditions that will secure acceptable access and parking arrangements that will also include acceptable visibility splays throughout the development. Highway and pedestrian connectivity works will also need to be completed prior to the occupation of the dwellings.

4.5 The Waste Management Section have agreed the submitted details and condition 13 of the outline permission requires full and precise details of the arrangements for recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and refuse receptacles to be submitted for approval.

4.6 Condition 7 of the outline planning permission required a footpath link on the eastern boundary of the site to allow pedestrian access from the development to the existing public footpath (Newcastle 21). A footpath link is proposed which would provide easy connectivity from the public footpath to the proposed dwellings with an attractive appearance and natural surveillance also achieved.

4.7 Subject to the advised conditions the proposed development is considered unlikely to lead to significant highway safety and on street car parking implications within the development site or on neighbouring roads. The development would therefore meet the guidance and requirements of the NPPF.

5.0 Sustainable drainage considerations and electric vehicle charging

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

5.2 Paragraph 148 of the revised NPPF also recognises that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

5.3 The outline permission required the submission of a detailed surface water drainage scheme as part of the reserved matters application. Whilst this reserved matters submission provides a surface water drainage scheme the LLFA still require further information to be submitted before they can be satisfied that the development would be acceptable. This has resulted in additional information being submitted and the further views of the LLFA are now being sought and their comments should be received prior to the committee meeting. Any comments received will be reported prior to the meeting.

5.4 Furthermore, it is considered necessary to attach a condition that the development should provide electric vehicle charging points for each plot which is encouraged by paragraph 110 of the NPPF.

6.0 Is the affordable housing layout acceptable?

6.1 A Section 106 planning obligation, entered into when outline planning permission was granted, requires the provision of affordable housing within this development. The proposal includes the provision of 13 affordable units, which is 25% of the total number of dwellings proposed and as such accords with policy. The 13 units comprise of 8 units which will be for social rent and 5 units which will be shared ownership. Three of the units will be two bedroom properties and 10 will be three bedroom properties.

6.2 The Housing Strategy Section has advised that the affordable housing proposals accord with the affordable housing SPD and that the proposed affordable housing is sufficiently “pepper potted”.

APPENDIX

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

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

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

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

Policy T16: Development – General Parking Requirements
Policy N3 Development and Nature Conservation – Protection and Enhancement Measures
Policy N4 Development and Nature Conservation – Use of Local Species
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

[Affordable Housing SPD](#) (2009)

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

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

Relevant Planning History

16/00902/DEEM4 Outline Planning Consent for the development of up to 50 dwellings
(Resubmission of 16/00634/DEEM4) Permitted

16/00634/DEEM4 Outline planning consent for the development of up to 50 dwellings Withdrawn

Views of Consultees

The **Highways Authority** raises no objections subject to conditions relating to surfacing of parking areas, visibility splays, cycle storage, surface water drainage, garages being retained for vehicle parking, off site highway works (access of Moss Grove) and pedestrian links provided.

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

Severn Trent Water (STW) have sought drainage information and further information has been submitted to them. No further comments have been received.

The **Landscape Development Section** have advised that the layout should be adjusted to ensure that the grass verge on Moss Grove is retained, fill in gaps in hedgerows, additional hedgerow planting to protect views from neighbouring developments and category B trees should be shown on the proposed layout. They also request pathway improvements to connect to the public footpath, a

Method Statement for protection, treatment and future management of hedgerows and new tree planting be positioned within planting beds

Waste Management Section raises no fundamental concerns with the proposals following the submission of amended/ additional information. However, they advise that care needs to be taken to ensure that bins are not left at collection points and that freighters will be able to access the location safely. They advise though that the narrow width of the road (demonstrated by the analysis outside plots 23-25) makes it clear that any cars parked on the highway may obstruct access for collection vehicles and prevent servicing, causing inconvenience to residents and incurring costs to the Council in arranging returns.

Crime Prevention Design Advisor are largely supportive of the proposed layout which they indicate possesses some sound crime prevention attributes. However, one negative aspect that they have highlighted before planning permission is granted relates to rear garden access - the plans do not show gating at the sides of the properties in place to prevent unauthorised access from the front of the properties to the private rear gardens.

Staffordshire County Council Flood Risk Team (LLFA) indicates that condition 6 of the outline planning consent (16/00902/DEEM4) states that any application for the approval of reserved matters shall include a detailed surface water drainage scheme for the site, and specifies a list of details required. They advise that the current reserved matters application does not meet this requirement and further information is sought.

Housing Strategy Section advises that 13 units are proposed to be provided as affordable homes. This is 25% of the total number of units on site. 8 of these units will be social rented and 5 units will be intermediate homes. For sake of clarity, it should be set out that these will be of a shared ownership tenure. The types of properties 3 x 2 bed houses and 10 x 3 bed houses. They advise that the above proposals accord with the Supplementary Planning Document and that the location of the proposed affordable housing is sufficiently pepper potted.

County Council Rights of Way Officer advises that existence of Public Footpath No. 21 Newcastle Parish, which lies to the south of the proposed development, should be brought to the attention of the developer. However, they raise no objections to the application.

Comments were also invited from **Staffordshire Wildlife Trust (SWT)** 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

None received.

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00854/REM>

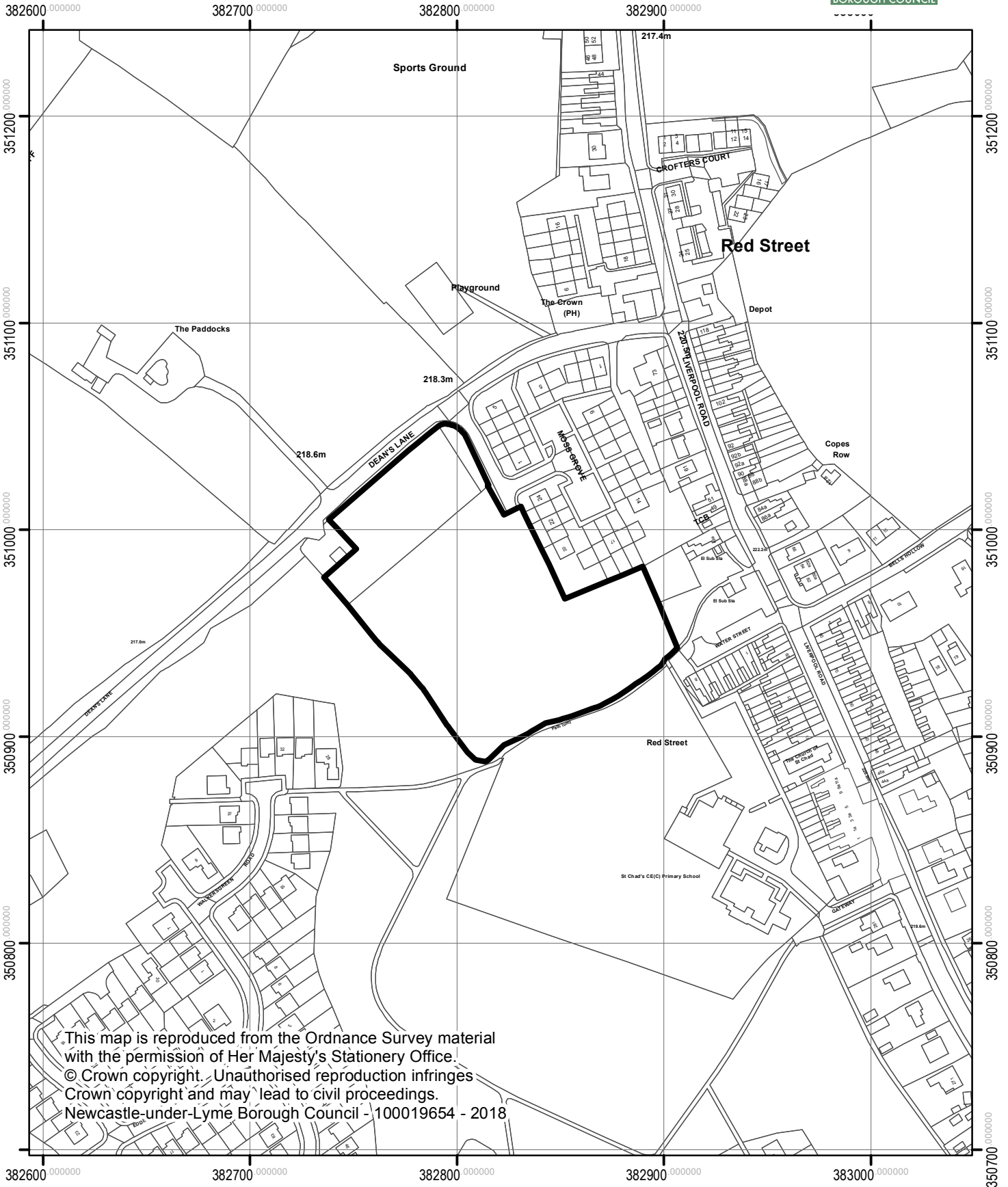
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16th January 2019

Land At Deans Lane
Red Street
Talke



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1. <u>LAND ADJACENT 16 ST GILES ROAD, KNUTTON</u>	<u>18/00016/FUL</u>
2. <u>FORMER PLAYGROUND BRUTUS ROAD, CHESTERTON</u>	<u>18/00243/FUL</u>
3. <u>LAND OFF ST BERNARDS ROAD, KNUTTON</u>	<u>18/00443/FUL</u>
4. <u>LAND BETWEEN 155 AND 161 KNUTTON LANE</u>	<u>18/00441/FUL</u>
5. <u>LAND ADJACENT 25 ARTHUR STREET, KNUTTON</u>	<u>18/00461/FUL</u>
6. <u>LAND ADJACENT 45 MORAN ROAD, KNUTTON</u>	<u>18/00465/FUL</u>

ASPIRE HOUSING GROUP

Full planning permission for the developments set out below has been approved under delegated authority subject to the applicant first entering into a planning obligation (unilateral undertaking) to secure a public open space contribution. The date of the interim approval, the amount of public open space required and the location as to where the contribution is to be spent is also set out below.

1. 18/00016/FUL Construction of four flats for affordable rent on land adjacent 16 St Giles Road, Knutton. Decision to grant planning permission is subject to the requirement that a planning obligation is entered into to secure a financial contribution of £9,866 towards public open space improvements and maintenance at the Wammy. Date of interim approval 26th April 2018.
2. 18/00243/FUL Construction of four 3 bed semi-detached houses and one 4 bed detached house on the former playground on Brutus Road, Chesterton. Decision to grant planning permission is subject to the requirement that a planning obligation is entered into to secure a financial contribution of £27,895 towards public open space improvements and maintenance at Loomer Road. Date of interim approval 15th January 2019.
3. 18/00443/FUL Construction of 8 houses for affordable rent on land at St Bernards Road, Knutton. Decision to grant planning permission is subject to the requirement that a planning obligation is entered into to secure a financial contribution of £44,632 towards public open space improvements and maintenance at the Wammy. Date of interim approval 31st October 2018.
4. 18/00441/FUL Construction of two flats for affordable rent on land between 155 and 161 Knutton Lane. Decision to grant planning permission is subject to the requirement that a planning obligation is entered into to secure a financial contribution of £11,144 towards public open space improvements and maintenance at the Wammy. Date of interim approval 21st December 2018.
5. 18/00461/FUL Construction of two houses for affordable rent on land adjacent 25 Arthur Street, Knutton. Decision to grant planning permission is subject to the requirement that a planning obligation is entered into to secure a financial contribution of £9,866 towards public open space improvements and maintenance at the Wammy. Date of interim approval 24th September 2018.

Full planning permission, reference 18/00465/FUL, was also granted by Planning Committee at its meeting of 11th September 2018 for the construction of two flats for affordable rent on land adjacent to 45 Moran Road, Knutton. The resolution of Committee to grant planning permission is subject to the requirement that a planning obligation is first entered into to secure financial contribution of £9,866 towards public open space improvements and maintenance at Pool Dam Local Nature Reserve.

The developer has, following the decisions above, advised that the requirements to provide contributions towards public open space would render these developments unviable and has requested that such requirements are reconsidered. This matter is being brought to Planning Committee for a decision as to whether to accept the request of the developer and agree not to require some/all of the policy compliant contributions.

RECOMMENDATION

A. That the Council agree not to require the provision of a contribution towards improvement and maintenance of public open space in respect of the following applications subject to the applicant entering into a Section 106 obligation by 28th February 2019 that includes a review mechanism of the schemes' ability to make some or fully policy compliant contributions to public open space and public realm enhancement and maintenance, should the developments be not substantially commenced within 12 months of date of the decisions and payment of such additional contribution if then found financially viable;

- 1. Land adjacent 16 St Giles Road, Knutton. 18/00016/FUL**
- 2. Former playground Brutus Road, Chesterton. 18/00243/FUL**
- 3. Land off St Bernards Road, Knutton. 18/00443/FUL**
- 4. Land between 155 and 161 Knutton Lane. 18/00441/FUL**
- 5. Land adjacent 25 Arthur Street, Knutton. 18/00461/FUL**
- 6. Land adjacent 45 Moran Road, Knutton. 18/00465/FUL**

B. Subject to the planning obligations as referred to in recommendation A being completed, the Head of Planning exercise the delegated authority to issue planning permissions subject to the conditions as set out in the approved interim reports and in the case of 18/00465/FUL the resolution of the 11th September Planning Committee allowing for any changes to such conditions as may be necessary.

C. Failing completion of the above planning obligations by 28th February 2019 referred to in recommendation A, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The proposed developments on five of the sites have been approved under delegated authority, and in the case of 18/00465/FUL by the Planning Committee, subject to the completion of a planning obligation to secure policy compliant contributions to public open space. It is now accepted, following the obtaining of independent financial advice, that policy compliant schemes are not viable and that the schemes cannot sustain any contributions. However the benefits of the developments are considered to outweigh the harm caused by the additional unaddressed demand created by the development on the public open space in the area. A Section 106 planning obligation is required in each case to secure a viability review mechanism should substantial commencement not be achieved promptly.

Key Issues

It has been agreed, under delegated authority, and in the case of 18/00465/FUL by the Planning Committee, that the public open space contributions as set out above are required to comply with current policy as set out in the adopted Development Plan, would meet the test set out in Section 122 of the Community Infrastructure Levy (CIL) Regulations, and would also comply with Section 123 of the CIL Regulations.

In respect of each of the applications referred to above, and following the interim decisions reached under delegated authority and in the case of 18/00465/FUL the decision of the Committee, the developer has submitted that such contributions as required would render the schemes unviable and has requested that the Council grant planning permission without such contributions being required.

It is acknowledged by the Council's Supplementary Planning Document on Developer Contributions highlights that in some circumstances an applicant may believe what is being asked for by the Council will render a scheme unviable.

The SPD indicates that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is on the applicant to justify how and why special circumstances apply. The applicant has submitted some financial information to make a case that in for each proposal the development will not be viable with such an obligation.

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

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

The information received has been the subject of an independent viability appraisal to further to examine the financial impact of seeking the contribution specified. The independent viability appraisals undertaken in December conclude that for each of the proposed developments the sites in question are not commercially viable for the development of private housing and only marginally viable for the proposed 100% Affordable Rent schemes as proposed by virtue of a grant from Homes England estimated to be in the region of £41,000 or £45,000 per unit. As such none of the schemes can support any level of policy compliant Section 106 contributions whether they are for affordable housing or open market housing.

The evidence received for this assessment to substantiate the applicant's claim that the Council's requirements render the scheme unviable, needs to be read in the context of the new National Planning Policy Framework. If a scheme is unviable it will not proceed and as such will not contribute to the supply of housing in a sustainable location and will not assist in housing delivery. These are material considerations and in light of such considerations it is concluded that it would not be appropriate to insist upon the payment of the public open space contribution.

APPENDIX

Relevant 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)

The documents relating to the planning applications which are the subject of this report can be found at

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00016/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00243/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00441/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00443/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00461/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00465/FUL>

Background papers

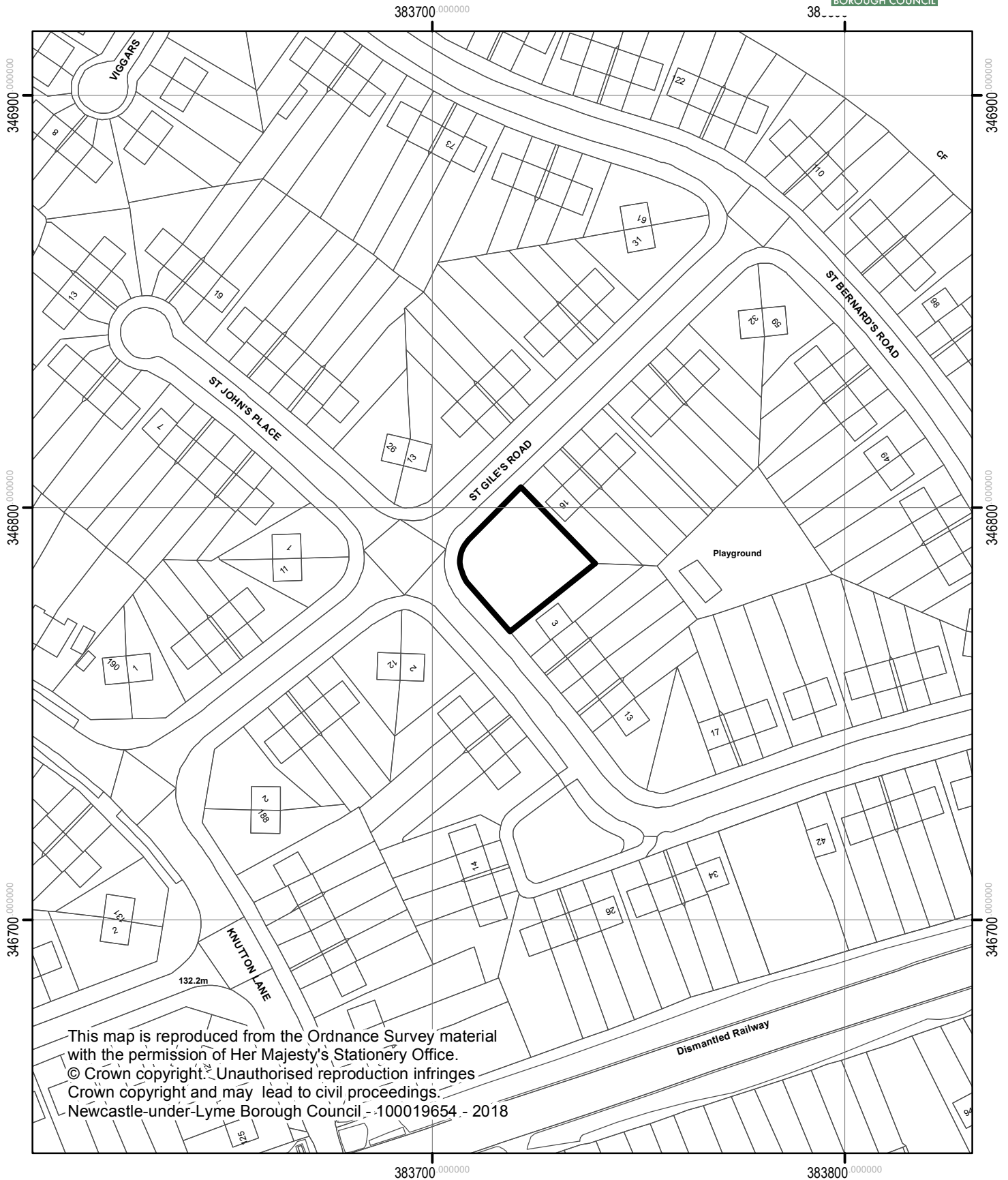
Planning files referred to

Planning Documents referred to

Date report prepared

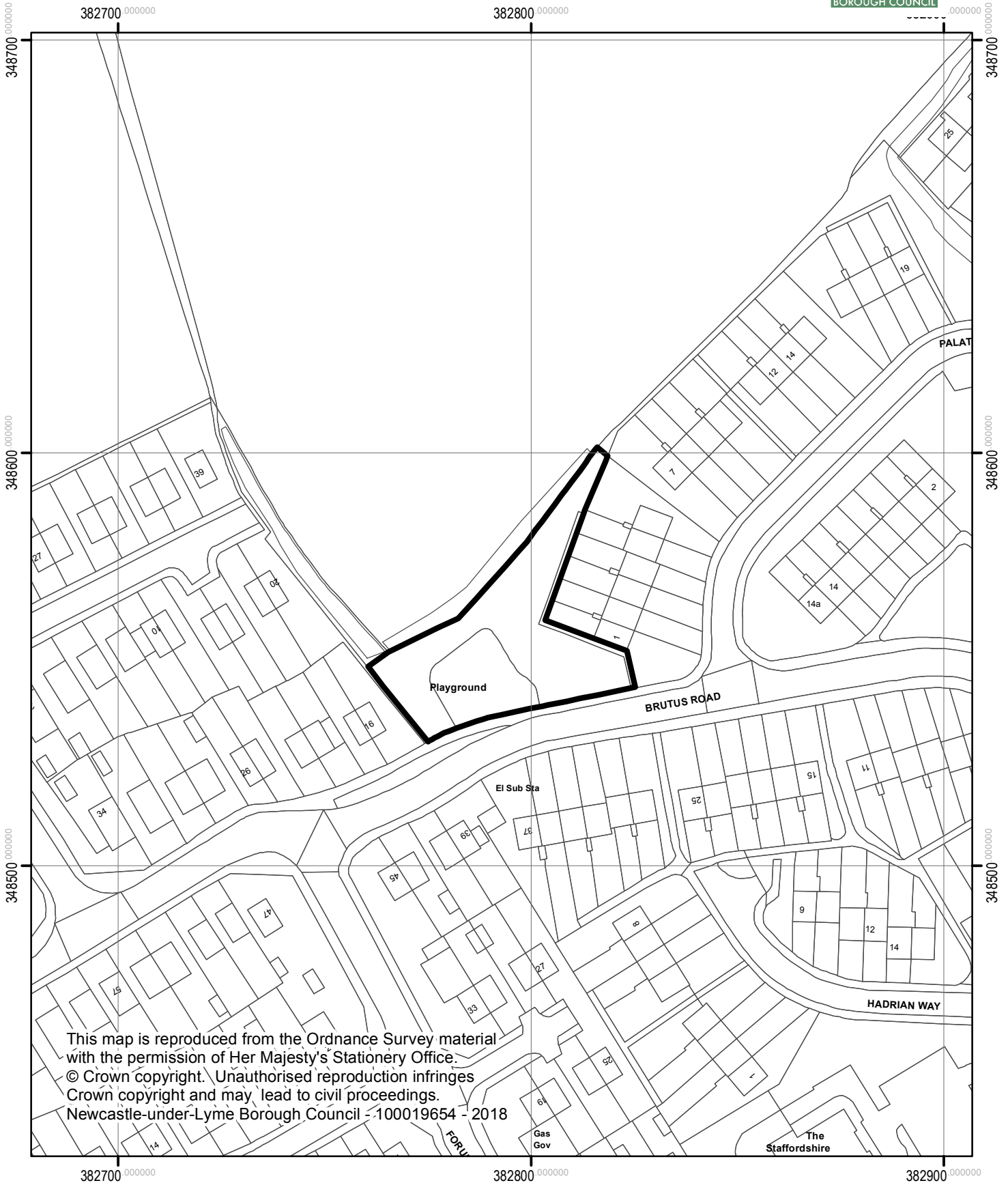
15th January 2019

Land Adjacent 16 St Giles Road
Knutton



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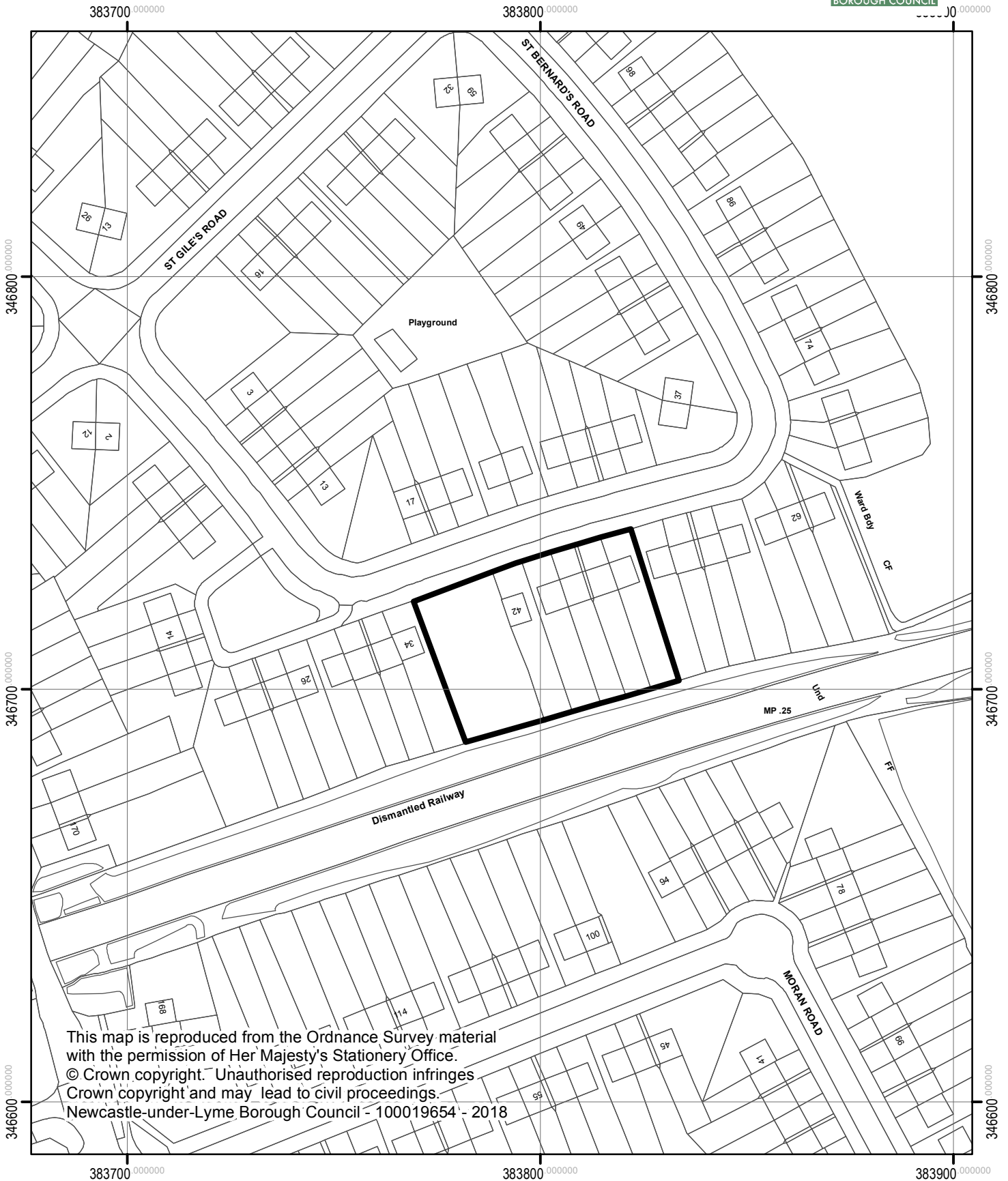
**Former Playground
Brutus Road
Chesterton**



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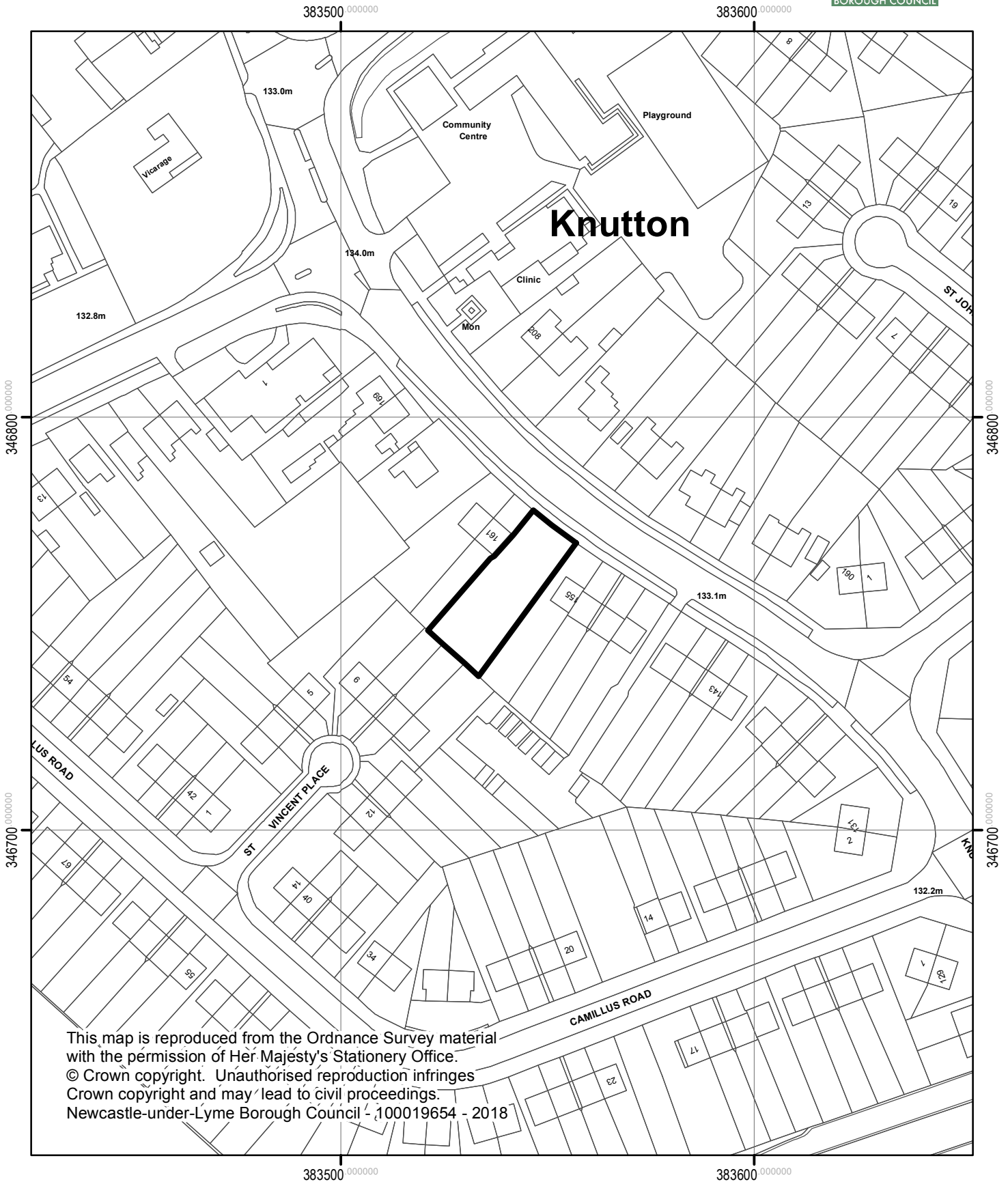
Land Off St Bernards Road
Knutton



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Land between 155 and 161
Knutton Lane, ST5 6HD



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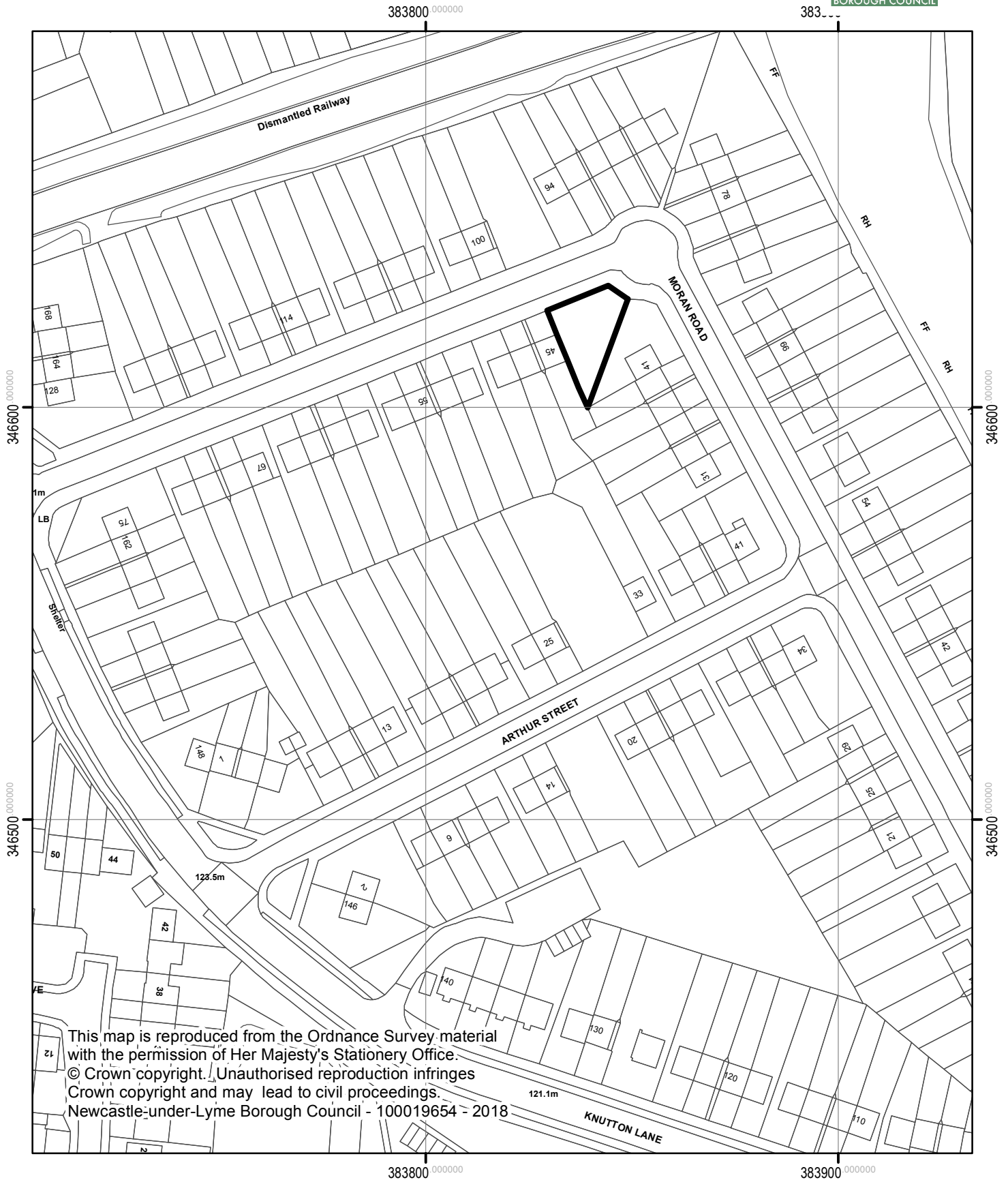
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Land Adjacent 25 Arthur Street Knutton



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Land Adjacent 45 Moran Road
Knutton



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**LAND ADJACENT TO THE BLOCKHOUSE,
NEWCASTLE ROAD, WHITMORE**

18/00847/FUL

The application is for the formation of 4no. 3 bedroom semi-detached houses on plots 6 and 7 of extant planning application reference number 16/00609/FUL, comprising a residential development of seven detached dwellings which is sited adjacent to the Block House Public House.

The site lies within the village boundary of Baldwins Gate as defined on the Local Development Framework Proposals Map.

The development has been called to the Planning Committee for determination by two Councillors due to concerns which are summarised as follows:

- The design and density of the proposal is completely out of character with the rural setting.
- Would result in unnecessary urbanisation of local green spaces contrary to Government Policy.
- Unsatisfactory access for this scale of development resulting in potential hazards for pedestrians, cyclists and motor vehicles.
- Permission would set a precedent for the remainder of the site which will further detract from the rural nature of the site and increase density.

The 8 week period for the determination of this application expired on 25th December 2018, but the applicant has agreed an extension to the statutory determination period to the 1st February 2018.

RECOMMENDATION

REFUSE for the following reasons:-

- 1. The development proposed has a cramped appearance which is out of keeping with its immediate surroundings and would be harmful to the character of the area. The proposal would therefore be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies R3 and R12 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document, and the aims and objectives of the National Planning Policy Framework (2018).**
- 2. Without an appropriate secured financial contribution relating to public open space the additional demands upon open space arising from the additional dwellings as proposed would not be suitably addressed. As such the development would be contrary to policies on the provision of open space for residential development, contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, Newcastle under Lyme Borough Council Supplementary Planning Document on Development Contributions (2007), the Newcastle-under-Lyme Open Space Strategy (March 2017), and the aims and objectives of the National Planning Policy Framework (2018).**
- 3. In the absence of a secured planning obligation, the development fails to provide affordable dwellings on-site or a commuted sum payment for off-site affordable housing provision which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Document on Developer Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2018).**

Reason for Recommendation

The site is in sustainable location where the broad principle of new and replacement housing is acceptable and has already been established through the granting of planning permission for residential development under planning permission reference 16/00609/FUL. There are also benefits to allowing additional new housing to occur on the site (in this case two additional net properties accounting for the two approved dwellings which are extant and to be replaced) – namely boosting local housing supply as well as the related economic advantages new housing brings to the area. However the dwellings would appear shoe horned into the site which would be out of keeping and harmful to the immediate locality it would be viewed within.

The proposed development would result in additional pressure on existing areas of public open space within the vicinity of the site and in the absence of a financial contribution, such an adverse impact would not be appropriately mitigated against. A planning obligation is also required to secure a contribution to affordable housing and travel plan monitoring in accordance with policy.

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

There are fundamental objections to the design and density of the development which cannot be addressed by amendment. It is therefore 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 this development.

Key Issues

The proposed dwellings are 3 bedroom, semi-detached units measuring 65 square metres in footprint, by around 9 metres in maximum roof ridge height. The application replaces 2 detached dwellings, which were originally approved under application reference number 16/00609/FUL, with 2 pairs of semi-detached dwellings. The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable?
3. Is the impact to neighbouring living conditions acceptable?
4. What is the impact to highway safety and is it acceptable?
5. What planning obligations are considered necessary and lawful?

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

With respect to the Councils approved Development Plan. Saved Policy H1 of the Newcastle Local Plan 2011 seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes – including Baldwins Gate.

Policy ASP6 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CS) 2006-26 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes and rural service centres of Loggerheads, Madeley and the villages of the Audley Parish, to meet identified local requirements – in particular the need for affordable housing.

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

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

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

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

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

The current position is that the Borough Council is able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy requires updating). As such policies on the location of housing within the Development Plan (when taken as a whole) can be considered to be up to date and can be given due weight as they are not inconsistent with the Framework. The Council's supply exceeds the 5 year figure by 0.45 years, even so it will be appropriate to proceed on the basis that whilst a proposal may not accord with the provisions of the approved development plan, there are other material considerations which should be given greater weight. However, this should be a selective approach to be applied only where sites by reason of their proximity to services are considered to be very sustainable locations for development. In other less sustainable locations it will remain appropriate to give full weight to restrictive development plan policies and not to approach the application requiring approval in all cases where the adverse impacts are not significantly and demonstrably outweighed by the benefits of the scheme.

The site in question is not previously developed land but is part of an extant housing development permitted under planning application 16/00609/FUL (approved plots 6 and 7 are yet to be developed but other remaining units are nearing completion) and the supply of previously developed Rural Service Centre sites has depleted considerably through the Plan period.

The site is not located in a Rural Service Centre as identified in the CSS. It is, however, within a village location within short walking distance of a bus stop, a public house a petrol station, shop and post office. Such facilities have been found, at appeal, to be sufficient to justify the description of Baldwins Gate as a sustainable location.

Overall, taking into account the sustainability of the site and the existence of an extant permission for residential development, the principle of residential development of this site is considered acceptable, and accords with the aims and objectives of the National Planning Policy Framework. It would also contribute to the Councils housing supply, albeit such a contribution would be limited.

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

Paragraph 8 of the Framework sets out that achieving sustainable development means that the planning systems has three overarching objectives which includes as part of the social objective, fostering a well design built environment.

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy CSP1 of the Core Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) gives further detail of how the development should be assessed beyond the broad guidance contained within Policy CSP1.

The Urban Design Guidance SPD at Section 7 provides residential design guidance and Policy R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. There is also guidance on developments in the rural area (Section 10) which inter alia indicates that new development in the rural area should respond to the

typical forms of buildings in the village or locality– one of the criteria being the heights of buildings, another the way that roof forms are grouped.

The site can be viewed from Newcastle Road which is the main road running through the centre of the village. The site is adjacent to a public house with car park. There is a railway line immediately to the west which runs under Newcastle Road. On the opposite side of the road to the site is a post office/shop interspersed amongst residential properties of mixed architecture and sizes. Given the presence of the two commercial properties it would not unreasonably be described as the centre of the village.

The Parish Council very strongly regard the creation of a 2nd floor of the proposed dwellings as out of keeping with the character of the village where no such development can be found elsewhere. Moreover the development could be said to threaten the design policies of the emerging neighbourhood plan for parishes of Whitmore, Chapel & Hill Chorlton and Maer & Aston.

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise as specified by section 38(6) of the Planning and Compulsory Purchase Act 2004. An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the current Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. The current PPG advises that whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, as part of the development plan, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. It is noted a neighbourhood plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory Development Plan.

The neighbourhood plan referred to has not yet reached the advanced stage where it is subject to local referendum –but it has been the subject of Regulation 14 consultation – and it has not been published although its Townscape Appraisal (and other evidence base documents) are available to view on the Qualifying Body's website. It is therefore considered can only carry some limited weight at this stage.

The Whitmore Village Design Statement SPG, although now dated in terms of its references, does include general design considerations guidance (note No.1) – referring to the appearance of development and its relationship to its surroundings as important material considerations, whilst specific guidance (Note no.8) on Baldwins Gate refers to the need for development to be in visual harmony with the character of the specific part of the village in which it is located.

The proposed dwelling houses will be read in the context of the 5 approved units of the small residential development which are part of an extant permission under construction (reference number 16/00609/FUL). It is also important to note that an application to vary that historical scheme under application 18/00566/FUL which incorporates the use of the 2nd floor has also been determined as being acceptable under delegated powers subject to the completion of a planning obligation.

The bulk of the development applied for would be set back from Newcastle Road located behind the Block House pub which has wooden fencing around its periphery inclusive of car park. The site is also adjacent to a railway line. The development would therefore have reduced prominence relative to Newcastle Road. However relative to the other large detached properties within the approved housing scheme the additional dwellings now proposed would appear shoe horned onto the site.

The design of the dwellings proposed retains steeper angled roof slopes, as well as exterior barge boards which are architectural features which can be associated to forms of semi-rural housing.

Overall taking into account the concerns of the Parish Council, the context of the site which is within a prominent location in the heart of the village, and also relative to the new housing scheme it would be seen within, the view taken is that the development is unacceptably strident and visually harmful to the village location owing to an overly cramped layout for the number of units proposed.

3. Is the impact to neighbouring living conditions acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. An acceptable level of separation can be achieved between other neighbouring properties in accordance with the SPG. However the rear garden serving one of the proposed dwellings (Unit 6 as specified on the plan) does not provide the recommended minimum mean length of 10.7 metres. Whilst some garden area could be afforded to future residents for the drying of clothes and siting outside the shortfall evident also gives rise to a cramped form of development offering a lower standard of amenity than the extant scheme it would replace.

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

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 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.

Saved policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The car parking standards set out in the Appendix to the Local Plan state that 2 or 3 bedroom properties should provide a maximum of 2 off road parking spaces. 4 bedroom properties should provide no more than 3 spaces.

2 parking spaces are proposed to serve each of the proposed 3 bed properties which is considered acceptable. Access to the site is via an established access from Newcastle Road which, it is considered, can accommodate the additional vehicular movements arising from the additional dwellings. The Highway Authority has no objections to the scheme subject to parking, access and turning area provision to be provided as proposed. Overall it is considered that the proposal would not be unacceptable in this regard.

5. What planning obligations are considered necessary and lawful?

Public Open Space Provision

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

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

strategy, the Open Space Strategy that was adopted by Cabinet at its meeting on the 22nd March 2017.

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

In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £5,579 per additional residential units over and above those already permitted on the site.

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

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

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

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

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

A tariff style contribution is defined as one where the intention is to require contributions to pooled funding pots intended to fund the provision of general infrastructure in the wider area.

The Landscape Development Section have indicated that they propose that the contribution in this case would be applied to improvements to Jubilee Gardens which are approximately 150m away, so whilst the amount is calculated on a “sum per dwelling” basis it is not considered to meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

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

statutory requirements.

The contribution being sought is considered to meet the statutory tests. It is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy, per residential unit.

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

Affordable Housing

Policy CSP6 of the Core Spatial Strategy states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

Notwithstanding adopted policy, there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development as set out above. Whilst the development proposed in this application is, on its own and cumulatively taking into account extant permission 16/00609/FUL, less than 10 units it does exceed floor space of more than 1000 square metres when combined with that development. As such affordable housing requirements, as set out in policy, are therefore triggered.

The scheme, which increases the number of dwellings on the site, would therefore need to make provision for additional affordable housing in order for the scheme to comply with national planning policy. The starting point is for affordable housing provision to be met on-site. However it was accepted when granting planning permission for 16/00609/FUL that the developer could instead provide a commuted sum payment for such provision to be made off-site. The provision of a commuted sum that is broadly equivalent to provision of one affordable housing unit on site, as would be required by policy, is acceptable in this case also. That amount has not been calculated.

The applicant has not yet confirmed if they intend to enter into an obligation and no Section 106 agreement is 'on the table'. The Council's obligation requirements outlined above are consistent with other planning decisions for minor residential development in rural areas, and indeed is consistent with the decision to permit development on this site under 16/00609/FUL, and are deemed to be necessary to allow planning consent to be granted. Therefore without an appropriate legal agreement to secure financial contribution towards public open space and for a commuted sum for the provision of affordable housing off site any refusal of this application would need to include reasons for refusal to reflect this.

APPENDIX

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

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

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

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

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

Other Material Considerations

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

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

[Supplementary Planning Documents/Guidance](#)

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

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

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

Planning History

18/00566/FUL	Variation of condition 2 of planning permission 16/00609/FUL to replace drawing 0847-184 for drawing 0847-207D to make use of the roof void by forming rooms in this space (resubmission of 18/00278/FUL)	<i>Pending</i>
18/00278/FUL	Variation of condition 2 of planning permission 16/00609/FUL to replace drawing 0847-184 for drawing 0847-207C to make use of the roof void by forming rooms on the second floor.	Refused 2018
18/00335/FUL	Erection of 4no. 3 bedroom semi-detached houses on plots 6 and 7	<i>Withdrawn</i> 2018
18/00278/FUL	Variation of condition 2 of planning permission 16/00609/FUL to replace drawing 0847-184 for drawing 0847-207C to make use of the roof void by forming rooms on the second floor.	Refused 2018
16/00609/FUL	The construction of 7 new houses with access road and associated landscaping.	Permitted 2016
16/00539/REM	Application for approval of the details of appearance, landscaping, layout and scale including internal	Permitted 2016

access within the site of the development relating to 13/00145/OUT - Outline planning permission for the demolition of existing warehouse/playbarn and the erection of 4 dwellings

14/00608/REM Application for approval of appearance, landscaping, layout and scale details of plots 2 and 3 relating to 13/00145/OUT for outline planning permission for the demolition of existing warehouse/playbarn and the erection of 4 dwellings Permitted 2014

13/00145/OUT for outline planning permission for the demolition of existing warehouse/playbarn and the erection of 4 dwellings
(i) Full planning permission for change of use of first floor of public house to provide Bed and Breakfast accommodation, ground floor extension to the public house. Permitted 2013

Views of Consultees

Network Rail has no objections subject to conditions requiring:-

1. A Risk Assessment and Method Statement for all works within 10 metres of the railway or to the railway.
2. Prior approval of details of the disposal of both surface water and foul water drainage directed away from the railway.
3. Prior approval of ground levels, earthworks and excavations to be carried out near the railway boundary. Details of appropriate vehicle safety protection measures along the boundary of the railway.

They also advise that it is a matter for the development and the Local Planning Authority to ensure adequate mitigation measures are secured to address and the noise and vibration that arises from an existing operational railway.

United Utilities have no objections subject to the following condition:-

1. Foul and surface water being drained on separate systems.

Education Authority confirms that no contribution is required.

Whitmore Parish Council wishes to register the same very strong objection that it registered to planning application 18/00566/FUL (currently still "pending decision") and the earlier planning application 18/00278/FUL which was "Refused". The proposed design again goes well beyond a simple after the fact loft conversion, modifying internal floor heights and in this case most particularly the rear facade's window design arrangements, to produce what is visually quite clearly a 2.5 storey property with accommodation on three levels in a prime position in the centre of the village. Whitmore Parish Council has fought hard to prevent 2.5 and 3 storey dwellings in our parish, so far successfully. Apart from the fact that this is completely out of keeping with the style of the other houses on this development, it would set an unhealthy and unacceptable precedent. Whitmore Parish Council PC urges the Borough Council to refuse this planning application which it considers to be totally inappropriate in this location.

The **Environmental Health Division** has no objections subject to conditions requiring:-

- Implementation of a site remediation scheme.
- Report of unexpected contamination.
- Importation of soil.
- Protection of the highway from mud and debris.
- Restriction of construction hours. between 07.00 and 18.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.
- Internal and external noise levels for dwellings.

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

1. The development shall not be occupied until parking and turning areas have been provided.

Landscape Development Section indicate that their comments remain as previous applications 14/00608/REM and 16/00609/FUL. In those cases they indicated that the development leaves very little opportunity for meaningful tree planting to mitigate the loss of substantial number of trees that have been removed from the site since the original outline permission. They requested that strategic landscaping proposals are submitted to show how it is proposed to integrate the scheme into its setting before it can comment. This should show trees to be retained and removed as well as proposed tree and shrub planting.

They request a contribution by the developer for capital development/improvement of offsite open space of £4,427 for each of the additional dwellings in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This will be used for improvements to Jubilee Gardens which are approximately 150m away.

Representations

None received.

Applicant/agent's submission

Application forms and indicative plans have been submitted. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00847/FUL>

Background Papers

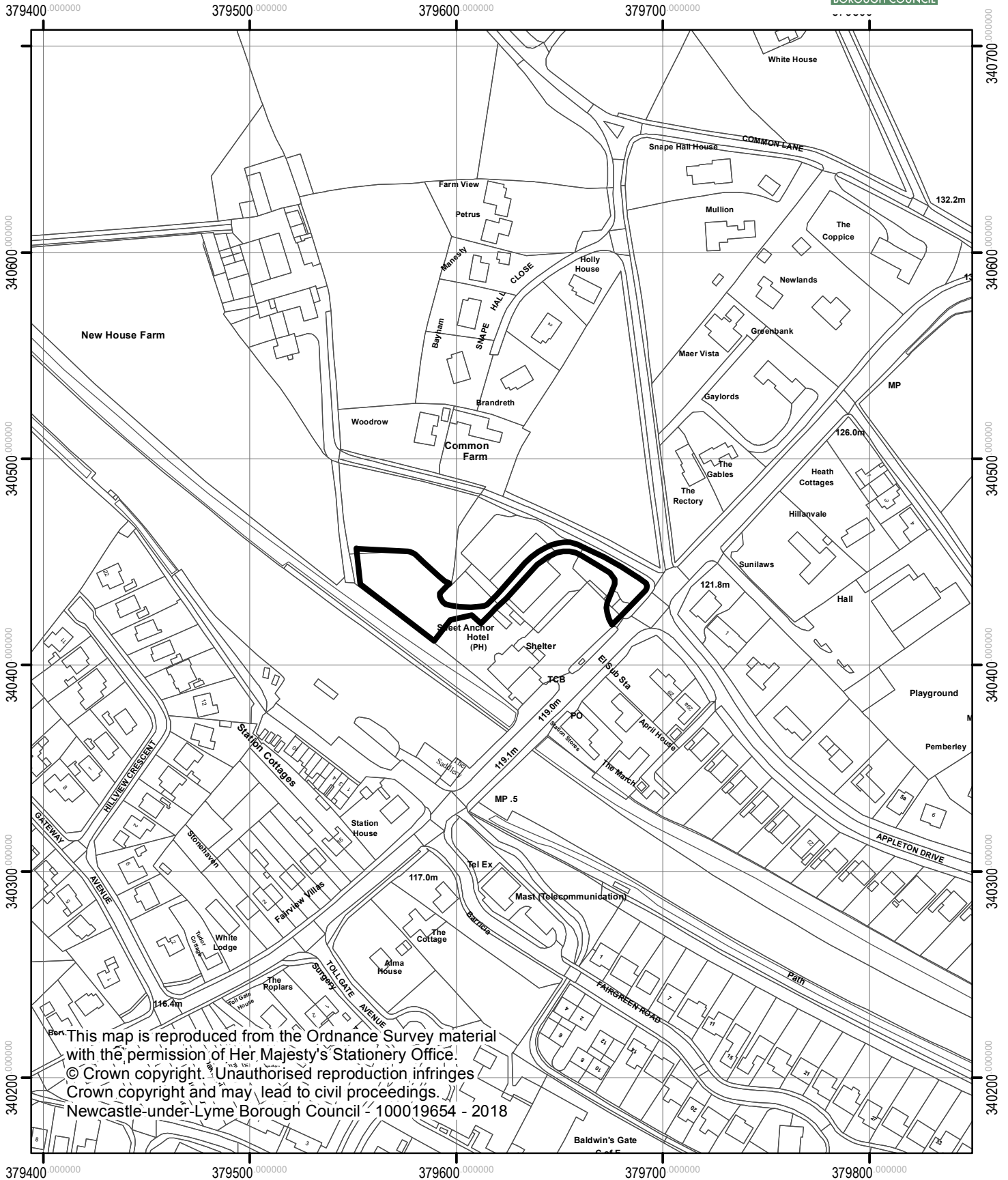
Planning File.
Planning Documents referred to.

Date Report Prepared

15th January 2018.

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Land Adjacent to The Blcokhouse
(Formerly The Sheet Anchor)
Newcastle Road, ST5 5BU



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BETLEY COURT, MAIN ROAD, BETLEY
DR NIGEL BROWN

18/00943/FUL

The application is for full planning permission for the proposed opening of the gardens at Betley Court as a visitor attraction involving the construction of a detached building to form toilets/office and facilities for light refreshment, demolition of garages and the construction of car parking

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Betley Court is a Grade II* Listed Building. Trees within the site are protected under Tree Preservation Order.

The application has been called in to Committee by two Councillors on the basis that it is inappropriate development in the Green Belt and a Conservation Area.

The 8 week period for the determination of this application expires on the 28th January 2019.

RECOMMENDATION

Subject to no objections being received from the Highway Authority and the Landscape Development Section that cannot be addressed through the imposition of appropriate conditions, PERMIT subject to the following conditions:

1. Time limit.
2. Approved plans.
3. Prior approval and implementation of details of a hard and soft landscaping scheme to include details of planting to provide screening of the parking area from the house and lawn, replacement tree planting and details of surfacing and delineation of the parking area/spaces.
4. Prior approval and implementation of special constructions measures and other tree protection measures.
5. Prior approval and implementation of the external facing materials.
6. Prior approval and implementation of a foul and surface water drainage scheme.
7. Prior approval and implementation of a parking management scheme which shall include details of the management of parking associated with the residential occupation of Betley Court and measures to prevent visitors to the gardens parking on Court Walk when the gardens are open.
8. Gardens to be open to visitors no more than 6 weekends per year. Any additional openings, for special events, shall only take place with the express permission of the local planning authority and shall be limited to no more than 4 additional days per annum.
9. Restrictions on the hours when construction and demolition can take place.
10. Prior approval and implementation of details of any kitchen ventilation system and external plant.
11. Prior approval and implementation of details of external lighting.
12. Restriction on the hours when deliveries and waste collections can take place.

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the new building would be acceptable in terms of its scale, design and appearance and it would preserve the setting of the Listed Building and would not harm the character and appearance of the Conservation Area.

It is concluded that the proposed visitor facilities building represents inappropriate development in the Green Belt and should not be approved except in very special circumstances. However, it is considered that very special circumstances exist as the development will provide additional income that can be used for the maintenance and upkeep of this Grade II* Listed Building, a particularly important building of more than special interest, thereby providing some assurance of its future. Subject to confirmation from the Highway Authority and Landscape Development Section that they have no objection no other harm has been identified. As such it is considered that planning permission can be granted.

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

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

Key Issues

1.1 Full planning permission is sought for the construction of a building, measuring 84m², which would contain a refreshments area, kitchen, office and toilet facility to be used in connection with the opening up of the landscaped grounds of Betley Court as a visitor attraction for 6 weekends in any calendar year, with additional openings for events. A section of the existing garage block would be demolished. 8 parking spaces would be provided where the garages are currently located. A further six parking spaces are proposed opposite the garages which would require the removal of a laurel hedge and extension of the existing hard surfaced area.

1.2 The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Betley Court is a Grade II* Listed Building. Trees within the site are protected under Tree Preservation Orders.

1.3 The key issues in the determination of this application are considered to be:

- Is the development appropriate within the Green Belt? If it is not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?
- Is the principle of the proposed development acceptable in this location?
- Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area, including consideration of its impact on trees?
- Impact of the development on Betley Mere (part a RAMSAR site and a SSSI)
- Would there be an unacceptable impact on highway safety?
- Would the development have an unacceptable impact on residential amenity?

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

2.1 Paragraph 133 of the National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

2.2 According to paragraph 134 of the NPPF Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.3 Paragraph 143 of the current NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

2.4 Paragraph 145 of the NPPF states that, other than in the case of a number of specified exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One of these exceptions is provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is considered that the proposed building does not fall within this or any of the other exceptions.

2.5 The NPPF goes on to say, at paragraph 146, that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The additional surface area and its use for parking of vehicles would not affect the openness of the Green Belt given its limited scale. The opening of the gardens to visitors would preserve openness and involves outdoor recreation. Both elements do not conflict with any of the purposes of including land in the Green Belt. As such it is concluded that both these elements of the development are appropriate within the Green Belt.

2.6 Consideration will be given below as to whether the very special circumstances required to justify the granting of planning permission.

3.0 Is the principle of development acceptable in this location?

3.1 An identified strategic aim of the Core Spatial Strategy (CSS) is to increase the attraction of the area as a tourist destination based on its industrial heritage, existing and future magnets of tourism and leisure interests and the high quality environment in the surrounding rural area. At policy SP2, Spatial Principles of Economic Development, includes the promoting of North Staffordshire's unique heritage and its cultural distinctiveness to strengthen its viability as a tourist destination to underpin its image as a vibrant, dynamic and innovative sub-region and to promote the economic potential of the re-use of buildings, particularly those of heritage value.

3.2 The NPPF sets out, at paragraph 83, that planning policies and decisions should enable, amongst other things, sustainable rural tourism and leisure developments which respect the character of the countryside.

3.3 Such policies give broad support for visitor attractions in the rural area and as such it is considered that the development is acceptable in principle.

4.0 Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area, including consideration of its impact on trees?

4.1 When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition where a planning application affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

4.2 Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and

there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contact exists to ensure the construction of the replacement building. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

4.3 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

4.4 The NPPF, at paragraph 192, states that in determining planning applications, local planning authorities should take account of:

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

4.5 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. 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.

4.6 In paragraph 195 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

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

4.7 Paragraph 196 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

4.8 The proposal involves the partial demolition of a building containing garages to provide parking spaces. The loss of such garages would not be detrimental to the setting of the listed building and to the character and appearance of the Conservation Area.

4.9 The proposed extension to the parking area would involve the loss of a laurel hedge. Such limited extension and the loss of the hedge would not, in themselves, be harmful either to the setting of the listed building nor to the Conservation Area. The laurel hedge does, however, provide screening of the parking/garage area from the house and lawn. Such screening is beneficial to the setting of the Listed Building and as such it is considered necessary to secure replacement planting to provide a suitable replacement visual screen.

4.10 The building is to be sited in a wooded area close to the parking area. It is of a simple design, clad in timber with a tiled pitched roof, and of limited scale. The size and general location of the building is considered to be acceptable and appropriate although it will result in the loss of trees. The views of the Landscape Development Section (LDS) have not, as yet, been received however it is understood that they accept the loss of some trees provided such loss is kept to a minimum and is justified in the interest of tree management. Further discussions are taking place between the applicant's arboricultural advisors and the LDS to agree the extent of tree removal and the special measures that are required for the construction of the building and hard surfacing to ensure the retained trees are suitably protected. It is anticipated that the LDS will confirm that they have no objections subject to conditions following such discussions.

4.11 Overall, subject to approval of the details of materials, landscaping and tree protection measures it is considered that the proposed development will result in no harm to the heritage assets, the Listed Building and Conservation Area.

5.0 The Impact on Betley Mere Site of Special Scientific Interest (SSSI)

5.1 Paragraph 175 of the National Planning Policy Framework (NPPF) sets out that development on land within or outside a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect on a SSSI should not normally be permitted. An exception should only be made where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. Ramsar sites are afforded the same protection.

5.2 Policy CSP4 of the Core Spatial Strategy indicates that the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through a number of identified measures.

5.3 The application site is within close proximity to Betley Mere Site of Special Scientific Interest (SSSI). In light of this the Local Planning Authority, as a competent authority, are required to undertake a Habitats Regulation Assessment under the Conservation of Habitats and Species Regulations 2017 as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. Such an Assessment is carried out in stages. The first stage involves formal screening for any Likely Significant Effects. Where such effects cannot be excluded then they should be assessed in more detail through an *appropriate assessment* to ascertain that an adverse effect on the *integrity* of the site can be ruled out. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the project can only then proceed if there are *imperative reasons of over-riding public interest* and if the necessary *compensatory measures* are secured.

5.4 In this case it is considered that there is the potential for the development to affect Betley Mere, which is approximately 450m from the site of the building and parking, through surface water run-off and inappropriate discharge of foul sewage. Such effects could be mitigated through an appropriate and suitable drainage scheme which ensures that no untreated surface water or foul sewage can enter the Mere. Such a scheme can be secured by condition.

5.5 As such it is considered that any likely significant effects can be screened out and as such it is not necessary to undertake the further stages of the Habitats Regulations Assessment.

5.6 On balance, it is considered that subject to conditions which ensure acceptable mitigation measures it is considered that the development would have no significant and long term harmful impact on the identified designated sites. It would therefore be in accordance with policy CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the NPPF.

6.0 Impact on highway safety

6.1 At paragraph 109 the NPPF indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. Policy T16 of the Local Plan, adopted in 2003, states that development will not be permitted to provide more parking than the levels set out in an appendix and also that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

6.2 Currently residents of Betley Court have access to parking at the rear within the immediate grounds of the House or within the garage court area. Many residents, however, opt to park on Court Walk limiting its width to a single vehicle. It is understood that the reason for this is because of the limited space there currently is to park and manoeuvre within the garage court area.

6.3 The proposed demolition of garages and extension of the parking area will provide surface parking for 14 cars. It will improve the amount of space to manoeuvre and as such will make it more attractive to residents. The applicant has indicated that once the improvements have been undertaken it will be a condition of their lease for the flats in Betley Court that they must park on site thereby addressing the parking situation on Court Walk. In addition measures could be secured through condition that could be utilised when the gardens are open to visitors and that would prevent such visitors parking on Court Walk.

6.4 It is anticipated that the level of parking as proposed within the site will be sufficient to meet the needs of the residents and the visitors to the gardens. The applicant has, however, planned to provide overspill parking for visitors on the lawn using temporary surfacing. Overall it is considered that sufficient parking is proposed.

6.5 It is noted that the Highway Authority have objected to the application requesting additional information. Such information has been provided and it is anticipated that their further comments will be provided and reported to Committee prior to the meeting.

7.0 Would the development have an unacceptable impact on residential amenity?

7.1 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.

7.2 The proposed building and parking area would, due to the existence of a tall boundary wall, not be readily visible to residents within Court Walk and as such there would be no material loss of privacy arising from the proposed development.

7.3 The introduction of visitors to the site has the potential to cause disturbance to occupants of Betley Court and the dwellings sited near to the House and its gardens, mainly due to the vehicular movements associated with the proposed use. Such impacts could, however, be kept to an acceptable level through conditions to restrict the number of times in a year that the gardens are open to the public in addition to those recommended by the Environmental Health Division.

8.0 If not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?

8.1 As indicated above, the NPPF, at paragraph 144, indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

8.2 The applicant has advanced the case that the income generated by the opening of the gardens to visitors is required to provide additional income for the upkeep of the Grade II* Betley Court. Income is currently generated from the flats that were formed 40 years ago within the house and servant's quarters and from the owners who have lived in the property. The indication is that this model no longer works well.

8.3 The applicant has provided examples of the maintenance projects and the cost that have been identified as being necessary to be undertaken to the house and grounds. One of the most costly project is repair to the dam in the garden for which funding has been offered from the Heritage Lottery Fund. A condition of the funding is, however, that the gardens are opened up to visitors.

8.4 The opening up of the gardens to visitors would generate income with no adverse impact on the openness of the Green Belt and does not conflict with any of the purposes of including land in the Green Belt. The limited facilities proposed would make the gardens more attractive to visitors and would provide an additional source of income

8.5 It is accepted that the cost of maintaining heritage assets can be significant. In addition is acknowledged that this is a Grade II* Listed Building and as such it is a particularly important building of more than special interest. It should also be borne in mind that the NPPF highlights the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, which is what this proposal would achieve. The principle of generating additional income to carry out such maintenance is therefore supported and is, in this case, considered to provide the very special circumstances required to justify the granting of permission for inappropriate development in the Green Belt.

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 SP2: Spatial Principles of Economic Development
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP1: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy B13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N18: Area of Active Landscape Conservation
Policy C4: Open Space in New Housing Areas
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B13: Design and Development in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas
Policy B14: Development In or Adjoining the Boundary of Conservation Areas

Other Material Considerations

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

Supplementary Planning Documents/Guidance

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)
[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Planning History

An application, reference 18/00268/FUL, for proposed opening of gardens as a visitor attraction; conversion and extension of potting shed to form toilets/office and facilities for light refreshments; demolition of garages with partial replacement and the construction of car parking was WITHDRAWN before a decision was reached.

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions that restrict the hours when construction and demolition will take place; approval of details of any kitchen ventilation system and external plant; approval of details of external lighting; and restriction on the hours when deliveries and waste collections can take place.

The **Highway Authority** considers that the application should be refused as there is insufficient information to determine the proposal and additional information is required to

clarify the number of parking spaces; the number of spaces which will be for residents use only and those for visitors; details of how car parking will be signed and delineated; and provision of secure weatherproof cycle parking.

Betley, Balterley and Wrinehill Parish Council objects to the application. It is strongly of the view that the preservation of the Listed Building is to be encouraged, however the application submitted cannot be supported for the following reasons:

- Very special circumstances don't exist to justify the development
- The very special circumstances claimed by the applicant, that the development would "increase the income generated by the property" in order to secure the future of the Listed Building are not supported by any evidence.
- The size of the accommodation to service the visitor attraction is excessive at 84m²
- There could be significant adverse impact on neighbouring properties and objections have been received from several members of the public.

Natural England indicates that the application could have potential significant effects on a component site of the Midlands Meres and Mosses Phase 1 Ramsar Site (Betley Mere). The advise that they require further information in order to determine the significance of these impacts and the scope for mitigation. The required information is a Habitats Regulations Assessment (HRA) undertaken by the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017.

The **Conservation Advisory Working Party** (CAWP) welcomes the revisions to this scheme particularly the relocation and scale of the visitor facility closer to the parking area. It recommends that a wood shingle roof would be better than slate in this location. CAWP welcomes the additional parking area by removal of the laurel hedge but this feature is tall and dense and provides a valuable screening of the cars and garages from the more formal setting around the house and lawns. This element of intimacy and surprise provided by the hedge is important and another hedge might be appropriate to provide some boundary screening to the car park.

The **Conservation Officer** understands that there will be some tree issues to resolve regarding the methodology of construction for the new facility. The building is more appropriate than the building proposed within the withdrawn application in terms of its size and location and has less invasive impact and need for ground engineering than the previous scheme. It keeps the development and movements to one location which is already used for parking. The removal of some of the garages is welcomed and replacement with parking spaces will enable more of the garden wall to be visible.

There needs to be some kind of a hedge to give some screening between the house/lawn and the car park when the laurel hedge is removed. This point was also made by CAWP and it is understood that the applicant agrees with this so there may be an amended plan to reflect this.

The issue is one of setting and it is not considered that the setting of the house will be compromised by the scheme. The scheme is a positive step which will hopefully result in archive research being done which will enable the original landscaping scheme to be understood and hopefully reinstated.

United Utilities recommend conditions relating to the drainage of foul and surface water on separate systems and approval of a surface water drainage scheme.

Cadent (on behalf of the National Grid) provide notes for the applicant.

The views of the **Landscape Development Section** have been sought and if received will be reported.

Representations

Seven representations have been received objecting to the application and raising the following concerns:

- At present several residents of Betley Court park outside of the site on Court Walk reducing the width to a single lane. Access for emergency vehicles has been impeded in the past. The opening of the gardens to visitors will cause more traffic congestion.
- The entrance to access to Court Walk is close to a bend and the increased use of it will be a threat to traffic passing through Betley and the residents.
- There is insufficient parking to support the proposal.
- The proposal will cause disruption to the tranquil setting and increase emissions of toxins into the atmosphere harming residents and wildlife.
- Increased human activity will bring the usual negative aspects including litter and an eyesore.
- The proposed building is large and consideration should be given to the impact on the landscape, Green Belt and on the Conservation Area.
- It will result in loss of privacy.
- The visitor centre will create noise, vibration, and smoke and light pollution.
- The submitted plans don't show the proximity of the building to existing residential properties.
- The proposal will not generate sufficient additional income to make a significant difference with regard to maintaining the Hall and further proposals will be necessary in future.
- No details of how parking might be managed is provided.
- The history of the gardens are of little consequence and are not remarkable.
- Part of Betley Court should be used as a tea room rather than the proposed building.
- The facility affects an area partly funded by residents of Court Walk who do not wish this amenity to be degraded or infringed.

Applicant/agent's submission

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

- Planning Statement
- Tree Survey, Arboricultural Impact Assessment and Method Statement
- Transport Statement and Summary of Parking Arrangements
- Phase 1 Environmental Assessment
- Heritage Appraisal
- Ecological Assessment

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00943/FUL>

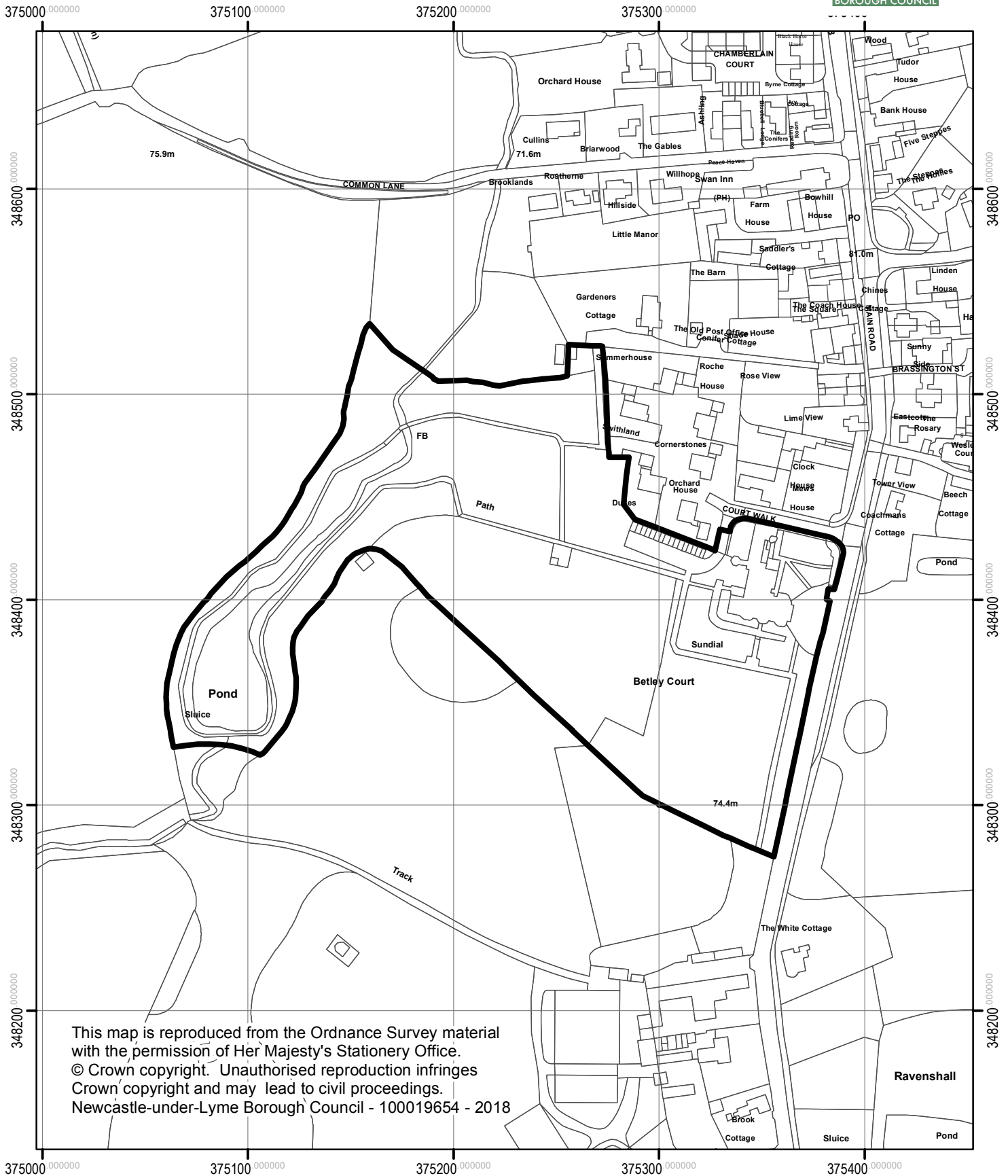
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

16th January 2019

Betley Court Main Road, Betley



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

Purpose of the Report

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

Recommendations

a) That the report be noted

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

Introduction

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

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

This report covers the period between 6th November 2018 (when the Committee last received a similar report) and the date of the preparation of this report (18th January 2019).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent agreed extensions, and extensions have been agreed with respect to some 10 applications.

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

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

period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

As from the 1st June 2018 the Service has signed up to a Staffordshire wide initiative to promote the use of a standardised Section 106 template agreement, with template schedules, which is being publicised so applicants are clear what documentation is required of them to complete the application process – with the aim of reducing delays and costs for applicants and to simplify the planning process. It is too soon to know what the effect of this initiative will be.

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

Details of the applications involved are provided below:-

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

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

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

The 8th March date was not achieved and whilst further delays have occurred your Officer has considered it appropriate to agree further extensions of time within which the Section 111 agreement can be secured, the most recent being to the 8th February 2019. The delay is currently primarily as a result of the position of the County Council who have to be party to the agreement.

Some 75 weeks have now passed since receipt of the application.

(2) 24 Greenock Close, Newcastle-under-Lyme 17/01015/OUT

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

The agreement was not completed by the 20th April due to delays on behalf of both the Council and the applicant. A number of extensions of time were therefore agreed by your officer with the latest being to the 9th November.

The agreement was completed on the 5th November 2018 and the decision notice was issued "out of time" on the 23rd November.

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

(3) Land South of Muckleston Rd 18/00314/FUL

This application for full planning permission for the erection of five residential dwellings came before the Planning Committee at its meeting on the 14th August (at around week 16). The resolutions of the Committee required obligations securing a mechanism that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/00202/OUT. The resolution included the provision that the agreement should be completed by the 14th September.

In that an agreement had been in circulation for a number of weeks and by virtue of the steady progress made your Officer agreed to a couple of extensions to the time period within which it had to be completed.

The agreement was eventually completed on the 8th November 2018 and the decision notice was issued "out of time" on the 13th November.

The decision was issued in this case some 28 weeks after receipt of the application.

(4) Land at West Avenue, Kidsgrove 18/00239/FUL

This application for full planning permission for the erection of 63 dwellings came before the Planning Committee at its meeting on the 11th September (at around week 20). The resolution of the Committee required an obligation to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if found financially viable, and to require a further viability appraisal to be undertaken if the development as constructed is not 100% affordable housing and the payment of a policy compliant contribution if found financially viable. The resolution included the requirement that the agreement should be completed by the 9th November.

The agreement was not completed by the 9th November due to delays on behalf of the applicant, which continue to occur. The application is the subject of a financial viability appraisal report, the conclusions of which are becoming less reliable the longer the period is since the appraisal was undertaken. Therefore your Officer only considers it reasonable and appropriate to agree a short extension of time for the completion of the S106 to the 6th February 2019.

Some 38 weeks have now passed since receipt of the application.

(5) Orme Centre, Orme Road, Newcastle 18/00183/FUL

This application for full planning permission the conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation came before the Planning Committee at its meeting on the 11th September (at around week 20). The

resolution of the Planning Committee included a time limit for the securing, by the 12th November, of obligations relating to financial contribution of £124,560 towards public open space, £2,200 towards travel plan monitoring and £50,000 to fund both before and after parking surveys and a Resident Parking Zone in the event that it has been demonstrated by those surveys that the development has resulted in on street parking problems.

The agreement was not completed by the 12th November due to delays on both sides but more recently on behalf of the Council. In this case your officer has agreed an extension of time by which the Section 106 should be completed to the 22nd January 2019. Whilst progress is now being made it would appear unlikely that the 22nd January date will be met and if that is so an update will be provided

Some 38 weeks have now passed since receipt of the application.

(6) Land adj 45 Moran Road, Knutton 18/00465/FUL

This application for full planning permission for the construction of two flats came before the Planning Committee at its meeting on the 11th September (at around week 11). The resolutions of the Committee inter alia required that an obligation to secure a financial contribution of £9,866 towards the maintenance and improvement of public open space. The resolution included the requirement that the agreement should be completed by the 9th November.

The agreement was not completed by the 9th November because the applicant subsequently advised that they wished to demonstrate that the scheme is financially unviable with the requested financial contribution towards public open space and that they were prepared to pay for an appraisal. In the circumstances it was considered appropriate to allow time for that appraisal and the result of that is the subject of a report elsewhere on this agenda.

Some 29 weeks have now passed since receipt of the application.

(7) Former Garage, Cemetery Road, Silverdale 18/00293/OUT

This application for outline planning permission for 38 residential units came before the Planning Committee at its meeting on the 9th October (at around week 15). The resolutions of the Committee inter alia required that an obligation to secure a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space and 25% on site affordable housing. The resolution included the requirement that the agreement should be completed by the 21st November.

The agreement was not completed by the 21st November due to a lack of information being received from the applicant. That information still has not been received. Your Officer has written to the applicant indicating that he is presently minded not to agree to any further extension beyond the 28th January, and instead to refuse the application. An update on this case will be provided to the Committee

Some 29 weeks have now passed since receipt of the application.

(8) Former Halmerend Working Mens Club 18/00329/FUL

This application for full planning permission for a residential development of 7 dwellings came before the Planning Committee at its meeting on the 9th October (at around week 23). The resolution of the Committee required an obligation securing, should there be no substantial commencement by a specified date, a review of the financial position and if viable payment of a financial contribution of £39,053 towards public open space provision. The resolution included the requirement that the agreement should be completed by the 20th November.

The agreement was not completed by the 20th November and delays on behalf of the applicant regarding land ownership matters continue to delay progress. Your Officer has

recently agreed to allow a further extension to the deadline for the completion of the agreement - to the 21st February 2019.

Some 37 weeks have now passed since receipt of the application.

(9) Land Off Sandford Street, Chesterton 18/00559/FUL

This application for full planning permission for a building comprising 10 two bedroom self-contained flats came before the Planning Committee at its meeting on the 6th November (at around week 16). The resolution of the Committee required an obligation securing, should there be no substantial commencement by a specified date, a review of the financial position and if viable payment of a financial contribution of £33,244 towards public open space provision. The resolution included the requirement that the agreement should be completed by the 13th December.

The agreement was not completed by the 13th December due to delays on behalf the Council in preparing the draft agreement. Some progress has now been made and taking into account that the delay has been on behalf of the Council your Officer has agreed an extension of time by which the Section 106 should be completed to the 15th February 2019.

Some 25 weeks have now passed since receipt of the application.

(10) 121 - 123 High Street Wolstanton 18/00467/FUL

This application for full planning permission for the change of use of the first and second floor offices into 4 self-contained apartments came before the Planning Committee at its meeting on the 6th November (at around week 15). The resolution of the Committee required an obligation securing, should there be no substantial commencement by a specified date, a review of the financial position and if viable payment of a financial contribution of £19,732 towards public open space provision. The resolution included the requirement that the agreement should be completed by the 6th December.

The agreement was not completed by the 6th December due to delays on behalf the Council in preparing the draft agreement. Some progress has now been made and on the basis that the delay has been on behalf of the Council your Officer has agreed an extension of time by which the Section 106 should be completed to the 25th January 2019.

Some 24 weeks have now passed since receipt of the application.

Date Report prepared

16th January 2019

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