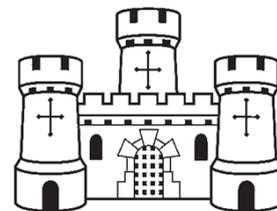


Public Document Pack

Date of meeting Tuesday, 26th February, 2019
Time 6.30 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

PLEASE NOTE EARLIER START TIME

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 5 - 12)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON. MR ANDREW GREEN. 18/00371/FUL** (Pages 13 - 24)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - CROFT FARM, STONE ROAD, HILL CHORLTON. DAVID JAMES DEVELOPMENTS LIMITED. 18/00507/OUT** (Pages 25 - 38)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - NORTH BOUND KEELE MOTORWAY SERVICE AREA. WELCOME BREAK. 18/00537/FUL** (Pages 39 - 50)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - CRACKLEY GATES FARM, LEYCETT LANE, SILVERDALE. MR DACEY. 18/00733/FUL** (Pages 51 - 58)
- 8 **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT BIRCH HOUSE ROAD, CHESTERTON. ASPIRE HOUSING. 17/01033/FUL** (Pages 59 - 64)
- 9 **REQUEST FOR VARIATION TO SECTION 106 AGREEMENT - LEA COURT, NEW ROAD, MADELEY. HOUSING AND CARE 21. 08/00555/FUL** (Pages 65 - 66)

- 10 APPLICATION FOR MINOR DEVELOPMENT - BROUGHTON ARMS, NEWCASTLE ROAD, BALTERLEY. THE BROUGHTON PROPCO LTD. (MR RICHARD COLCLOUGH). 18/00846/FUL (Pages 67 - 74)
- 11 APPLICATION FOR MINOR DEVELOPMENT - THE OLD HALL FARM, MAIN ROAD, BETLEY. MR AND MRS MCDOWELL. 18/00927/FUL & 18/00929/FUL (Pages 75 - 82)
- 12 APPLICATION FOR MINOR DEVELOPMENT - 8-10 HIGH STREET, NEWCASTLE. PRACTICAL CONSTRUCTION LIMITED. 18/00774/FUL (Pages 83 - 94)
- 13 APPLICATION FOR MINOR DEVELOPMENT - BARN 2, MOSS HOUSE FARM, EARDLEYEND ROAD, BIGNALL END. MS A TOSEVA AND MR R MANDAIR. 18/00937/FUL (Pages 95 - 102)
- 14 APPLICATION FOR MINOR DEVELOPMENT - SITE AT LOOMER ROAD, CHESTERTON. MR HU (HHL DEVELOPMENT LTD). 18/00967/FUL (Pages 103 - 110)
- 15 APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT TO A525, KEELE GOLF COURSE, KEELE ROAD, KEELE. NEWCASTLE BOROUGH COUNCIL. 19/00010/DEEM3 (Pages 111 - 116)
- 16 APPLICATION FOR OTHER DEVELOPMENT - LAND OFF TALKE ROAD, NORTH OF PARKHOUSE ROUNDABOUT (ADJACENT BREWERS FAYRE). NEWCASTLE BOROUGH COUNCIL. 19/00012/DEEM3 (Pages 117 - 122)
- 17 LAND AT DODDLESPool, BETLEY. 17/00186/207C2 - ENFORCEMENT UPDATE (Pages 123 - 124)
- 18 5 BOGGS COTTAGE, KEELE, 14/00036/207C3 - ENFORCEMENT UPDATE (Pages 125 - 126)
- 19 QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED (Pages 127 - 132)
- 20 OPEN ENFORCEMENT CASES (Pages 133 - 134)
- 21 REPORT ON DECISION RECEIVED WITH RESPECT TO AN APPEAL AGAINST THE COUNCIL'S DECISION TO REFUSE TO GRANT PLANNING PERMISSION FOR CHANGE OF USE OF A COMMUNAL AREA INTO A ONE BEDROOM SELF CONTAINED FLAT AT 1 WADE COURT, MARKET STREET, KIDSGROVE - 18/00393/FUL AND THE SEEKING OF CONTRIBUTIONS TOWARDS PUBLIC OPEN SPACE FOR DEVELOPMENTS OF TEN UNITS AND UNDER
Report to follow
- 22 MAKING OF THE LOGGERHEADS NEIGHBOURHOOD PLAN
Report to follow.
- 23 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), 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.

This page is intentionally left blank

PLANNING COMMITTEE

Tuesday, 29th January, 2019
Time of Commencement: 7.00 pm

Present:- Councillor Andrew Fear – in the Chair

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

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

1. **APOLOGIES**

Apologies were received from Councillors' Pickup and Proctor.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING(S)**

Resolved: That the minutes of the meeting held on 9 January, 2019 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - CROFT FARM, STONE ROAD, HILL CHORLTON. DAVID JAMES DEVELOPMENTS LIMITED. 18/00507/OUT**

Resolved: That a decision on the application be deferred but only until the 26th February, to enable the applicant to attempt to demonstrate the provision of acceptable visibility splays that overcome the objection of the Highway Authority.

5. **APPLICATION FOR MAJOR DEVELOPMENT - 10 POPLAR AVENUE, CROSS HEATH. 18/00692/OUT. MR GEZ WILARD**

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

- (i) 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).

- (ii) 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).
- (iii) 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).
- (iv) 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).

6. APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 18/00736/OUT

- Resolved:**
- (A) That, subject to
 - (a) Further comments of Stoke on Trent City Council being received by no later than 12th February which justify, in the view of the Head of Planning, seeking improvements to junctions within that Council's administrative area, the attachment of appropriate conditions or obligations such as are necessary to secure such works,
 - (b) Should Highways England not withdraw their holding objection within 1month 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, and

- (c) Subject to the applicant entering into a Section 106 obligation by 29th March 2019 to secure a Travel Plan monitoring fee of £11,325 and a payment of £5,000 for amendments to the existing Travel Regulation Order.

The application be permitted subject to the undermentioned conditions:

- (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, implemented and access provided which shall include cycle links to Bathpool Park, the existing cycleway on Reginald Mitchel Way, the canal, 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) The first reserved matters application shall include for approval of full design details for the new roundabout access, footways and improvements to the existing site access to include a full scheme of proposals to secure the delivery of the speed reduction which should include gateway features, street lighting, conspicuous speed limit and warning signs, road markings and surfacing with an appropriate high friction surfacing.**
- (xxvii) Submission and approval of full details of the provision of parking, turning and servicing within the site curtilage; means of surface water drainage; surfacing**

materials and footpath connections. The development to be carried out in accordance with the approved scheme.

(xxviii) Prior to commencement of any construction, including demolition, a Construction Environmental Management Plan to be submitted to and approved in writing by the Local Planning Authority.

(xxix) Any appropriate condition recommended by 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.

(C) In the event that the planning obligation referred to in recommendation A is not secured by the 29th March 2019 the Head of Planning be given delegated authority to refuse the application on the grounds that in the absence of such an obligation the appropriate sustainable transport measures are not secured and the interests of highway safety; or by such extended date as he considers appropriate.

7. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 18/00854/REM

Councillor Allison Gardner spoke on this application.

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

- (i) Link to outline planning permission and conditions
- (ii) Approved plans
- (iii) Facing and roofing materials
- (iv) Boundary treatments
- (v) Soft landscaping scheme
- (vi) Method Statement for protection, treatment and future management of hedgerows
- (vii) 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
- (viii) Provision of visibility splays
- (ix) Surfacing of parking areas
- (x) Detailed drainage scheme, including surface water drainage
- (xi) Retention of garages for parking of motor vehicles and cycles

- (xii) Footpath link completed
- (xiii) Trees shown as retained shall be retained and protected throughout construction
- (xiv) 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

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.

Resolved: That the City Council be informed that the Borough Council neither objects to nor does it support the planning application.

9. APPLICATIONS FOR MINOR DEVELOPMENT - ASPIRE HOUSING

Proposed by Councillor Tagg and seconded by Councillor Reddish.

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

Resolved: That the Council maintain their requirement that planning permission can only be granted for each of the applications if the applicant first enters into a Section 106 obligation by 28 February, 2019, that secures a fully policy compliant contribution to public open space and public realm enhancement and maintenance.

10. APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO THE BLOCKHOUSE, NEWCASTLE ROAD, WHITMORE. 18/00847/FUL

Members were advised that this application had been withdrawn.

11. APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN. 18/00943/FUL

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

- (i) Time limit.
- (ii) Approved plans.
- (iii) 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.
- (iv) Prior approval and implementation of special

- (v) constructions measures and other tree protection measures.
- (v) Prior approval and implementation of the external facing materials.
- (vi) Prior approval and implementation of a foul and surface water drainage scheme.
- (vii) 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, including temporary signing of the car park, to prevent residents and visitors to the gardens parking on Court Walk when the gardens are open.
- (viii) 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.
- (ix) Restrictions on the hours when construction and demolition can take place.
- (x) Prior approval and implementation of details of any kitchen ventilation system and external plant.
- (xi) Prior approval and implementation of details of external lighting.
- (xii) Restriction on the hours when deliveries and waste collections can take place.
- (xiii) Prior approval and implementation of the alignment of utility apparatus
- (xiv) Prior approval and implementation of a schedule of works to retained trees
- (xv) Prior approval and implementation of an Arboricultural Method Statement (detailed) covering foundation design and proposals for paving within the RPA of retained trees.
- (xvi) Submission and approval of a dimensioned tree Protection Plan to include details of tree canopy protection and full protection of T2 and implementation of the protection measures agreed.
- (xvii) Prior approval and implementation of full landscaping proposals including replacement tree planting and hard and soft landscaping proposals.
- (xviii) Submission and approval of revised plans showing the overflow parking in a position outside of root protection areas of trees.
- (xix) Development not to be brought into use until the parking and turning areas have been provided, with the parking spaces clearly delineated, which shall thereafter be retained for the lifetime of the development.

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

- Resolved:**
- (i) That the report be noted.
 - (ii) That the Head of Planning continue to report, on a

quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

13. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 8.40 pm

FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON
MR ANDREW GREEN

18/00371/FUL

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

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

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

This application was reported to Committee initially on the 9th October, then on 6th November, and then again on the 4th December. At that meeting a decision was deferred for a maximum of 3 months to give additional time to the applicant to address the concerns raised by the Lead Local Flood Authority.

The statutory 13 week determination period for this application expired on the 9th August but the applicant has agreed extensions to the statutory determination period to the 15th March.

RECOMMENDATION

Until revised flood risk information is received and the Lead Local Flood Authority indicate that their current concerns have been addressed, refusal on the following grounds:-

- 1. The development, without suitable flood risk mitigation measures and SuDS, would lead to the potential for flooding and would not meet sustainable development objectives is therefore contrary to policy CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2018).**
- 2. In the absence of a secured planning obligation there is not an appropriate mechanism to secure a financial contribution of £18,900 towards education places and a review mechanism to allow for the possibility of changed financial circumstances should the development not proceed promptly, and, in such circumstances, the potential provision of a policy compliant financial contribution towards public open space and education places is not achieved. The proposal would thus be contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 & IM1 of the Newcastle-under-Lyme Local Plan 2011, the Council's Open Space Strategy and the aims and objectives of the National Planning Policy Framework (2018).**

Reason for recommendation

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

It is accepted, following the obtaining of independent financial advice, that a fully policy compliant scheme is not viable and that the scheme can only sustain significantly reduced contributions. The housing development and regeneration benefits of the development are considered to outweigh the harm caused by the additional demand created by the development on education places and public open space in the area. However without completed planning obligations, the contribution that the scheme can make is not secured and there is not an appropriate review mechanism to allow for changed financial circumstances should the development not promptly proceed. Such obligations are not currently "on the table", although there is no reason to consider that the applicant would not enter into such obligations.

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

Officers requested a flood risk assessment to be submitted over 9 months ago and suitable information is still awaited. Without suitable information being submitted the Local Planning Authority has no alternative but to now refuse the application because more than adequate time has been allowed for the applicant to address the flood risk matters.

KEY ISSUES

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

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

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

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

2.0 The principle of residential development

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

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

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

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

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

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

3.0 The design and impact on the character and appearance of the area?

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

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

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

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

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

4.0 Residential amenity matters

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

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

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

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

5.0 Car parking and highway safety

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

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

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

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

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

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

6.0 Planning obligation considerations

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

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

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

6.4 The financial contributions set out above were also requested during the determination of a previous planning application (17/00627/FUL) for a similar development - this application was subsequently withdrawn. At the time the applicant advised your officers that the scheme would be financially unviable with policy compliant financial contributions towards education places and Public Open Space. This resulted in independent advice being obtained from the District Valuer (DVS) who produced a financial viability report in April 2018. That report whilst confirming that a scheme with fully policy-compliant contributions would be financially unviable did indicate that some level of contributions (£18,900) could be afforded by the scheme without making it unviable. Whilst the report is now 10 months old, and no refresh of that report has been obtained, the DV has informally indicated that it is unlikely having regard to the movement since then of construction costs and sale values that the viability position will have materially changed and taking account of the fairly limited scale of development it is considered that it would not be inappropriate to proceed on the basis of the April 2018 appraisal, although as more and more time passes the need to obtain a new appraisal increases.

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

6.6 The scheme does provide benefits, which include the redevelopment of a site that has been left undeveloped for a number of years and has had a detrimental impact on the visual amenity of the area. The development would also contribute to housing supply in the Borough and assist in particular in the regeneration of the Chesterton area where there have been a number of “stalled” housing sites in recent years. These benefits are considered to outweigh the harm caused by the additional demand created by the development on the infrastructure of the area that would be the result of reduced financial contributions.

6.7 As indicated it is considered that the scheme can support a financial contribution of £18,900 whilst the policy compliant contributions would be £33,244 towards secondary education places and £78,106 towards the improvement and maintenance of public open space - £111,350 in total. If the Committee are now prepared to accept the case for a less than policy compliant scheme there are a number of options. One could either reduce all of the contributions that are required by the same proportion (83%), or split the available contribution evenly e.g. £9450 to education places and £9450 to POS, or one can ‘ring-fence’ and protect one of the contributions and allow the other to be in this case not obtained at all. The Council has no agreed formal “hierarchy of need” in its Developer Contributions SPD which can be referred to in such cases.

6.8 In this case, your Officer would suggest that the immediate priority is education places and that the available £18,900 should be secured for secondary education places at Chesterton Community Sports College, with no contribution being secured for public open space.

6.9 It has to be acknowledged that market conditions, and thus viability, can change. On this basis it would be quite reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within say one year of the grant of the permission, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would need to be also secured via the Section 106 agreement and further demonstrates the need to now reach a decision on the application promptly.

7.0 Flood Risk Matters

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

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

7.3 The application was deferred at the 4th December Planning Committee for a maximum of 3 months to allow additional time for the applicant to address the concerns raised by the LLFA. A letter from the Chair requesting that the LLFA meet and cooperate with the applicant in resolving the issue was also sent as a method of expediting the discussions. This resulted in the LLFA attending a meeting with the applicant in January but very limited progress has been made in resolving the issues. Therefore, the position remains, as it did in December, that further flood risk investigations and potential mitigation are required and planning permission should not be granted until this further information is received.

7.4 The NPPF does advise that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions but in this instance there are still flood risk concerns and there is still no certainty that these concerns can be addressed without the scheme proposed having to change significantly to address these concerns. Leaving such matters to be dealt with by conditions remains contrary to the precautionary approach advised in the NPPF and policy CSP3 of the Core Spatial Strategy.

7.5 Members will now be aware that acceptable flood risk and sustainable drainage matters have been outstanding since the application was submitted in May 2018 and there is currently no indication that the matters will be resolved in the immediate future.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

Other material considerations include:

National Planning Policy Framework (July 2018)

Planning Practice Guidance (March 2014, as updated)

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

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

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

Space Around Dwellings SPG (SAD) (July 2004)

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

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

Relevant Planning History

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

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

Views of Consultees

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

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

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

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

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

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

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

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

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

The revised Flood Risk Assessment (FRA) did also not remove their objections. In particular, they say the potential flood risk indicated by the surface water flood map needs to be assessed in relation to the proposed development, with recommendations for mitigation in terms of layout, site and floor levels. They also advise that the proposed development needs to include an appropriate Sustainable urban Drainage Scheme (SuDS) to restrict runoff and provide adequate water quality treatment.

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

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

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

Representations

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

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

Applicant/agent's submission

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

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

Background Papers

Planning File

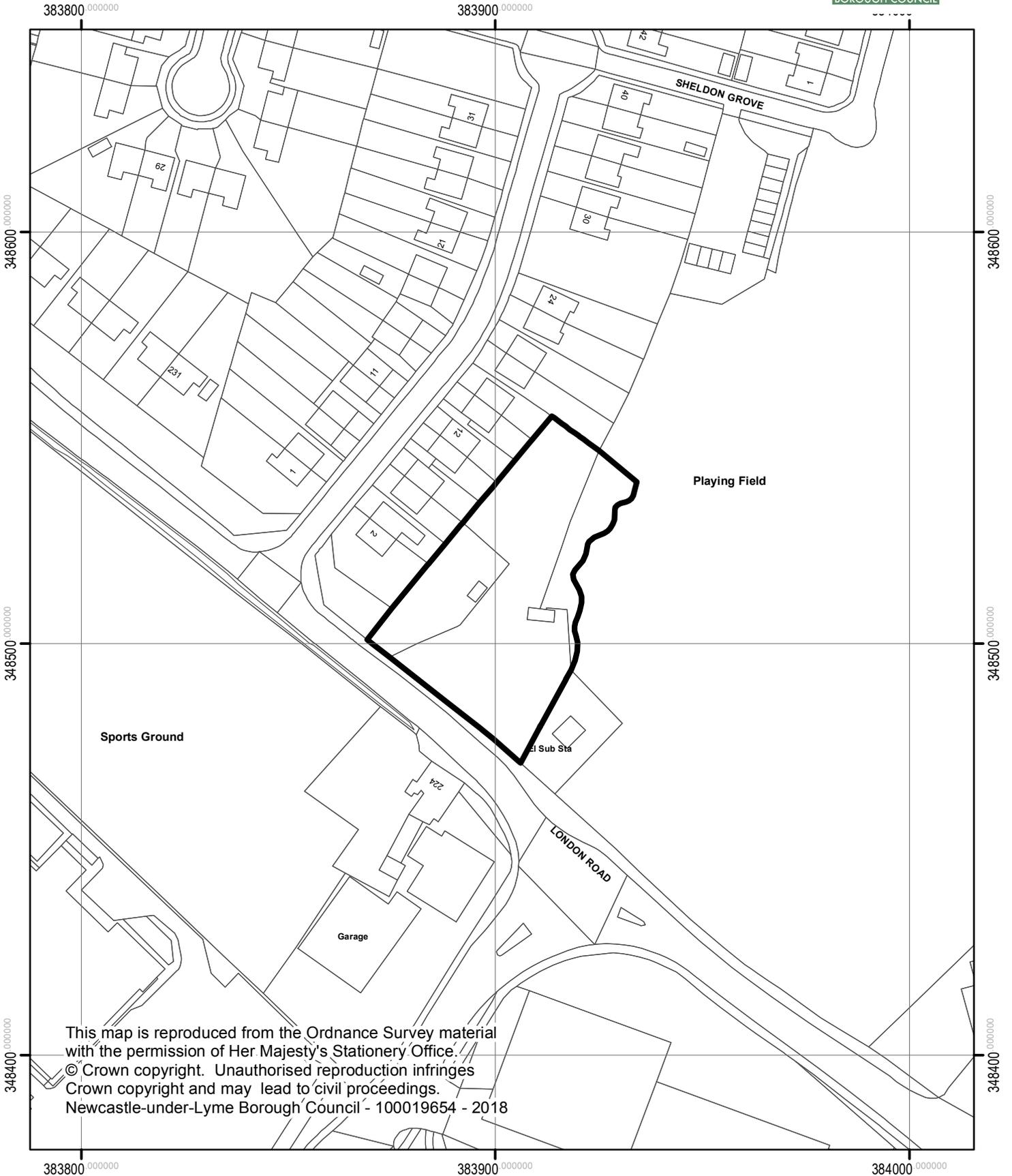
Development Plan

Date report prepared

13th February 2019

This page is intentionally left blank

The Bennett Arms, London Road
Chesterton
ST5 7PS



This page is intentionally left blank

**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.

This application was reported to Committee on the 29th January but a decision was deferred to enable the applicant to attempt to demonstrate the provision of acceptable visibility splays that overcome the objection of the Highway Authority.

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 March 2019.

RECOMMENDATION

Refuse for the following reasons:

- 1. The adverse impacts of the development, namely the reliance on the use of private motor vehicles by reason of the site's location would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2018) taken as a whole and the proposal therefore represents an unsustainable development**
- 2. 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

Due to the isolated location of the site away from a higher level of services, employment and public transport links, residents would be dependent on the use of private motor vehicles. Overall, the adverse effects of allowing the development of this proposal, significantly and demonstrably outweigh the benefits.

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 applicant has now confirmed that the proposed bungalows are to be limited to over 55s only.

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.

This application was reported to Committee on the 29th January but a decision was deferred to enable the applicant to attempt to demonstrate the provision of acceptable visibility splays that overcome the objection of the Highway Authority.

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

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

The application site lies within the Rural Area of the Borough 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.

Reference is made in representations to the Chapel & Hill Chorlton, Maer & Aston and Whitmore Neighbourhood Plan (NDP). An emerging neighbourhood plan may be a material consideration and Paragraph 48 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. It states as follows:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In this case, whilst the NDP has now been submitted, given that Regulation 16 stage has not yet been reached, which is the publicising of the Plan by the Council and the invitation to object to it, it is not possible yet to be certain whether or not any policy within the emerging Neighbourhood Plan is free of

objection. So applying 48(b) it is the view of your Officer that at this stage, limited weight can be given to the NDP.

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.

(Para 11(d))

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. However the Inspector in the Gravel Bank appeal decision notes that the village envelopes referred to in both NLP Policy H1 and CSS Policy ASP6 were defined in the context of a local plan that was not intended to meet housing needs beyond 2011, and furthermore the limit of 900 dwellings in policy ASP6 is not based on any up to date assessment of housing needs and is at odds with the Framework that reflects the Government's objective of significantly boosting the supply of homes. He notes that a similar conclusion was reached in the appeal decision for Tagedale Quarry. For these reasons he not only gives the undisputed conflict with policy H1 and ASP6 limited weight but he also considers, as accepted by the Council at the Inquiry, paragraph 11(d) of the Framework to be engaged.

Appeal decisions can be a significant material consideration and a failure to take them into account can be a basis for a claim of unreasonable behaviour. Applying this to the case in hand here planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole – the application of policies in the Framework that protect areas or assets of particular importance (and listed in a footnote) not providing a clear reason for refusal.

The NPPF refers to three objectives of sustainable development – economic, social and environmental. In terms of economic benefits, the applicant asserts that significant weight should be given to the contribution that the development would make to catering for an ageing society and for its promotion of sustainable transport. It is also stated that great weight should be given to the site being less than 1 hectare and a windfall site nestled within the centre of an existing settlement. In terms of social benefits, it is stated that great weight should be given to the contribution of 2 affordable bungalows and weight should be given to addressing the shortage of housing, particularly bungalows, for the ageing population. It is argued that weight should be given to the provision of a communal pond and benches which would be accessible to the whole community. A car sharing scheme for the neighbourhood community will add further sustainable transport methods. The applicant states that environmental benefits include improvements to the biodiversity on the site which includes the use of boundary hedgerows and a communal pond. It is argued that great weight should be given to the applicant's commitment to minimise the impacts from this development on climate change with the intention that the entire site is run from green energy.

In terms of social benefits, the development would provide 11 dwellings, although there is at present no shortfall of housing supply in the Borough and therefore the weight to be attributed to such a benefit is considered limited. Assuming that the bungalows would be for over 55s only, the development would make a contribution to providing accommodation for an ageing population although in the absence of any evidence of a particular need for such accommodation in this area, the weight to be attributed to such a benefit is again considered limited. The applicants have now indicated that the development would provide two affordable dwellings on site (18%) and that they would be prepared to make a contribution of £34,130 for off-site affordable housing as well. More detailed comment on this is provided later on in this report.

The applicant's assertion that great weight should be given to the site being less than 1 hectare and a windfall site nestled within the centre of an existing settlement is disputed by your Officer. Paragraph 68 of the NPPF states that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. This site is located within a small group of dwellings rather than a settlement and for reasons given below, is not considered to be a suitable site for housing. The applicant's intention to construct environmentally friendly dwellings is acknowledged but is not considered to attract anything more than limited weight.

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.

The applicant asserts that the walk from Croft Farm to Baldwin's Gate is along a very different route to the one considered in the above appeal decisions which used Sandy lane. Whilst it is acknowledged that the route is different, the issues of lack of footpaths and street lighting are the same and therefore the conclusions equally apply in this case.

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 initially recommended refusal of the application on the grounds that the application failed to demonstrate that adequate visibility splays can be provided for the proposed development to the detriment of highway users. However, discussions have been held with the applicant and a revised access plan has been received. The Highway Authority has no objections subject to the imposition of conditions and therefore it is not considered that an objection could be sustained on the grounds of adverse impact on highway safety.

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 normally be required (the number being rounded up). On this site a hybrid approach is now proposed with 18% of the affordable housing obligation (2 dwellings) provided on site with the remaining 7% delivered by a commuted sum for provision elsewhere in the Borough. There has been no opportunity to take independent advice on whether the offered commuted sum appropriately reflects the policy requirement, or indeed that the development can sustain such a contribution.

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".

In relation to the original proposal for no on-site provision, the Housing Strategy Section advised that the affordable housing should be provided on-site rather than as an off-site contribution. Their views on the proposed hybrid approach have been sought but given that the same approach was considered acceptable by Officers in both the Gateway Avenue development (Ref. 13/00426/OUT) and the Meadow Way scheme (Ref. 16/01011/FUL), both in Baldwin's Gate, it is anticipated that the principle of such an approach will be supported here. A further report will be given on any additional comments received.

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

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.

As stated above, the applicant has confirmed that the accommodation would be for the over 55s. Staffordshire County Council having originally requested a contribution for both primary and secondary places accepts that it would be unreasonable in such circumstances to require a financial contribution towards local school provision if the future occupants of the development are limited to the over 55s. Adequate control would need to be applied to limit the age of future occupants of the development. Whilst it is in theory possible to restrict by the use of a planning condition the occupancy of units to those of more than a certain age, such conditions where justified are more appropriately used in either semi-institutional developments or where the dwelling size is aligned to the condition. In this case the revised illustrative drawing indicates that at least some of the bungalows will have three or more

bedrooms which might suggest that were the Council to seek to limit occupation to the over 55s, there could be issues in the future. Whilst the drawing is illustrative only, it should be noted that the viability assessment undertaken by the Council's adviser was based upon the indicative house sizes.

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

In conclusion, the development is not in an accessible location owing to its distance from services and the necessity for future residents to travel to and from the site by car. It is not considered that the limited benefits outweigh this harm.

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** in the light of a revised access detail and speed surveys advises that they have no objections on highway grounds subject to conditions being imposed relating to a number of matters including the provision and maintenance of the 2.4 m x 90 m visibility splays indicated on this revised access detail.

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

18 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
- Roadside and footway parking are frequent in Hill Chorlton because many dwellings have limited off-road parking and turning space due to having shallow frontages. Stationary vehicles reduce visibility for all highway users.
- The visibility splay to the west cannot be achieved without making modifications to Pine Tree House. Even if it could be achieved, it would still cross land outside the boundary of the development site i.e. it would cross the garden of Pine Tree House, and there is no guarantee that the dwelling will continue to be controlled by the applicant.
- 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 completed two rounds of Regulation 14 consultation. The three parish councils involved have submitted the Plan to the Local Planning Authority.
- 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

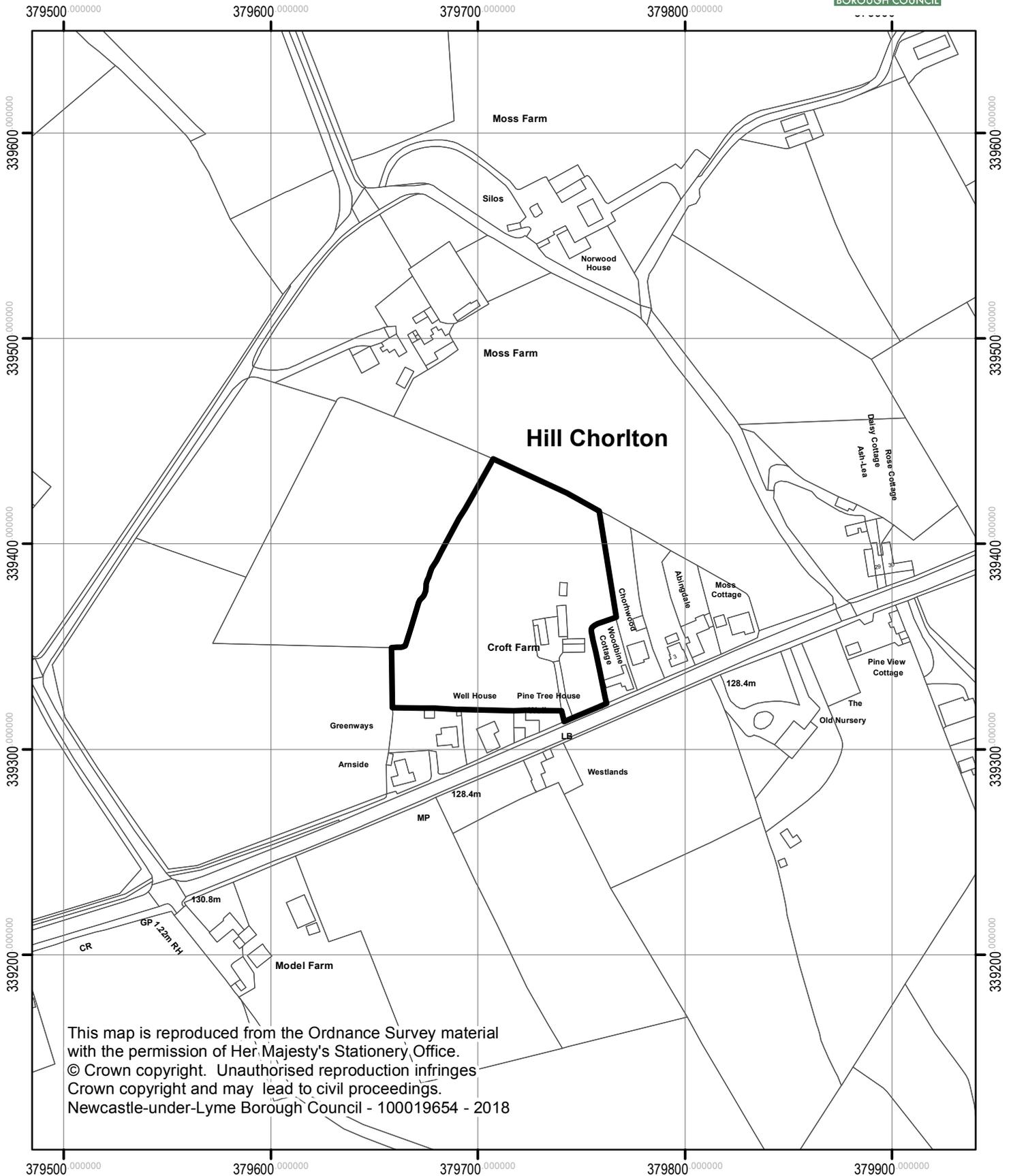
Planning files referred to
 Planning Documents referred to

Date report prepared

13th February 2019

This page is intentionally left blank

Croft Farm
Stone Road
Hill Chorlton



This page is intentionally left blank

NORTH BOUND KEELE MOTORWAY SERVICE AREA
WELCOME BREAK

18/00537/FUL

The application is full planning permission for change of use of agricultural land to create 100 HGV parking spaces, including access, landscaping and drainage and associated works. An amenity area is also proposed for users of the Motorway Services Area (MSA)

The application site lies within the Green Belt and as Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 4.24 hectares in total, with approximately 3 hectares of that area outside the existing boundary of the MSA.

The 13 week period for the determination of this application expired on the 9th October 2018, but the applicant has agreed an extension of time to the statutory determination period to the 1st February 2019.

RECOMMENDATION

- 1) 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, and
- 2) The appropriate procedure under the Town and Country Planning Consultation Direction having been undertaken

PERMIT the application subject to conditions relating to the following:

- i. Standard time limit
- ii. Approved plans
- iii. Submission, approval and implementation of a detailed surface water drainage scheme
- iv. Submission, approval and implementation of the details of the pedestrian route from the HGV parking area and amenity area to the MSA services building and the associated signage.
- v. Construction Management Plan
- vi. Submission, approval and implementation of an Arboricultural Impact Assessment
- vii. Retention of all trees that are shown to be retained on the Landscape Concept Plan.
- viii. Submission, approval and implementation of tree protection measures.
- ix. Submission, approval and implementation of a Tree Protection Plan
- x. Submission, approval and implementation of details of the boundary treatment of the area and other security measures including CCTV.
- xi. Submission, approval and implementation of a detailed landscape scheme, which address recommendations of the Ecological Appraisal regarding increasing connectivity and foraging opportunities for bats.
- xii. Implement the recommendations within the Ecological Appraisal/Reptile Survey regarding biodiversity enhancements
- xiii. Submission, approval and implementation of a detailed lighting scheme

Reason for Recommendation

It is concluded that the proposal 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 much needed HGV parking spaces to ensure, in the interests of highway safety, that drivers can stop at a crucial point on the network to take their statutory break. Whilst the pedestrian crossings through the MSA to and from the HGV parking area and amenity area haven't yet been finalised, this could be dealt with by condition. No other harm other than to the interests of the Green Belt has been identified. As such it is considered that planning permission can be granted although this can only be done following consultation with the Secretary of State for Transport unless Highways England withdraws their objection, and the

Secretary of State for Housing, Communities and Local Government will also need to be notified that the Council is minded to grant planning permission.

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 The proposal involves the formation of a hard-surfaced area on the field to the south of the northbound Motorway Service Area (MSA) that will be set out to accommodate 100 HGV parking spaces. Landscaping and surface water attenuation is proposed. Access to the parking area is provided from the existing MSA spine road, with a dedicated turning lane into the application site.

1.2 The application site includes part of the existing MSA, which is in use in connection with the collection of pallets, and part of an adjacent field to the south east. Landscape bunds are proposed between the site and the wider open countryside with screen planting largely surrounding the proposed additional parking area.

1.3 The application site lies within the Green Belt and an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 4.24 hectares.

1.4 The application site is supported by a Preliminary Ecological Appraisal that identified no habitats or species of particular value on the site. As recommended within that Appraisal a reptile survey has also been undertaken which recorded no evidence of reptiles on the site. In light of such supporting information it can be concluded that there are no significant ecological constraints to the development.

1.5 The Environmental Health Division advise that it is unlikely that the use of the proposed parking area will have an adverse impact on nearby residential units and it will not adversely affect air quality given that any additional HGV movements associated with the proposed use will not be on the local roads. Concerns that have been expressed regarding security, which are valid material planning considerations, can be dealt with by condition.

1.7 The main issues to address are as follows:

- Is this appropriate or inappropriate development in the Green Belt?
- Is the loss of agricultural land acceptable?
- Highway safety
- Landscape impact
- 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?

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

2.1 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.

2.2 At paragraph 145 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. At paragraph 146 it indicates 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.

2.3 The application proposal does not, however, involve the construction of a building. It involves a material change of use of land and an engineering operation, both of which are forms of development listed at paragraph 146 and as such could potentially be appropriate in Green Belt policy terms.

2.4 A further exception identified at paragraph 146 is local transport infrastructure which can demonstrate a requirement for a Green Belt location. In this regard the applicant has submitted a recent appeal decision at Cobham services on the M25 for a similar HGV park extension which found that the geographic need identified in the location of the application site meant that the development should be regarded as not inappropriate. The submission in support of this application argues that the geographic need for additional HGV spaces is local to Keele and as such requires a Green Belt location. Therefore in addition to the other possible exceptions set out in the paragraph 2.3 of this report, it could fall within this exception. In all cases, however, the development could only be considered to be appropriate under the exceptions identified in paragraph 146 if it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

2.5 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.

2.6 The proposed development would conflict with purpose c), as encroachment into the countryside would arise given that the proposals involve the development of land that is not currently within the MSA.

2.7 With regard to the impact upon openness it could be said the engineering works themselves do not affect openness. However the intended use of the site for the parking of HGVs and bearing in mind that it will be occupied by a number of vehicles at all times a loss of openness would arise from the development proposed.

2.8 In conclusion it is considered that the proposed development is inappropriate in the Green Belt.

3.0 Is the loss of agricultural land acceptable?

3.1 Paragraph 112 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems including the economic and other benefits of the best and most versatile agricultural land. As a footnote it states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

3.2 The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. Information produced by the Department of the Environment, Food and Rural Affairs indicates that the site, in part, comprises Grade 3 agricultural land (good to moderate quality). Such information is, however, dated and does not specify whether it is Grade 3a or 3b. In the absence of a site survey it is not known whether it is best and most versatile agricultural land.

3.3 Consideration as to whether the loss of agricultural land would be acceptable is addressed in section 6 below.

4.0 Highway safety

4.1 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.

4.2 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.

4.3 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.

4.4 Policy SP3 of the Core Spatial Strategy relating to spatial principles of movement and access includes, amongst other things, the requirement to where necessary allocate land for the provision of essential infrastructure.

4.5 Saved Policy T12 of the Local Plan states that the Borough Council recognises the vital importance of good transport communications to the local business community. When formulating its views on any future proposals for the M6 corridor it is indicated that the Borough Council will consider the following:

- i. Their benefits to the local economy
- ii. The environmental and social impact
- iii. Their impact on the local transport network
- iv. Their potential to increase the use of sustainable transport modes.

4.6 Highways England (HE) have, within their latest response, identified where amendment and further information is required relating to a number of matters. Some of the concerns identified are land ownership issues that aren't material to the determination of the planning application. That this might result in difficulties for the developer getting approval from HE of the works under the necessary license/agreement is not the basis upon which to withhold or delay the granting of planning permission.

4.7 The provision of safe pedestrian routes/crossings within the MSA is, however, a material consideration and the concerns of HE are noted in this respect. The route from the proposed HGV parking and amenity area to the services buildings as shown on the submitted plans appears to be logical although it does result in crossing movements over the main through roads and petrol filling station egress. Whilst adjustments may be required to ensure that the precise position is appropriate such adjustments and the details of the associated signage, could be addressed through the imposition of suitable conditions. Noting that HE welcome the development in principle and do not, in their comments, state that the HGV parking area is not in the right location, it is considered that the imposition of a condition would be appropriate.

4.8 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 withdraw their holding objection the local planning authority, if it were minded to grant the application, would have to first consult the Secretary of State for Transport and await the decision as to whether to serve a direction under Article 31 of the Development Management Procedure Order or not.

5.0 Landscape Impact

5.1 Saved policy N17 of the Local Plan 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. Policy N19 indicates that the Council will seek to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas. Where development can be permitted, it will be expected to contribute to this aim. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

5.2 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. 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.

5.3 The application is supported by a Landscape and Visual Impact Appraisal (LVIA) which identifies that the site sits within a context of fields. The topography is undulating with a number of blocks of woodland and tree cover. The LVIA identifies the main effects of the proposed development as follows:

- General site clearance of vegetation and grassland.
- Creation of new hardstandings, lighting, signage and boundary fencing to accommodate additional parking and circulation areas.
- Creation of an attenuation basis with the proposed boundary landscape to assist with sustainable drainage and provide amenity
- The creation of low profile bunding between 1-1.5m in height.
- The planting of areas of native woodland, thicket, hedgerow and trees with emphasis on future screening, integration with surrounding landscape and ecological enhancement.
- Creation of an informal amenity space within the proposed landscaping for the enjoyment of visitors taking a break from their journey.
- The movement of HGVs.

5.4 The LVIA identifies a number of locations (landscape receptors) in order to appraise the effect of the proposed development and establish whether it would have an adverse landscape or visual impact. The identified locations are Keele Village Conservation Area; Keele Campus and Parkland; and Keele Redlands (a landscape character area within which the application site is located). Within these locations a number of viewpoints have been identified

5.5 The choice of such locations and viewpoints are accepted as appropriate by your Officer and no additional locations/viewpoints have been identified.

5.6 Keele Village is situated on high ground to the north of the application site. The distance, topography and intervening vegetation, and development within the Keele Campus and Parkland provide physical and visual separation from the proposed development. For these reasons it is concluded within the LVIA that the visual importance and effect of the development is "negligible adverse". Parts of Keele Campus and Parklands are closer to the application site but the physical and visual separation that exist leads to the same conclusions. Such conclusions are accepted.

5.7 The LVIA assesses the effect of the proposal on the landscape receptor within which it sits, Keele Redlands, the visual importance and effect of the development to be "minor adverse". Again this conclusion is accepted.

5.8 The LVIA sets out that the visual effects of development on the certain viewpoints, which are listed below, vary but considers that subject to the implementation of the proposal landscape mitigation, involving the retention of boundary vegetation, where possible, and its management and the introduction of screening belts of native woodland etc. the visual effect is limited. This is accepted. The identified viewpoints are:

- Approach to the Clock House in the grounds of Keele Hall
- Lymes Road public footpath.
- Highway Lane public footpath
- Footpath on Three Mile Lane, near Racecourse Farm
- Dab Green public footpath

5.9 Overall whilst the proposal will have some impact on the landscape it will not be harmful subject to the implementation of the landscaping scheme and a condition requiring approval of the lighting scheme to minimise its impact.

6.0 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?

6.1 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.

6.2 The applicant considers that this is appropriate development in the Green Belt, but acknowledging that the local planning authority might reach a different conclusion has set out that there is an identified need for the additional parking spaces and that the proposal will improve highway safety amounting to the very special circumstances that justify the granting of planning permission.

6.3 Circular 02/2013, a Department for Transport policy document, should be read by local authorities and others involved in any development proposals which may result in any traffic or other impact on the strategic road network as in this case. It requires MSAs to fulfil a very specific highway safety purpose. This includes offering drivers the opportunity to stop and rest and to ensure that there is sufficient parking provision for this it sets out traffic-flow formulas for the calculation of the number of HGV parking spaces that should be provided. It is understood that the application of the formula identifies that an additional 56 spaces are required.

6.4 The National Survey of Lorry Parking carried out in 2017 and released in May 2018 explains that Keele Northbound has the most significant over-capacity issues of any HGV parking site in the West Midlands and nation-wide is amongst the most severely oversubscribed too. The survey identifies an utilisation rate of 85% and above as being 'critical' due to the need for drivers to search carefully for spaces at capacity levels beyond this. Keele has an utilisation rate of 221% - with HGVs being parked outside of the designated parking spots, on the kerb side or straddling parking spaces.. The application proposal seeks to address this issue.

6.5 The application is supported by a survey which indicates that there is justification for 143 additional bays, due to a large number of HGVs circulating and then leaving due to there being no available space to park and others parking inappropriately within the MSA. The proposed 100 parking spaces is therefore at a level somewhere between the 56 derived from the application of the formula within the Circular and the level identified in the supporting survey which appears to be consistent with the National Survey of Lorry Parking referred to above.

6.6 The representation from the Road Haulage Association, reported in the Appendix below, indicates that the M6 is a vital strategic route with this stretch offering a logical stopping point for any driver who is traveling from the south west and south east to the north west and beyond. The maximum permitted driving time of four and a half hours on such a journey is commonly reached, apparently, in and around Keele making it a crucial point on the network for HGV drivers to take their statutory break.

6.7 It is accepted that the additional lorry parking spaces could not be accommodated within the existing MSA through a redesign of the existing layout. In addition it is accepted, given the representation from the Road Haulage Association, that there is justification for the parking area to be provided at Keele. It is also accepted that alternative provision outside of the Green Belt would not best meet the needs of the drivers and the legal requirement to take appropriate breaks as it would not be on the M6 and would not provide the required facilities. Diverting off the M6 onto the A500 (part of the Strategic Highway Network), to alternative provision, which does not currently exist, would

involve a 6 mile detour with additional fuel costs, increased pollution and congestion on that route and generally lengthen journey times unacceptably.

6.8 Taking into account that no other harm has been identified and that there is justification for the proposed development in this Green Belt location from a highway safety perspective, it is concluded that very special circumstances exist that justify the granting of planning permission. For the same reasons the loss of agricultural land is also justified.

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 ASP6: Rural 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 S3: Development in the Green Belt
Policy T12: M6 Corridor
Policy N17 Landscape Character – General Considerations
Policy N19 Areas of Landscape Maintenance

Other Material Considerations include:

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

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

Department for Transport [Circular 02/2013 Strategic road network and the delivery of sustainable development](#)

AECOM and Department for Transport [National Survey of Lorry Parking 2017](#)

[Freight Strategy for the County of Staffordshire](#) (November 2018)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

In 2000 planning permission was granted for on the northbound sider redevelopment of the maintenance depot (which lies within part of the land affected by the current application to provide 42 bedroom hotel (reference 98/00528/FUL). This permission was subsequently renewed in 2005 under reference 05/00330/FUL. It has not been implemented and the permission has lapsed

Views of Consultees

In their latest response **Highways England** recommend that planning permission not be granted for a three month period from 28th January. They indicate that the proposal to increase the number of HGV spaces by 100 to a total of 132 HGV spaces is welcomed in principle. However at present, and as previously expressed, the proposed development gives rise to significant concerns in terms of pedestrian safety, both for HGV drivers accessing the main Motorway Service Area (MSA) buildings and non-HGV visitors accessing the proposed amenity area. This will give rise to an increase in pedestrian crossing movements of the main MSA through roads and petrol filling station egress which currently lack safe pedestrian routes and crossing points. They have previously set out the following four matters which are likely to require a degree of redesign by the applicant and although a further design was received, these matters have not yet been sufficiently addressed and are still considered to require review and amendment. As such they remain outstanding at this time:

- Safe pedestrian routes and crossing points are required to enable HGV drivers to access the main MSA services building from the proposed HGV parking area.
- Safe pedestrian routes and crossing points are required to enable non-HGV drivers to visit the proposed amenity area from the existing car parking areas
- A review of existing signing and road markings is necessary along with details of new vehicle and pedestrian signs and road markings for the HGV parking and amenity areas.
- These details need to be supported by a Road Safety Audit.
- A Construction Management Plan will need to be submitted and approved that controls the aspects of earthworks and construction activities in order to safeguard the MSA traffic flows and access to facilities in order to safeguard the MSA traffic flows and access to facilities. They consider that this could be dealt with by planning condition, however.

The **Lead Local Flood Authority** recommends a condition requiring submission and approval of a detailed surface water drainage scheme.

The **Environmental Health Division** has no objections subject to approval of the lighting scheme.

The **Highway Authority** has no objection as the proposal would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network are not considered severe.

The **Landscape Development Section** has no objection in principle to the proposed development and it does not appear that any significant existing trees are likely to be affected, however no detailed tree information has been provided and it is requested that an arboricultural impact assessment is submitted. The existing trees adjacent to the filling station are shown to be retained on the Landscape Concept Plan but have been omitted from the levels drawings. These are important trees and should be retained.

Permission should be subject to a Tree Protection Plan and detailed landscape proposals.

The **Crime Prevention Design Advisor** indicates that the current HGV parking arrangements are inadequate in many respects and the proposals appear to address this issue. Capacity will be vastly increased encouraging much greater use of Keele Services for driver breaks. The area will be lit with lighting columns placed around the edge of the parking area and pointing inwards. There will also be a single way in and out of the parking area which is ideal and should go some way to reducing criminal opportunity towards the HGVs.

Action 15 of the (previous) Staffordshire Freight Strategy identifies the need to improve security standards of HGV parking areas. Security would be improved with additional lighting in the middle of the parking area. In addition further security measures are required to address crime directed at parked-up HGVs that are experienced at Keele MSA. There have also been incidents involving illegal immigrants and HGVs. CCTV provision is therefore required.

Keele Parish Council has concerns regarding security given past incidents of people trafficking. Whitmore Parish Council need to be consulted as some of the land is in their Parish. In addition the configuration does not seem to be fit for purpose.

The views of **Whitmore Parish Council** have been sought but as they have not responded it is assumed that they have no comment.

Representations

The Road Haulage Association has written in support of the proposal for the following reasons;

- Keele northbound has a recognised shortage of HGV parking spaces which is not helped by the nearest alternatives being Stafford and Sandbach which are relatively small facilities. The M6 is used as a vital strategic route with this stretch offering a logical stopping point for any driver travelling between Bristol to the North West and beyond. The maximum permitted driving time of 4 ½ hours on such a journey is commonly reached in and around Keele, making it a crucial point on the network for statutory breaks.

- The additional spaces would provide drivers with peace of mind when parking up. They are becoming more concerned about their own safety and security of their vehicles.
- Lorry drivers need a variety of refreshments as well as well-maintained facilities such as showers and bathroom facilities at their stops, all of which would be available with this development. Alternative locations off the Strategic Road Network are unlikely to have this supporting infrastructure in place and would increase the pressure on local roads.
- The fuel costs and inconvenience to drivers of finding alternative facilities off of the motorway means that even if there were realistic alternatives to MSAs they would not be a first choice preference.
- Almost ¾ of goods movements are carried by road.
- Provision of safe and secure off-road parking facilities for HGVs on key transport corridors alongside the provision of hygienic catering and bathroom facilities is a major issue within the industry.
-

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Additional information concerning need
- Landscape and Visual Appraisal
- Preliminary Ecological Appraisal
- Reptile Report
- Flood Risk Assessment Sustainable Drainage Statement
- Sustainable Drainage Statement
- Transport Assessment
- Stage 1 Road Safety Audit and Design Team Response

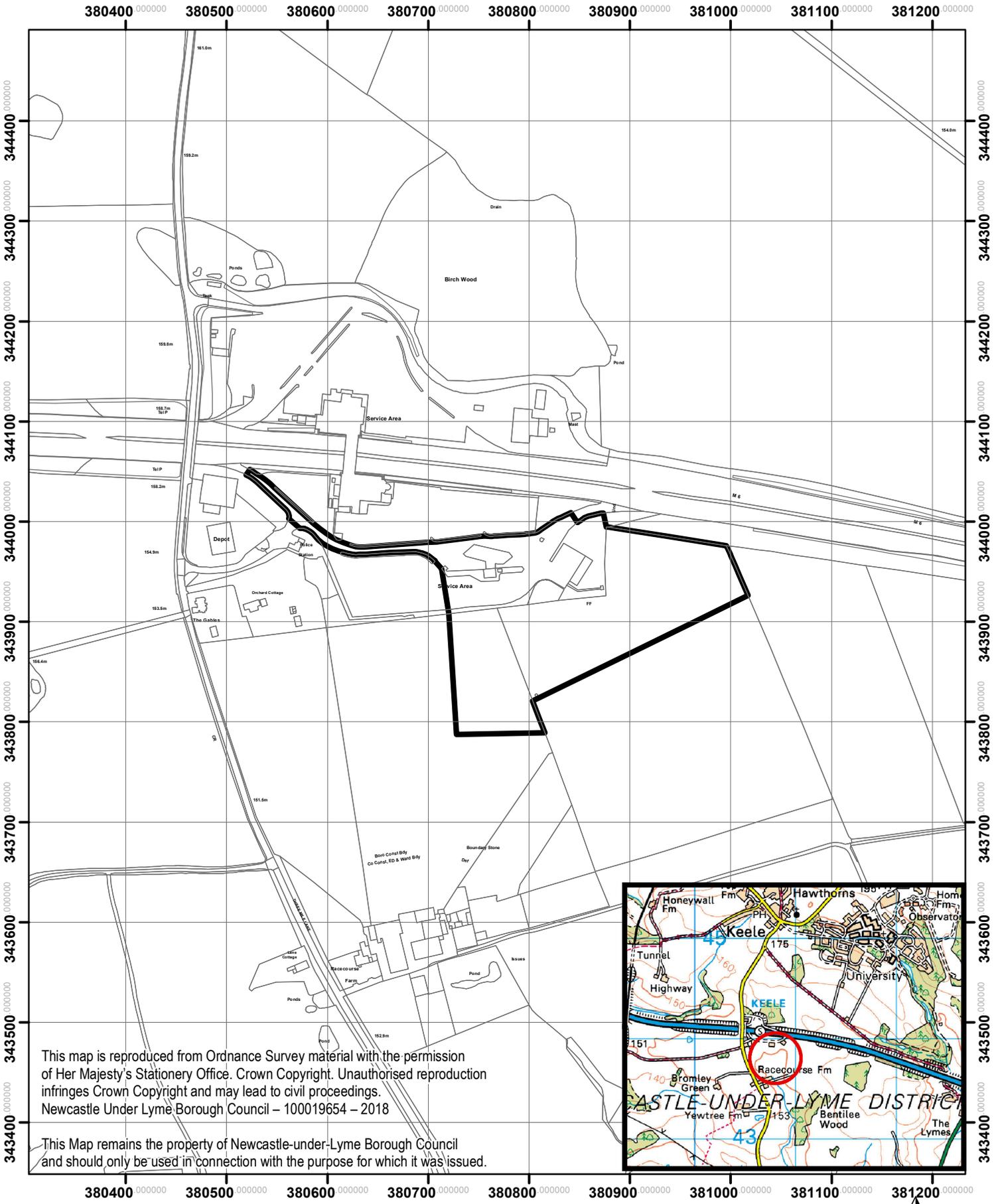
All of these documents are available for inspection at the Castle House or online via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00537/FUL>

Background papers

Planning files referred to
 Planning Documents referred to

Date report prepared
 4th February 2019

Northbound Keele Motorway Services Area Three Mile Lane, Newcastle under Lyme, ST5 5DA



This map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Newcastle Under Lyme Borough Council – 100019654 – 2018

This Map remains the property of Newcastle-under-Lyme Borough Council and should only be used in connection with the purpose for which it was issued.



This page is intentionally left blank

CRACKLEY GATES FARM, LEYCETT LANE, SILVERDALE
MR C DACEY

18/00733/FUL

The application is for the retention of a stable block, tack room, manege and change of use of land to equestrian use.

The application site is 2.75 hectares in area. The manege measures approximately 33 metres by 15.5 metres. The stable block measures around 24 metres by 11 metres in footprint by 2.5 metres in roof height. The tack room measures approximately 2 metres squared with a roof height of around 2.5 metres in roof height.

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

The 13 week period for the determination of this application expired on 21st December but the applicant has agreed an extension of time to the statutory determination period to the 1st March 2019.

RECOMMENDATION

PERMIT subject to the following conditions:-

- 1. Plans.**
- 2. No installation of external lighting without express consent of the Planning Authority.**
- 3. Details of the means of storing and disposing of wastes to be submitted within 6 weeks and implementation of the details once approved.**
- 4. No commercial use of the stables.**

Reason for Recommendation

The proposal is an appropriate form of development within the Green Belt. The appearance of the scheme, the impact to highway safety and to neighbouring amenity would all be acceptable subject to planning conditions. The potential safety risk hazards posed by historical coal mining activity in proximity to the development site are also considered to be acceptable.

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

The applicant's agent has been in discussion with Officers in order to address the initial historical coal mining risk hazard concerns to the scheme raised by the Coal Authority. Such concerns have now been overcome.

KEY ISSUES

The proposal is for the retention of a stable block, tack room, manege and change of use of land to equestrian use. The development applied for has been erected/ in operation from around 2012 onwards and was identified as unauthorised by Council Officers in 2018.

The manege measures approximately 33 metres by 15.5 metres. The stable block measures around 24 metres by 11 metres in footprint by 2.5 metres in roof height. The tack room measures approximately 2 metres squared with a roof height of around 2.5 metres.

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

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

1. Is the development considered appropriate development in the Green Belt?
2. Is the design of the proposed development and its impact on the wider landscape acceptable?
3. Is the impact on residential living conditions acceptable?
4. Is the development acceptable in highway safety terms?
5. Given the site is within a high risk coal mining area is it safe for the development to proceed?

1. Is the development considered appropriate development in the Green Belt?

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

Paragraph 145 of the Framework states that the construction of new buildings is inappropriate development but advises that there are exceptions. Such exceptions at point (b) include the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraph 146 of the current Framework identifies other forms of development, not involving the construction of new buildings, which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Engineering operations are identified as an exception as are material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

The application site prior to the unauthorised development being erected in 2012 was an undeveloped agricultural field. The stable and tack room building is used in connection with outdoor sport and recreational purposes, and can be considered to be of an appropriate scale. Taking into account Paragraph 145 of the Framework it is considered that the construction of these buildings is appropriate development within the Green Belt.

In addition the creation of the manege, an engineering operation, and the use of land for equestrian purposes preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and as such is appropriate development. Very special circumstances therefore are not required to justify the granting of planning permission and do not need to be considered.

2. Is the design of the proposed development and its impact on the wider landscape acceptable?

The site lies within an Area of Landscape Restoration. Saved policy N21 of the Local Plan states that in these areas development that would help to restore the character and improve the quality of the landscape will be supported. Within these areas it is necessary to demonstrate that development will not further erode the character or quality of the landscape.

The position of the proposed manege is close to other farm buildings, slightly set back from the highway in a field which is lined by mature hedgerow. The design and surfacing treatments for the proposed manege are standard for this type of development, and no harm to the visual amenity of the wider landscape arises from the development owing to its relatively secluded position relative to more open areas of the adjoining landscape and nearby residential development flanking the site. The appearance of the manege is largely open in nature and does not appear intrusive.

With regards to the stables and tack room, these are positioned towards the south-west corner of the overall site. The stable building and tack room is closely grouped with existing farmstead buildings and the manege. The scale of the stable block is commensurate with the size of the overall plot and the open rural character of the locality. The development does not harm the visual amenities of the area.

Overall the siting and design of the manege and stables complies with Policy N21 of the Local Plan, Policy CSP1 of the Core Strategy and the aims and objectives of the current and draft Framework.

3. Is the impact on residential living conditions acceptable?

Neighbouring residential dwellings are located to the east of the proposed manege, therefore it is important to ensure that the development would not detract from the residential amenity enjoyed by these properties inclusive of the use of outdoor lighting.

The Environmental Health Division have no objections to the scheme subject to planning conditions relating to the lighting, an agreed scheme for stable waste removal and storage, and restricting the development to non-commercial use. Therefore subject to appropriate conditions the development is considered acceptable with regards to residential amenity.

4. Is the impact to highway safety acceptable?

Paragraph 109 of the current Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access to the site is obtained off Leycett Lane and is acceptable for non-commercial use of the site. The Highway Authority has assessed the safety impacts of the proposal and have no objections.

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

The manege and tack room are located outside the Development High Risk Area, however, the stable block erected on site is sited within the potential zone of influence of recorded mine entry which is located beyond the application site boundary.

The Coal Authority initially objected to the application in the absence of an adequate Coal Mining Risk Assessment. However, following the consideration of a further Coal Mining Risk Assessment Report submitted by the applicant the Coal Authority no longer have any objections to the scheme.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP4: Natural Assets

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

Policy S3 Development in the Green Belt
Policy N12 Development and the protection of trees
Policy N17 Landscape Character – General Considerations
Policy N21 Area of Landscape Restoration

Other Material Considerations

National Planning Policy

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

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

[Draft revised National Planning Policy Framework](#)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

18/00168/FUL	Erection of detached bungalow and demolition of existing B8 commercial building	Withdrawn 2018
--------------	---	----------------

Views of Consultees

The **Coal Authority** following initial concerns considers that the content and conclusions of the submitted Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the built development for which retrospective planning permission is being sought. As such they withdraw their objection to the application.

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

1. Approval of external lighting.
2. Approval of animal waste storage details.
3. No commercial use of stables.

Audley Rural Parish Council does not support the scheme due to overdevelopment of the Green Belt which is incrementally being changed by the development.

The **Landscape Development Section** and **Highway Authority** have no objections.

The **Environment Agency** has no comment.

Cadent (National Grid) advise that the proposed works are in the vicinity of Cadent Gas Intermediate Pressure Gas Pipelines and require an agreed safe method of work to ensure safety and the integrity of the pipeline.

Representations

None received.

Applicant/agent's submission

The requisite plans and application forms have been submitted, the documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00733/FUL>

Background Papers

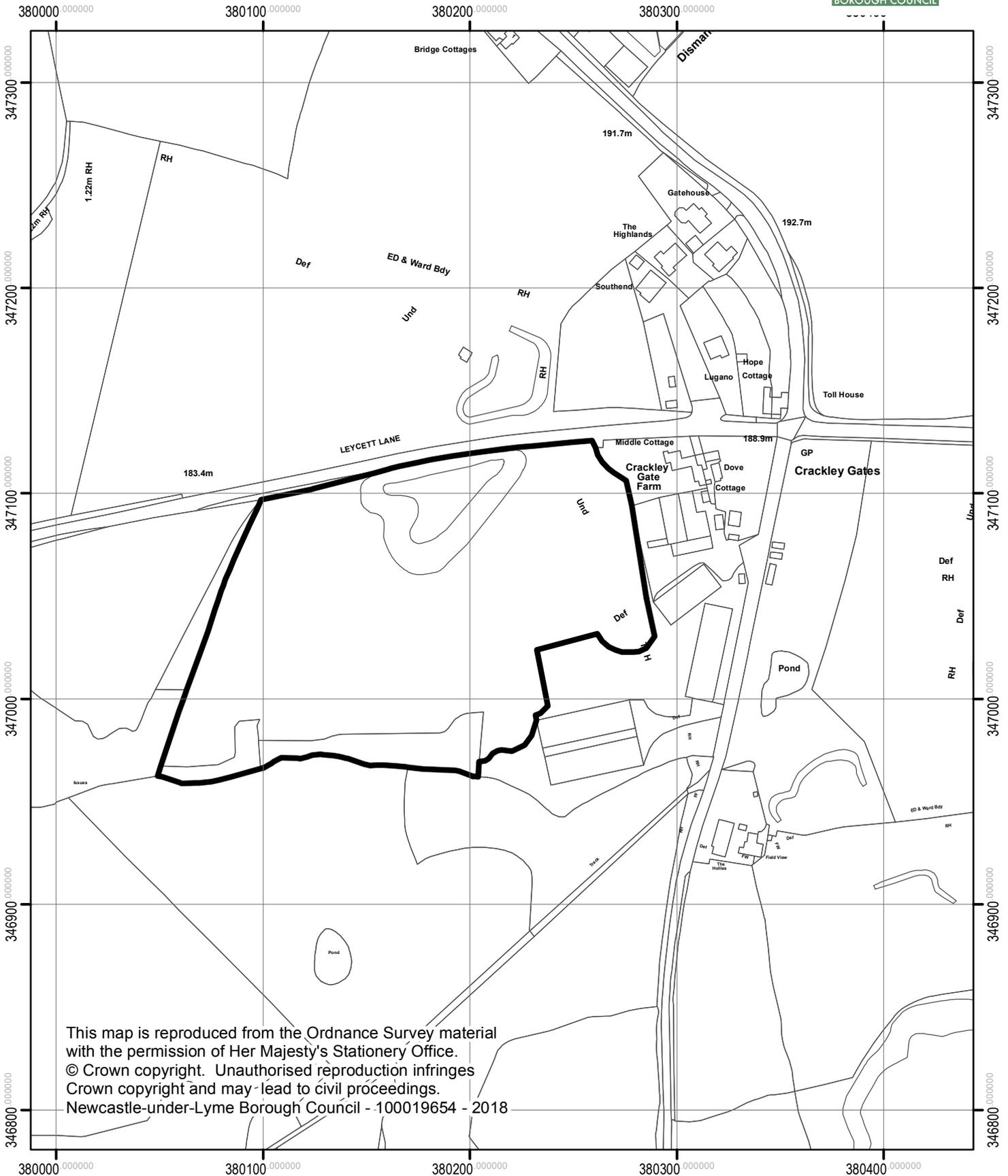
Planning File
Development Plan

Date report prepared

8th February 2019

This page is intentionally left blank

**Crackley Gates Farm
Leycett Lane
Silverdale**



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2018

This page is intentionally left blank

LAND AT BIRCH HOUSE ROAD, CHESTERTON
ASPIRE HOUSING

17/01033/FUL

This full planning application for the demolition of a former community centre and construction of 30 dwellings came before the Planning Committee at its meeting on the 4th December 2018. Members resolved to permit the application subject to the completion of a Section 106 agreement and a number of conditions.

The applicant, however, has requested that before a decision is issued the words 'in perpetuity' should not be included in the affordable housing provision condition because this would affect grant funding from Homes England.

The statutory 13 week determination period for this application expired on the 28th August but the applicant has agreed an extension of time to the statutory determination period to the 28th February 2019.

RECOMMENDATION

That the condition requiring affordable housing provision should omit reference to such provision being "in perpetuity" and the condition should be worded in the following manner:

No development shall commence until a scheme for the provision of affordable housing as part of the development has been secured. The affordable housing shall be provided in accordance with the approved scheme, the scheme shall include:

- The provision of at least 8 of the dwellings as affordable rent tenure units.
- The arrangements to ensure that initial provision is affordable; and
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy will be enforced.

Reason for recommendation

As the developer, Aspire Housing, is not able to guarantee that the affordable housing permitted on this site will be retained in perpetuity, due to the Right to Acquire that exists and how this affects the delivery of the site with grant funding being obtained from Homes England, the condition should not include reference to such provision being "in perpetuity". In addition it is considered that the requirement for the timing of the construction of the affordable housing is not required given the development is only for affordable housing.

Key Issues

The applicant, Aspire Housing, indicate that they are unable to guarantee compliance with a condition which secures affordable housing (AH) in perpetuity.

A condition to secure affordable housing is would normally be worded in the following manner in a case such as this

No development shall commence until a scheme for the provision of affordable housing, in perpetuity, as part of the development has been secured. The affordable housing shall be provided in accordance with the approved scheme, the scheme shall include:

- *The provision of 3 of the dwellings as shared ownership tenure residential units and 5 of the dwellings as affordable rent tenure residential units.*

- *The timing of the construction of the affordable housing.*
- *The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and*
- *The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy will be enforced.*

Reason: *To ensure adequate provision is made for affordable housing within the development in accordance with policy “*

Aspire Housing indicate that the proposed development will be grant funded by Homes England and a funding condition of that grant is that the plots must be eligible for Right To Acquire. The result of a condition, which secures AH in perpetuity, would mean that they could not adhere to the funding requirements, which would be unacceptable to Homes England.

Your officers have sought confirmation of the matter from Homes England who have confirmed that the legislation gives tenants the Right To Acquire their home if the home has been built or purchased using Homes England Affordable Housing grant.

Housing (Right to Acquire) Regulations 1997 indicate that a tenant who satisfies the conditions of section 16(1)(a) and (b) of the Housing Act 1996 has the right to acquire property if the registered social landlord owns the freehold title of the house. Such a right to acquire arises when the tenant has occupied the property for 2 years under an assured tenancy (other than an assured shorthold tenancy or a long tenancy, or under a secure tenancy) and if the house was provided with public money since March 1997 and has remained in the social rented sector.

It is also important to note the circumstances of this case – that the affordable housing has not been secured by a planning obligation, and accordingly no precedent is set for the consideration of this issue where affordable housing is being secured by means of a planning obligation.

Based on the above it is accepted by your officers that in this instance the condition should omit reference to in perpetuity.

The Section 106 agreement, to secure a review mechanism of the scheme’s ability to make a policy compliant financial contribution of £167,370 (index linked) towards public open space at Crackley Recreation Ground (Hazel Road), if the development is not substantially commenced within 12 months from the date of the the grant of the planning permission, was completed on the 11th February 2019.

APPENDIX

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

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

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

Other Material Considerations

National Planning Policy Framework (NPPF) (2018)

Planning Practice Guidance (PPG) (2014, as amended)

Supplementary Planning Documents/Guidance

Affordable housing SPD (2009)

Views of Consultees

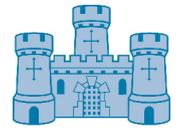
None undertaken

Date report prepared

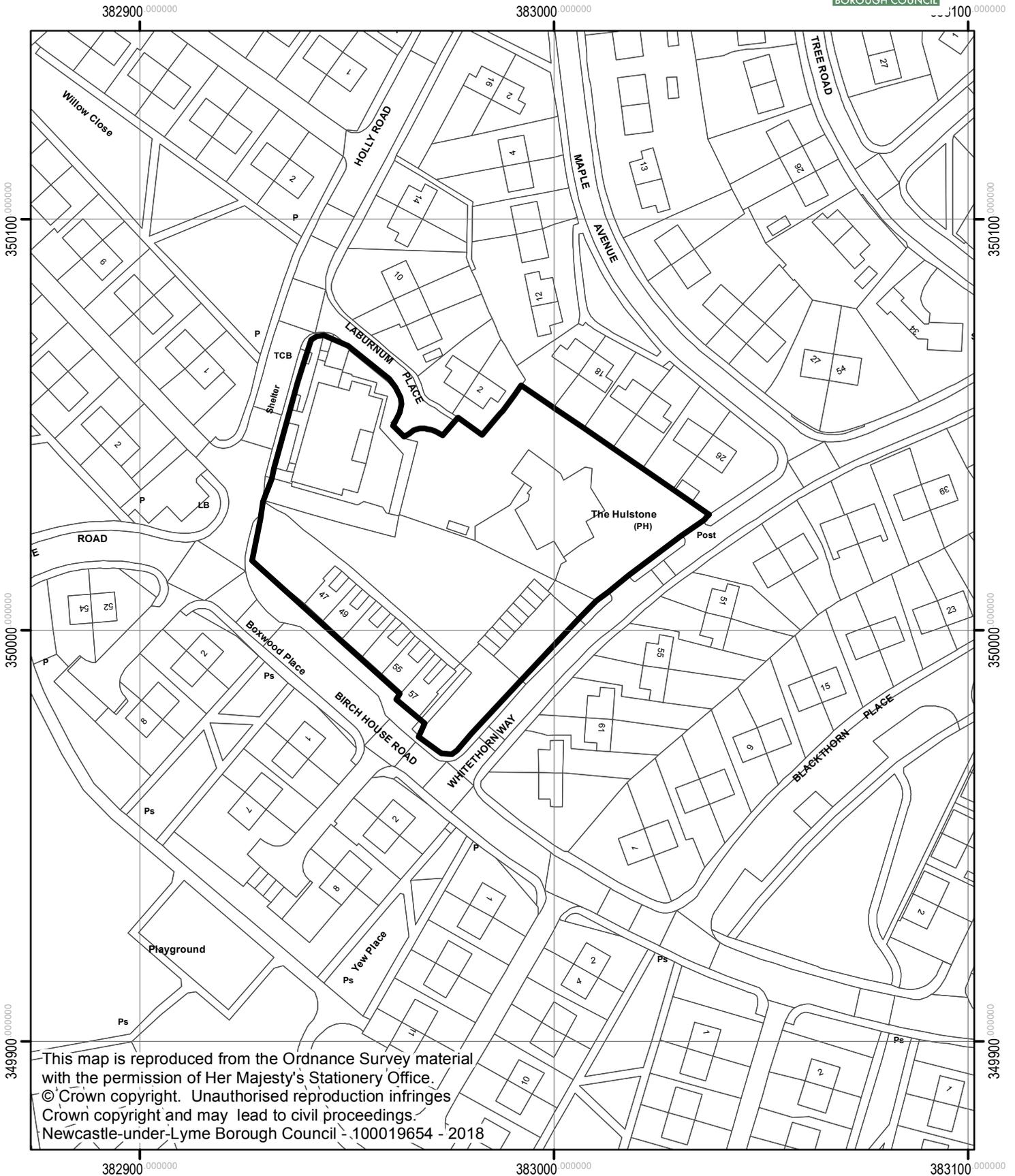
12th February 2019

This page is intentionally left blank

Land at Birch House Road, Holly Road and Whitethorne Way, Chesterton.



NEWCASTLE UNDER LYME BOROUGH COUNCIL



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
 Newcastle-under-Lyme Borough Council - 100019654 - 2018

This page is intentionally left blank

**LEA COURT, NEW ROAD, MADELEY
HOUSING AND CARE 21**

08/00555/FUL

Full planning permission was granted for the erection of an Extra Care Scheme comprising sixty three bedroom flats, linked to the new Madeley Community building, replacing the existing residential care home (Lea House), Village Hall and Scout Hut, in December 2008 following the completion of an agreement under Section 106 securing various planning obligations. The development has subsequently been completed.

Housing and Care 21 (previously known as Housing 21), a registered provider have built the Extra Care Scheme as affordable housing and they are seeking a variation to the Section 106 agreement. This is an informal request rather than an application.

RECOMMENDATION

That Housing and Care 21 be advised that the Council as the Local Planning Authority is willing to agree to the variations to the Section 106 agreement to amend the clauses related to liability to future mortgagees.

Key Issues

The variations that are requested are as follows:

- to amend the clauses related to liability to future mortgagees

Liability to future mortgagees

Housing and Care 21 have requested an amendment to the Mortgagee Exclusion Clauses within the agreement so that the future sale of the flats is acceptable to future lenders. It is accepted by your officers that the current wording within the agreement is too onerous and could deter potential funding from lenders.

The amendments requested are for a more standardised wording which your officers consider are minor in nature and will therefore have no material bearing upon the obligations within the agreement.

On this basis, it is recommended that the request to vary the agreement is agreed.

APPENDIX

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

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

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

Other Material Considerations

National Planning Policy Framework (NPPF) (2018)

Planning Practice Guidance (PPG) (2014, as amended)

Supplementary Planning Documents/Guidance

Affordable housing SPD (2009)

Views of Consultees

None undertaken

Date report prepared

7th February 2019

BROUGHTON ARMS, NEWCASTLE ROAD, BALTERLEY
THE BROUGHTON PROPCO LTD. (MR RICHARD COLCLOUGH)

18/00846/FUL

The application is for full planning permission for the partial demolition and renovation of the existing public house (and restaurant) with a new build extension to restaurant, extension of the car park and associated landscaping.

The site extends to approximately 0.63 hectares and is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 25th December but the applicant has agreed and extension of time to the statutory determination period to the 4th March 2019

RECOMMENDATION

Permit with the following conditions

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. External materials**
- 4. Construction and demolition hours**
- 5. Ventilation and odour abatement**
- 6. Control of noise**
- 7. Prevention of food and grease debris entering the drainage system**
- 8. Submission and approval of external lighting**
- 9. Approval of full landscaping proposals to include boundary treatments**
- 10. Submission and approval of Tree Protection measures**
- 11. Arboricultural Method Statement**
- 12. Retention of trees**
- 13. Submission and approval of new boundary treatment to (A531) Newcastle Road**
- 14. Access, car parking and turning**
- 15. Car park shall remain ungated**

Reason for Recommendation

Whilst the proposed development represents inappropriate development within the Green Belt it would result in a limited amount of additional harm to the openness of the Green Belt and the purposes of including land within the Green Belt to that which currently exists. Any harm would be outweighed by the benefits, namely the acceptable design and the enhancement to the landscape and the development supporting a rural business. It is therefore considered that very special circumstances exist that justify approval of 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

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

KEY ISSUES

The application is for full planning permission for replacement extensions, an extension to the car park and associated landscaping to the Broughton Arms Public House. The Public House has a number of existing extensions that would be replaced to accommodate the new scheme.

The application site is located on a busy junction within the open countryside on land designated as being within the Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following a previous approval which was granted in 2016 under reference 15/00964/FUL.

The application now seeks to change the design of the proposed scheme and the key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape enhancement,
- The impact on the residential amenity of neighbouring occupiers,
- The impact on highways safety, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 133 of the recently published revised NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

The NPPF further indicates in paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, buildings for agriculture and forestry, the provision of appropriate facilities for outdoor sport and outdoor recreation, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The application is for the extension and replacement of extensions to the public house. An extension to the car park is also proposed with associated landscaping.

As discussed, the application follows a previous application granted in 2016 but that planning permission has not been implemented. The extensions proposed as part of that planning application were classed as disproportionate additions due to the nature and volume increase of the extensions. However very special circumstances were demonstrated which outweighed the harm to the openness of the Green Belt.

The extensions now proposed are similar to those previously permitted following amended plans which reduce the size and scale of the proposals. As with the previous application the size of the volume increase proposed would represent a disproportionate addition and the extensions do not meet the exceptions outlined in paragraph 145 and are therefore classed as inappropriate development within the Green Belt.

An extension to the car park is proposed which would result in a change of use of land from agriculture. The revised NPPF which has been published since the previous permission now sets out at paragraph 146 that material changes of use of land are not inappropriate provided that they preserve openness and do not conflict with the purposes of including land within it.

The extension to the car park would provide 34 new car parking spaces, which would be laid with reinforced grass. It is considered that due to the size of the car park extension that it would result in some harm to the openness of the Green Belt. It is not considered that it would conflict with the purposes of including land within the Green Belt, however.

Therefore, the proposals represent inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Design of the proposals and the impact on the area of landscape enhancement

Paragraph 124 of the 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. It lists at paragraph 127, 6 criteria a) – f) with which planning policies and decisions should accord and sets out, 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.

The main public house will be retained due to its character and appearance but the existing extensions would be replaced with extensions that would have a more modern or contemporary rural appearance. The fundamental design of the proposed extensions are acceptable and similar to the previously permitted scheme.

The land to be used as car parking is overgrown and represents low grade agricultural land. The applicant has indicated that the proposed car park surfacing would be reinforced grass which is not synthetic 'astroturf' but a grid of matting that allows grass to grow through whilst adding enough resilience to prevent cars from churning the surface into mud.

Landscaping improvements are also proposed which will enhance the appearance of the site, including the car parking and areas around the buildings.

In summary the proposals would enhance the site and landscape in general which would comply with policy N20 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable.

The impact on highways safety

The proposals include improvements to the existing access arrangements. The existing car parking would also be reconfigured and as discussed an area of land outside the existing site curtilage being used as an overflow carpark.

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

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.

The NPPF indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. Policy T16 is therefore not fully consistent with the NPPF given that it sets maximum standards. It is, however, a reasonable starting point for the consideration of the level of parking that is required for this development.

Policy T16 of the local plan indicates that for a public house a maximum of 1 space per 6m² of proposed floor area should be available and 1 per 10m² for a restaurant. The proposal is for a mixed use and so a maximum of 1 per 8m² is advisable.

The existing car parking arrangements are to be reconfigured and the applicant has detailed that the site has a total of 65 spaces and an additional 20 spaces are proposed (34 within the overflow car park). This exceeds the maximum requirements by 12 spaces given that the setting of maximum standards is not encouraged by the NPPF and that the applicant has other successful establishments

that have similar parking provision which is considered necessary for the viability of the business, this level of parking is considered to be acceptable.

The Highways Authority has raised no objections subject to conditions which should improve the existing access and car parking arrangements on a busy junction.

On balance, the car parking provision is acceptable and the development is unlikely to lead to significant highway safety concerns.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF details 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.

The applicant has indicated that the shift in focus from 'Pub with Restaurant' to 'Restaurant with Public Bar' would significantly increase the profitability of the rural business. Projected staff numbers are to be 35 full time and 30 part time, compared with the 10 full time and 5 part time staff previously employed by the Broughton Arms. They consider that the proposed development would benefit not only the owners but the local community by creating local jobs and helping to maintain a diverse rural economy. It would also secure the renovation and upkeep of a prominent local landmark building.

The harm to the Green Belt caused by the proposed extensions would be no greater than the existing disproportionate extensions. The appearance of the landscape would be improved by the design of the extensions which would clearly be a benefit.

Whilst the overspill car parking would encroach further into the Green Belt than the existing site it is considered that the benefits of the development would outweigh this harm. The mitigation of using a reinforced grass surfacing material would also help to reduce the impact on openness.

As was the case with the previous planning application that was approved, it is considered that the above represent the very special circumstances that are required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

APPENDIX

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

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

Strategic Aim 16:	To eliminate poor quality development;
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

[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 N17:	Landscape Character – General Consideration
Policy N20:	Area of Landscape Enhancement

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

N13999 (1985)	Improvements and extension	Permitted
N17707 (1988)	Extension to form function room	Permitted

15/00964/FUL Partial demolition and partial renovation of existing public house and restaurant, new build extension to restaurant and alterations to existing car park and associated landscaping. Permitted

[Views of Consultees](#)

Betley, Balterley & Winehill Parish Council has no objection in principle to what is proposed and welcomes the retention of the original 19th Century building. It considers that the Local Planning Authority (LPA) needs to be satisfied that the scale, location and use of materials are acceptable. The LPA also needs to be satisfied that the extension of the car park into the Green Belt is necessary and that there are exceptional reasons to justify an exception being made to that aspect of the Borough Planning Policy. Concerns are expressed about the location of the car park entrance and the Highway Authority should be satisfied that no hazard would be caused by poor visibility. The Parish Council also notes that there is no Design and Access Statement associated with the application. The D&A Statement for the previous permission referred to a second vehicular entrance which did not appear on the plans submitted, and the Council would ask that any uncertainty in this area needs to be clarified.

The **Highways Authority** raises no objections subject to conditions that require the submission and approval of boundary treatments on the (A531) Newcastle Road frontage, the access, turning and parking being provided and the access remaining un-gated.

The **Environmental Health Division** raises no objections subject to conditions regarding construction and demolition hours, control of ventilation, odour, noise and external lighting.

The **Landscape Development Section** raises no objections following the submission of amended information and subject to conditions for prior approval of Tree Protection Proposals, Arboricultural Method Statement, Retention and protection of all trees to be retained, prior approval of appropriate boundary treatment and approval of full landscaping proposals.

Natural England raises no objections.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by the requisite plans.

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00846/FUL>

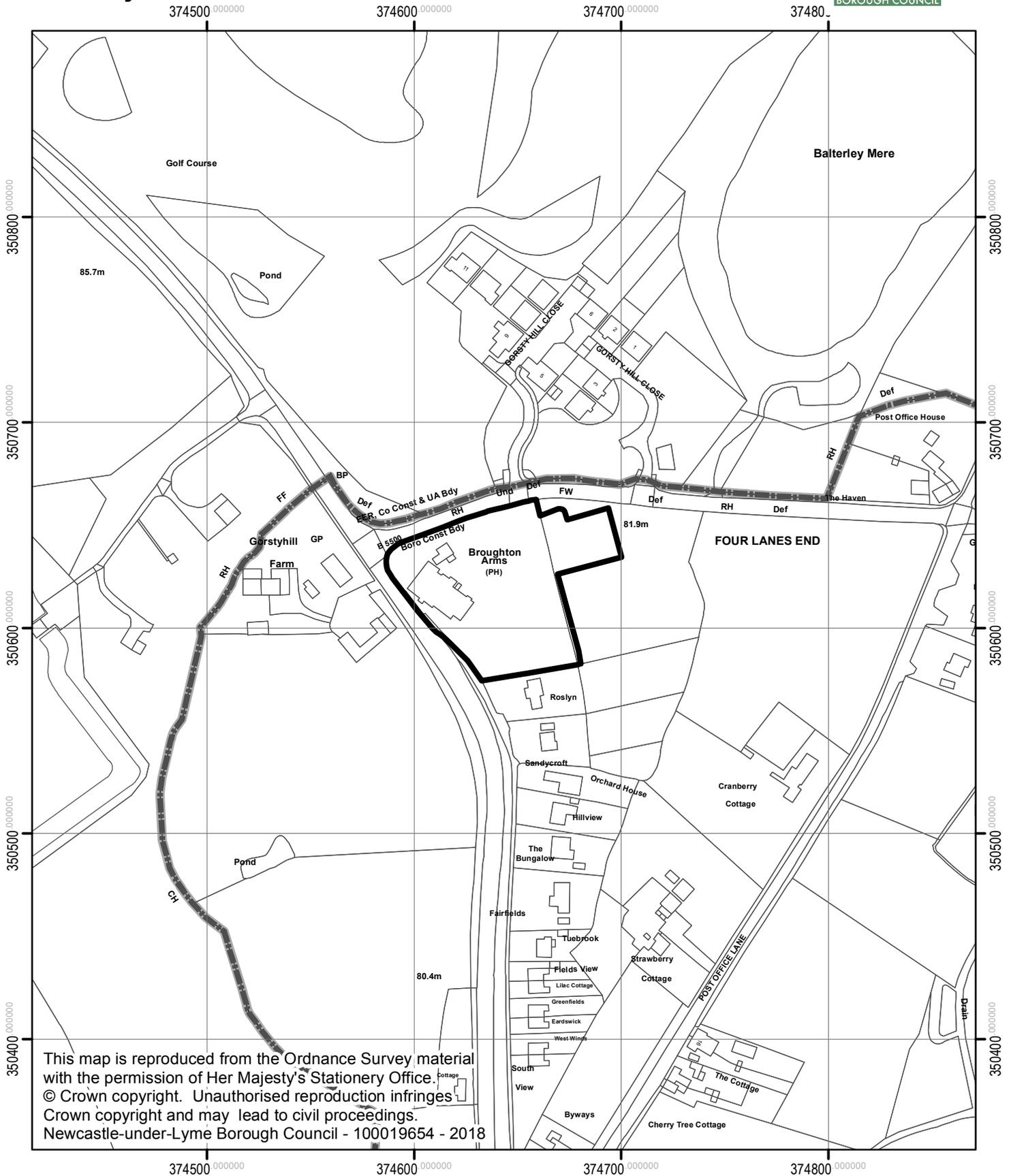
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

7th February 2019

Broughton Arms Newcastle Road Balterley



This page is intentionally left blank

THE OLD HALL FARM, MAIN ROAD, BETLEY
MR AND MRS MCDOWELL

18/00927/FUL & 18/00929/FUL

These two applications are for full planning permission for the erection of an agricultural building (amounting to two buildings in total).

The site lies within the Green Belt, in the Rural Area, and within an Area of Active Landscape Conservation, as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to insufficient detail of the rationale demonstrating the need for the development and the proximity listed building, namely Betley Old Hall.

The 8 week period for the determination of the applications expired on the 14th January but the applicant has agreed an extension of the statutory determination period in both cases to the 1st March 2019

RECOMMENDATION

Permit both applications with the following conditions;

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. External materials**
- 4. Soft landscaping proposals**
- 5. Arboricultural Impact Assessment**
- 6. Storage and disposal of waste**

Reason for Recommendation

The proposed buildings are an appropriate form of development within the Green Belt and the appearance of the scheme and the impact on the landscape are considered acceptable. There would be no significant adverse impact on the residential amenity of occupiers of nearby properties. On this basis, the proposals therefore accord with policies of the Development Plan and the guidance and requirements of the National Planning Policy Framework 2018.

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

The development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. Therefore, no amendments or further negotiation were necessary.

KEY ISSUES

The applications are each for full planning permission for the erection of a single agricultural building amounting to two buildings in total.

The positioning of the two proposed buildings is directly adjacent to two existing agricultural buildings. The existing buildings and the two proposed buildings are sited away from the original farmstead.

The building proposed in application 18/00927/FUL measures approximately 9.1m by 30.5m with a maximum height of approximately 15m.

The building proposed in application 18/00929/FUL measures approximately 12.2m by 36.5m with a maximum height of approximately 6m.

The agricultural unit is over two parcels of land to the east and west of Main Road and is approximately 85 hectares in size.

The site is located within the Green Belt, the Rural Area and within an Area of Active Landscape Conservation, as indicated on the Local Development Framework Proposals Map.

The Council's Urban Design and Conservation Officer have raised no objections to the proposed two buildings considering that they will not result in any harm to Betley Conservation Area or to the nearby listed buildings if Betley Old Hall (Grade II*), the Smithy (Grade II), Model Farm buildings (Grade II*) and the dovecote (Grade II).

It is therefore considered that the main issues for to be addressed are as follows:

- Is the development appropriate within the Green Belt?
- Impact on the character and appearance of the landscape
- Impact on nearby residential properties
- If inappropriate development in Green Belt terms, do the required very special circumstances exist to justify acceptance of the use?

Is the development appropriate within the Green Belt?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

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

Paragraph 145 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 the exceptions listed is buildings for agriculture and forestry.

The proposed building is to be used to house livestock and the rearing of calves during the winter months. The buildings are designed for agricultural purposes and are to be associated with an existing 85 hectare agricultural unit, in close proximity to existing agricultural buildings. There is therefore no basis upon which it could be concluded that they are not buildings for agriculture. In the absence of any requirement to demonstrate that an agricultural building is needed for the continued operation of an agricultural holding it is concluded that the proposed buildings are appropriate development in the Green Belt in as far as paragraph 145 of the NPPF is concerned. It is not necessary, therefore, to demonstrate very special circumstances to justify the granting of planning permission in this case.

Impact on the character and appearance of the landscape

Policy N17 of the Local Plan (NLP) states 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 the landscape likely to be affected. The site is within an Area of Active Conservation and NLP Policy N18 states that;

“Within these areas the Council will support, subject to other plan policies, proposals that will help to conserve the high quality and distinctive character of the area's landscape. Development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.”

The design of the buildings are of a traditional modern portal framed construction.

As discussed, the two buildings would be adjacent to the existing agricultural buildings and would be of a similar size and appearance. There would be limited views from any main vantage points and the

design is considered acceptable. Therefore, it is considered that the proposed buildings would not erode the character or quality of the landscape.

LDS have requested an Arboricultural Impact Assessment due to the proximity of the building proposed in application 18/00927/FUL to a tree. It is considered that this can be secured via condition, along with landscaping proposals. No significant concerns are raised in this respect.

The development therefore accords with policies N17 and N18 of the local plan and the requirements of the NPPF.

Impact on nearby residential properties

Paragraph 180 of the NPPF sets out that “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”

The proposed buildings would be located adjacent to two existing agricultural buildings which are approximately 170 metres from the nearest residential property.

The Environmental Health Division has raised no objections to the proposals and has not requested further information to be submitted via conditions. It is, however, considered appropriate to impose a condition require the prior approval of details for the storage and disposal of waste to ensure that it is done in a way that minimises the impact on residential amenity.

On this basis there are no significant concerns regarding the proposals for two buildings to be used for agricultural purposes in this rural setting away from residential properties.

APPENDIX

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

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

Policy ASP6: Rural area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation

Other Material Considerations

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

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

Relevant Planning History

12/00759/AGR Erection of an agricultural storage Permitted

16/00132/FUL Proposed portal frame agricultural building Permitted

18/00884/FUL Erection of farm managers dwelling Pending determination

Views of Consultees (comments relate to both applications unless indicated otherwise)

Betley, Balterley and Wrinehill Parish Council request that the following points are considered;

- whether the proposed buildings are necessary for the farming system proposed and it appears that not all of the buildings are fully utilised;
- ensure that the siting of the buildings is appropriate within the landscape setting, close to Listed Buildings and the Conservation Area;
- the applications adequately considers issues relating to the 400m amenity distance between agricultural buildings and residential properties as indicated in the Town & Country Planning Act (GPDR) requirements;
- ensure there is no adverse impact on nearby properties;
- to ensure adequate provision to address slurry, effluent and other potential waste issues arising from the significantly more intensive operation proposed and to work with relevant statutory bodies (e.g. Natural England) to ensure protection of the Betley Mere NNR and Ramsar Site.

The **Landscape Development Section** (commenting upon 18/00927/FUL) raises no objections subject to the submission of an Arboricultural Impact Assessment and landscaping proposals.

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

The **Highway Authority** raises no objections.

Staffordshire Public Rights of Way indicates that the planning application does not recognise the existence of Public Footpath Nos 12 and 11 Betley Parish. Footpath 12 which runs along the private track which gives access to the proposed development and Footpath 11 which runs east of the development site. Notwithstanding this point the development does not appear to affect the public right of way.

The **Councils Urban Design and Conservation Officer** raises no objections to the two agricultural building applications.

The **Conservation Advisory Working Party (CAWP)** raises no objections to the two agricultural building applications.

Representations

Three letters of representation have been received in respect of both of the applications which include letters from **Councillors Gary** and **Simon White**.

The letters of representation highlight the following points in relation to these two planning applications;

- There have been a number of buildings erected in recent years, these do not appear to be utilised sufficiently to warrant further expansion,
- The proposals fall close to the curtilage of a grade 2* listed building, namely Betley Old Hall and also close to Betley conservation area,
- The current agricultural business case does not make a sufficient case to warrant the expansion and demonstrate exceptional circumstance,
- The storage of manure is a concern and should be stored away from neighbours,
- 400 cattle will create a large amount of noise, day and night.

Applicant/agent's submission

The applications are supported by a short covering letter which sets out the proposed development.

These documents are available for inspection by following this link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00927/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00929/FUL>

Background Papers

Planning files referred to

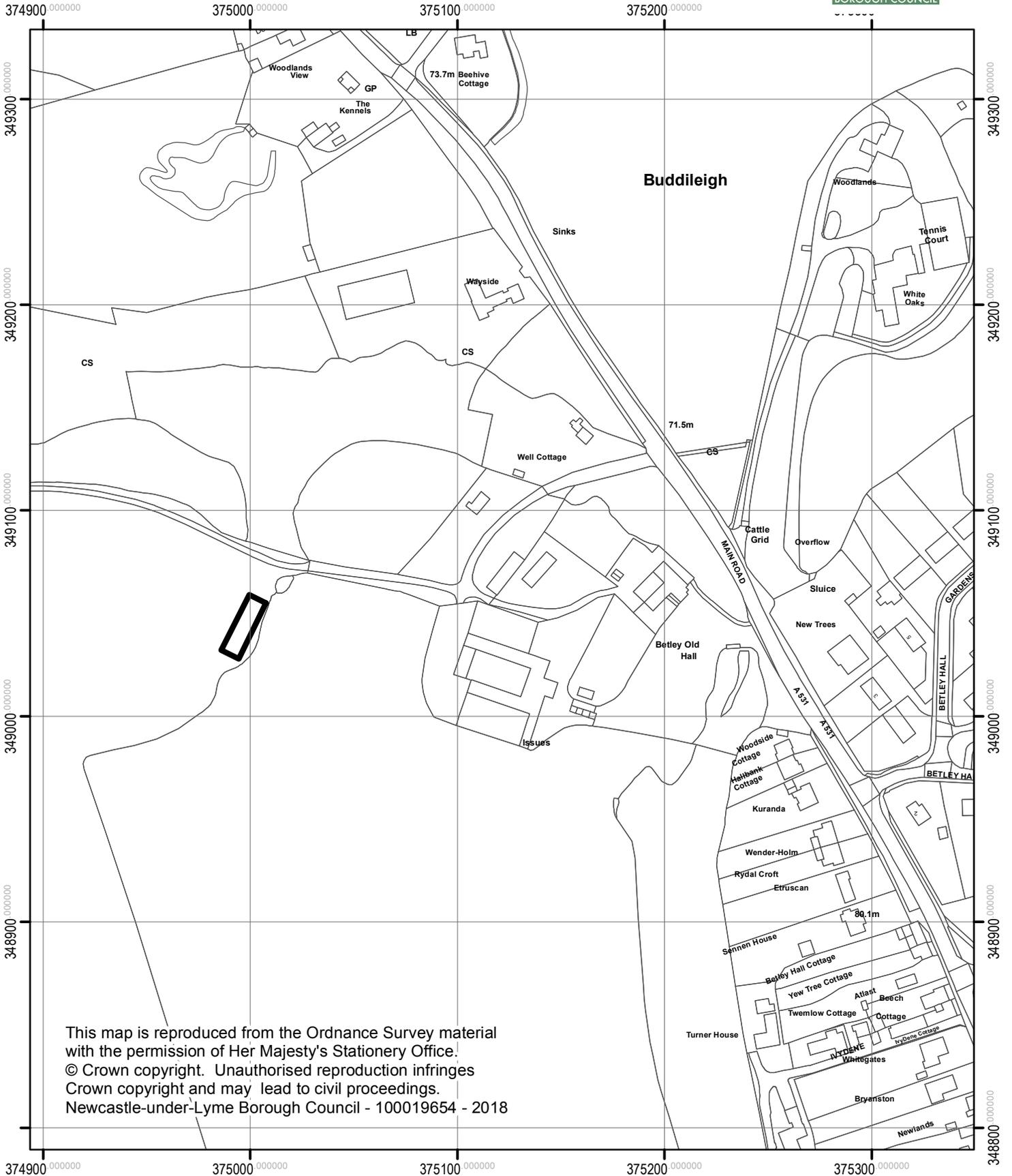
Planning Documents referred to

Date report prepared

12th February 2019

This page is intentionally left blank

The Old Hall Farm
Main Road, Betley



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2018

This page is intentionally left blank

8-10 HIGH STREET, NEWCASTLE
PRACTICAL CONSTRUCTION LIMITED

18/00774/FUL

The application is for full planning permission for alterations to the building to form 4 no. C4 apartments and use of part of the ground floor for use classes A1, A2, A3, A4, A5 & D1

The application site is 8-10 High Street but is more commonly known as the former Poundstretcher site. It is located within the Primary Shopping Area of Newcastle town centre as indicated on the Local Development Framework Proposals Map and within the Newcastle Town Centre Conservation Area. In terms of the Newcastle Town Centre Supplementary Planning Document (SPD) the site lies within the "Northern Quarter".

The statutory 8 week determination period for this application expired on the 10th December but the applicant has agreed an extension of time to the statutory determination period to the 8th March 2019.

RECOMMENDATION

A. Subject to further clarification regarding viability that confirms the conclusion that the scheme is unviable if any level of contribution is required; and

the applicant first entering into a Section 106 agreement by 5th April 2019 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £19,732 (index linked) towards to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such contributions if found financially viable,

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

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Shop front details and colour specification**
- 4. Joinery details for windows, doors and roof lights**
- 5. Archaeological watching brief**
- 6. Cycle Parking**
- 7. Noise survey**
- 8. Design Measures to Secure Noise Levels**
- 9. Construction hours**
- 10. External lighting**
- 11. Mechanical Ventilation/Extraction**
- 12. Suitable fume extract system**

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

Reason for recommendation

The development is located within a highly sustainable urban area, which results in the development being considered acceptable in principle. The design of the scheme, highway safety and noise impacts are considered acceptable subject to conditions. It would appear following the obtaining of independent financial advice, that the scheme is not viable if policy compliant financial contributions or

any level of contributions towards public open space are required. Further information is being sought and subject to clarification it is concluded that whilst it is recommended that these policy compliant requirements are not sought, given the contribution the development makes to housing supply and the redevelopment benefits of this site, a Section 106 agreement is required to secure a review mechanism should substantial commencement not be achieved promptly.

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

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

KEY ISSUES

The application seeks full planning permission for alterations to a partially constructed building that was the subject of fire damage in 2011 which resulted in its demolition. Planning permission for its replacement was granted under application 12/00218/FUL with a variation of condition application granted under 14/00483/FUL. The building is known as the former Poundstretcher.

The application is to form 4 no. C4 – Large Houses in Multiple Occupation (HMO) apartments and use of part of the ground floor for use classes A1, A2, A3, A4, A5 & D1

The site lies within Newcastle Town Centre and its Conservation Area, as indicated on the Local Development Framework Proposals Map.

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

- The principle of residential development
- External alterations and impact on the character and appearance of the Conservation Area
- Car parking and highway safety
- Residential amenity matters, and
- What financial contributions, if any, are required?

Principle of residential development

The proposed development is for residential units on the upper floors of the three storey building and on part of the ground floor. The remainder of the ground floor would be in use as A1, A2, A3, A4, A5 & D1.

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

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

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

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 Kids Grove.

The National Planning Policy Framework (NPPF) advises, at paragraph 11 that decisions should apply a presumption in favour of sustainable development. It goes on to say that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 indicates that out-of-date as referred to in the second bullet point includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

In respect of the ground floor element of the building the application seeks use classes A1, A2, A3, A4, A5 & D1. These being as follows;

- Class A1 – shops and retail outlets
- Class A2 – professional services e.g. estate agents
- Class A3 – food and drink
- Class A4 – drinking establishments
- Class A5 – hot food and takeaway, and
- Class D1 - Non-residential institutions e.g. museums, libraries, clinics, non-residential education

The building is only partially constructed and has been in this condition for 1/2 years. It is located within the Primary Shopping Area of Newcastle town centre and in terms of the Newcastle Town Centre Supplementary Planning Document (SPD) the site lies within the “Northern Quarter”.

Policy ASP4 of the CSS indicates amongst other things that “*Opportunities will be taken to maximise the potential for Town Centre living. This will be achieved primarily as part of high density, mixed use schemes designed to contribute positively to the character, vibrancy and sustainability of the Town Centre.*”

Neither the NPPF nor the Newcastle Town Centre SPD rule out any of the uses proposed.

Overall, therefore, the development is considered to be acceptable in principle.

Design and Impact on the Character and Appearance of the Area

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.

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.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

As discussed, planning permission was granted for the replacement of the building under application reference 12/00218/FUL and a subsequent variation of condition application granted under 14/00483/FUL. The works have substantially commenced and the walls and roof are constructed, but it is not completed as windows and doors need to be installed, and internal works still necessary.

The development could be completed under 12/00218/FUL and 14/00483/FUL and condition approval applications have been approved. There are some changes to window details of the previous permissions but these could be secured via condition and any permission would need to reflect the proposed changes and the details already approved under the previous permission. This has been agreed with the applicant.

Amended plans have been submitted to address the concerns of the Council's Conservation Officer and, subject to conditions, the proposed alterations are considered acceptable and in accordance with development plan policies and the guidance and requirements of the NPPF.

Car parking and any highway safety implications

Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it is not in accordance with the Framework. The Framework indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In a Ministerial Statement of March 2015 the then Secretary of State indicated that the government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.

No onsite parking is proposed, however the building is located within the town centre which has a number of public car parks nearby and good links public transport, services and amenities. The absence of parking is considered to be acceptable therefore.

The Highway Authority has raised no objections subject a condition that secures weatherproof cycle storage arrangements which is considered to be justified.

The proposed development is considered a sustainable form of development.

Impact on the amenity of the area

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.

The building is located within the town centre, which has a mix of neighbouring uses that have associated noise and odour generating activities.

The building would, in part, have residential units on the ground floor, the first floor and second floor. Therefore there is potential conflict between the proposed uses within the building, as well, as with the neighbouring uses. This has resulted in the Environmental Health Division recommending a number of conditions to protect the proposed residential units from noise and odours. These are considered appropriate and subject to these conditions the development is considered to be in accordance with the guidance and requirements of the NPPF.

What financial contributions, if any, are required?

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.

The Landscape Development Section (LDS) have indicated that the proposed development would require a contribution of £5,579 per dwelling to be secured for Public Open Space (POS) improvement and maintenance. However, LDS have requested the contribution should be spent on public realm within the town centre for improvements/ maintenance to signage, benches and planters.

Given that the accommodation proposed will not be occupied by families and the money would be spent on public realm an adjustment would need to be made to the level of contribution to deduct the element towards play. The OSS details that £512 of the total £4,427 capital element is for play areas and therefore reducing the required sum by that amount as well as a proportionate amount for the maintenance element which equates to £134, the reduced amount would be £4,933 for each of the four units proposed which amounts to £19,732

The sum, it is proposed, would be applied to the upgrade of public realm within the town centre. The Council's Supplementary Planning Document for Developer Contributions refers to contributions towards public realm improvements as being a type of developer contribution that the Council is likely to seek.

The new NPPF marks a significant change in the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Joint Local Plan is finalised. The scheme does provide benefits, which include the redevelopment of a site that has been left undeveloped for a number of years and has offered no visual merit within the street scene or, more importantly the character and appearance of the conservation area. The development would also contribute to housing supply in the Borough. These benefits are considered to outweigh the harm caused by the lack of a contribution towards public realm improvements in the town centre that would be the result were no financial contribution made to adding to that infrastructure.

The applicant has stated that the scheme cannot support the requested policy compliant contributions and the independent financial viability advice from Butters John Bee (BJB) has been obtained by the Authority. This concludes that the scheme is not viable with policy compliant financial contributions and when asked to confirm what, if any, financial contributions the scheme could support, BJB has confirmed that the scheme would be unviable if any level of contribution is required, even if the payment of such a contribution is deferred. Indeed the conclusion is that the development is unviable if no contribution is required.

Yours officers have also specifically asked BJB whether the status of part of the ground floor being in use as A1, A2, A3, A4, A5 & D1 alters the conclusions of the viability report. BJB has indicated that the commercial element of the building has been excluded from the appraisal because the retail area already exists, albeit not in use since the fire, but it could be let and occupied regardless of the planning application. Therefore the viability appraisal does include the commercial element and has no costs associated with it. Whilst that is understood further clarification is required and as such further information will need to be reported in this regard.

Assuming that conclusion remains that the scheme would be unviable then 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. In addition the partially constructed building will continue to have a detrimental impact on the character of the Conservation Area. 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 realm improvements.

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

APPENDIX

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

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

Strategic Aim 16: To eliminate poor quality development;

Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

[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 T17: Parking in Town and District Centres
Policy T18: Development – Servicing Requirements
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 B14: Development in or Adjoining the Boundary of Conservation Areas
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential supporting Infrastructure

Other material considerations include:

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Newcastle-under-Lyme Town Centre SPD](#) (2009)

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

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

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

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

Relevant Planning History

12/00040/CON Demolition of fire damaged building Permitted

12/00218/FUL Erection of a replacement building to be used as a retail/shop unit Permitted

14/00483/FUL Variation of condition 2 to accommodate a steel frame and increased roof pitch, which will vary the proposed external appearance of the building as approved under planning permission ref 12/00218/FUL for the erection of a replacement building to be used as a retail/shop unit Permitted

Views of Consultees

The **Councils Urban Design and Conservation Officer** advises that the alterations to the existing permission, aside from the use, are for the changes to the windows (style) and window and door openings. Whilst there is no justification for the change such a change is accepted as long as such windows are true sliding sash timber windows. Furthermore, there is no justification for the two Juliet balcony's on the rear elevation and they should be reduced down to one. The creation of these new openings will not be harmful to the character and appearance of the Conservation Area providing that the quality of the windows for the rest of the building is retained.

The **Conservation Advisory Working Party (CAWP)** raises no objections to the principle of the application but questioned the viability of student accommodation in this area of the town centre. External rear lighting is advised.

The **Environmental Health Division** raises no objections subject to conditions related to;

- Construction hours,
- Design measures to secure internal and external noise levels,
- External lighting,
- Mechanical Ventilation/Extraction System,
- Suitable fume extract system,
- Assessment of noise and odour impacts from the extraction system to the rear of the Regent Chinese,
- Noise assessment for the impact of the Car park/Service Yard, and
- Electric Vehicle Charging Provision

The **Highways Authority** raises no objections subject to a condition which secures weatherproof cycle parking,

The **Landscape and Development Section** request a contribution by the developer for capital development/improvement of offsite open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling that will contribute to public realm and public spaces in and around the town centre.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** welcomes the redevelopment of the building which has attracted antisocial behaviour. Restricting access to the building to only those who live there should form a fundamental element to the security. They also advise that the external and internal access controlled communal doorsets and the individual bedroom doorsets will need to offer a robust level of security. For the commercial ground floor unit, the glazing and public entrance doorset would need to be sufficiently physically attack resistant.

Representations

None received

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00774/FUL>

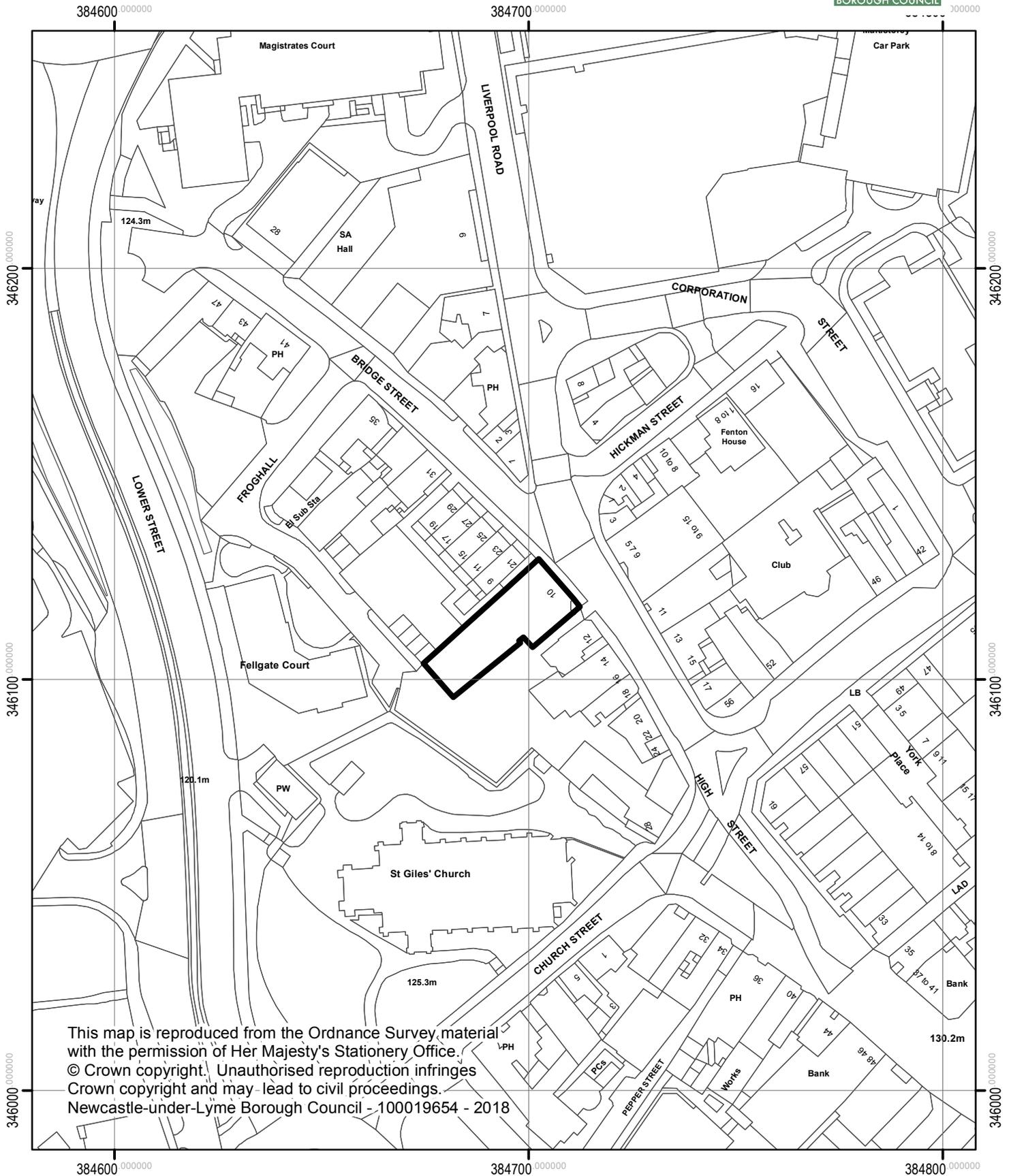
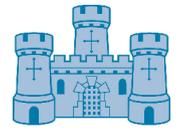
Background Papers

Planning File
Development Plan

Date report prepared

12th February 2019

This page is intentionally left blank



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings. Newcastle-under-Lyme Borough Council - 100019654 - 2018

This page is intentionally left blank

**BARN 2, MOSS HOUSE FARM, EARDLEYEND ROAD, BIGNALL END
MS A TOSEVA AND MR R MANDAIR**

18/00937/FUL

This is an application for full planning permission for the retention of buildings to form two dwellings.

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

The statutory 8-week period for the determination expires on the 21st January but the applicant has agreed to extend the statutory period until 28th February 2019.

RECOMMENDATIONS

- A. REFUSE the application on the grounds that the proposed development represents inappropriate development within the Green Belt, as it is not for any of the exemptions as listed in the National Planning Policy Framework. Very special circumstances do not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. The development therefore does not accord with the aims and objectives of the National Planning Policy Framework.**
- B. The Council's solicitor be authorised to issue enforcement action and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure removal of the building within 12 months.**

Reason for Recommendations

The proposed development represents inappropriate development within the Green Belt. Very special circumstances do not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. The development therefore does not accord with the aims and objectives of the National Planning Policy Framework. Enforcement action is therefore justified.

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

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

This is an application for full planning permission for the retention of the rebuilding of a barn following partial demolition and reconstruction, to provide two dwellings. The barn is located within the Green Belt and an Area of Landscape Enhancement as indicated by the Local Development Framework Proposals Map.

Full planning permission was granted at appeal for the conversion of the barn to two residential market housing units (Ref. 13/00755/FUL). An application was subsequently submitted in 2017 to retain alterations to the approved scheme (Ref. 17/00326/FUL) but it was evident that a substantial proportion of the building had been demolished and rebuilt. Such extensive rebuilding was considered to amount to a replacement building and therefore that application was refused on the grounds that the development comprised inappropriate development within the Green Belt and very special circumstances did not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. An appeal against the Council's decision was subsequently dismissed with the Inspector also considering the development to comprise inappropriate development in the Green Belt.

In addition to retention of the barn as two dwellings, the current proposal seeks to retain alterations which have not been carried out in accordance with the approved plans comprising an increase in the roof height and additional and altered windows. It also proposes alterations to the style of the windows and the addition of sun tunnels. The increase in the roof height and the additional windows were considered to be acceptable by both the Council in determining Application 17/00326/FUL and the Inspector in dismissing the appeal. It is not considered necessary to assess those alterations now and the additional sun tunnels and amended window style are considered acceptable.

The key issues in the determination of this application are therefore:

- Does the proposal constitute appropriate or inappropriate development in the Green Belt?
- If the development is considered to be inappropriate development, do the required very special circumstances exist?
- If planning permission is refused, should enforcement action be taken?

Is the development appropriate or inappropriate development within the Green Belt?

Paragraph 133 of the revised National Planning Policy Framework (NPPF) details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Given the amount of the building that has been demolished and rebuilt, this is considered tantamount to a replacement of the original building. The NPPF states in Paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. A number of exceptions to this are identified and exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

In this case, the new building is not in the same use as the building that it replaces and therefore, the starting point is that the proposal represents inappropriate development in the Green Belt, which should not be approved unless very special circumstances can be demonstrated.

Do the required very special circumstances exist that would overcome the harm caused by inappropriate development in the Green Belt?

As concluded above, the proposal constitutes inappropriate development in the Green Belt and paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In relation to the previous application, the applicant advanced a case of ‘very special circumstances’ in the form of a Supporting Statement and Inspection Reports from the Building Inspectors appointed to oversee the works. A summary of the case made is as follows:

- The appearance of the building is substantially the same as originally approved with no change in footprint or material increase in height.
- The retention of the building, re-constructed using the original brickwork, would result in a building in keeping with its surroundings which would enhance the character and quality of the landscape.
- The retention of the building would be a significant improvement in visual terms when compared with the alternative of a partly constructed building with no useful function should the elements of rebuilding be required to be removed by way of enforcement action.
- The incomplete building would be likely to have an adverse impact on the successful use of the approved holiday lets.
- The provision of two houses would make a small contribution towards the Council’s five year housing supply.

- Residential use of the barn would contribute to the local economy through additional retail and leisure spending.
- The circumstances surrounding the previous application including the works carried out by the previous builder, the delays in discharging conditions and the apparent structural deterioration of the building over time which appears to have resulted in a requirement for additional re-construction over and above that previously permitted.

In dismissing the appeal the Inspector considered that these circumstances could only be attributed limited weight and did not amount to very special circumstances to justify the development.

The applicant's agent has now submitted personal financial information to seek to demonstrate the financial loss that the applicants will face which will have a significant detrimental impact on the family as a whole in the event of not being able to complete and occupy their home, re-mortgage and pay off substantial unsecured debt. It is asserted that a combination of the circumstances surrounding the previous applications and appeal as referred to above combined with the financial impact of not being able to complete the development amounts to very special circumstances.

It is stated that the applicant has invested significant sums of money into the property to provide a family home. The total cost has arisen from purchasing the site, construction works, fencing hire and professional fees. In addition, the applicant has had to rent alternative accommodation. If the scheme cannot be completed the value of the property would be close to being worthless and the applicants would not be able to recoup any of their investment.

The applicant's agent refers to the case of *Wychavon District Council v Secretary of State 2009* which was a case concerning the loss of a home occupied by gypsies located in the Green Belt. The issue of 'very special circumstances' was considered and the applicant's agent asserts that a number of the conclusions reached can be applied to the current application.

Whilst the applicant's circumstances and the potential financial impact is unfortunate, it is not considered that the submitted financial information alters the conclusions in relation to the previous application and appeal and it remains your Officer's view that the very special circumstances necessary to justify the development do not exist. Although it is acknowledged that in the *Wychavon* case referred to above the loss of a family home was considered capable of being a 'very special' factor, the circumstances here are not directly comparable in that the applicants would not be left without a home should this application not be approved and the proposal involves the formation of two dwellings with no indication that the second home was ever to have been the applicants' families' home.

To conclude, while the applicant's circumstances are unfortunate, it is not considered that the case advanced amounts to the 'very special circumstances' required to outweigh the harm by reason of the inappropriate development in the Green Belt.

If planning permission is refused, should enforcement action be taken?

The development has been partially completed and given the conclusions of this report, it is necessary to consider the expediency of taking enforcement action against the breach of planning control.

As indicated above the development is harmful to the Green Belt by virtue of it being inappropriate development. Such harm is sufficient for a conclusion to be reached that it is expedient to take enforcement action.

In terms of the action required, given the extent of the works that have been carried out, very little, if any, of the original building remains with the Inspector in the previous appeal noting that all of the external walls and the roof having been re-built. What is on site is a new building. It is therefore considered that there is no alternative but to require the demolition of the structure in its entirety and given that what is there is a new building such action would be appropriate. The building is part of a larger 'L' shaped building but subject to details regarding the finishing of the newly exposed elevations, it is considered that the part of the building not within the ownership of the applicant, can be retained without any adverse impact on the visual amenity of the area.

The applicants are currently residing elsewhere and therefore, it is not the case that they need to find alternative accommodation. It is considered therefore that 12 months is a reasonable period for demolition of the building and the making good of the site and the remaining building.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy H9: Conversion of Rural Buildings for Living Accommodation
Policy E12: The Conversion of Rural Buildings
Policy N17: Landscape Character - General Considerations
Policy N20: Area of Landscape Enhancement

Other material considerations include:

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

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

[Supplementary Planning Guidance](#)

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

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

Relevant Planning History

12/00270/FUL	Erection of two storey side extension and alterations and additions	Approved
12/00518/FUL	Render to external walls, replacement front porch and side canopy	Approved
13/00754/FUL	Change of use and conversion of shorter arm of existing brick and tiled barn into 3 residential holiday accommodation units	Approved
13/00755/FUL	Change of use of former barn to two residential market housing units	Refused and allowed on appeal
17/00326/FUL	Rebuilding of a barn for residential use	Refused and dismissed on appeal

Views of Consultees

Audley Rural Parish Council comments that the buildings should comply with the enforcement issue regarding roof height prior to being approved.

Representations

One letter of objection has been received expressing concerns regarding the number of errors in the application. It is stated that much of the work detailed to be carried out is to areas not owned by the applicants and the drawings should be corrected to reflect only work to be carried out on their property. Much of the work already carried out is not in accordance with the original approved drawings. Members of the Planning Committee should visit the site to view the situation.

Applicant/agent's submission

The application has been supported by a Planning Statement. This document is available for inspection on the Council's website by searching under the application reference number 18/00937/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00937/FUL>

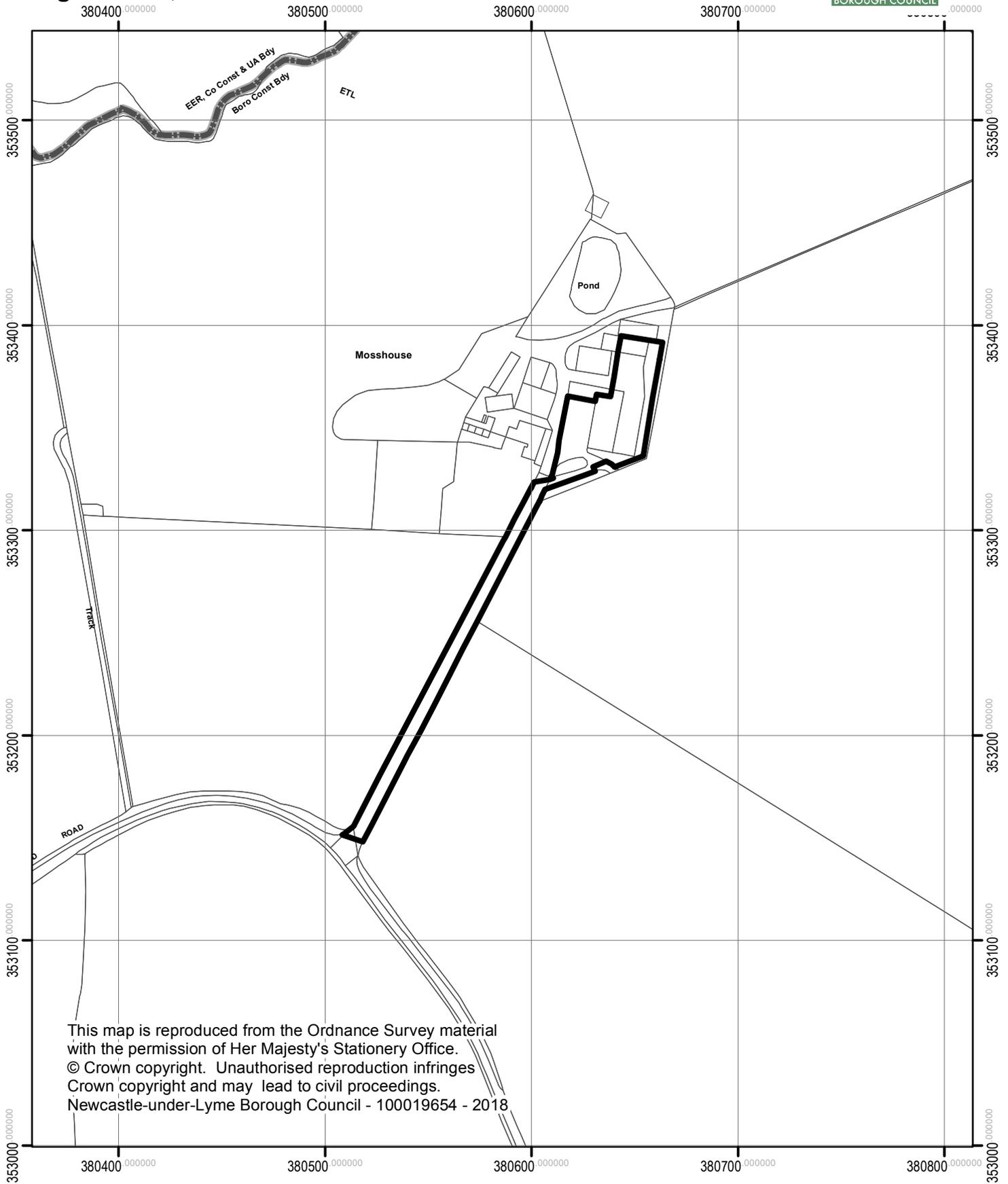
Background Papers

Planning File
Development Plan

Date report prepared

8th February 2019

**Barn 2, Moss House Farm
Eardleyend Road
Bignall End, ST7 8NB**



This page is intentionally left blank

SITE AT LOOMER ROAD, CHESTERTON
MR HU (HHL DEVELOPMENT LTD)

18/00967/FUL

The application is for residential development consisting of 5 no. 2 bed detached bungalows with new accesses.

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

The 8 week period for the determination of this application expired on 30th January 2019 but has been extended by agreement to the 1st March by the applicant.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 agreement by 29th March 2019 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £27,895 (index linked) towards public open space at Loomer Road Play Area, if the development is not substantially commenced within 12 months from the date of the grant of the planning permission, and the payment of such contribution if then found financially viable,

PERMIT subject to conditions relating to:-

- i. Time Limit.**
- ii. Plans.**
- iii. Approved external materials.**
- iv. Detailed hard and soft landscaping provision (including tree planting).**
- v. The provision of parking and access as submitted.**
- vi. The prior approval and implementation of parking surfacing and surface water drainage provision.**
- vii. The prior approval and implementation of a construction method statement.**
- viii. Prior approval of site investigation and any remediation works to deal with contamination.**
- ix. Prior approval and implementation of internal and noise level assessment and mitigation measures.**
- x. Restriction of construction hours.**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for offsite open space should financial circumstances then permit; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The site is in a sustainable location where the broad principle of new housing is supported by the Council's Development Plan. There are also benefits of the proposed residential development— namely further boosting local housing supply as well as the related social and economic advantages new housing brings to the area. The overall scale, design and appearance of the scheme is considered to have an appropriate impact to the character of the area subject to agreement of soft and hard landscaping (with tree planting) and external facing materials use details. A satisfactory amount of off street car parking can be provided and there are no harmful impacts arising to neighbouring residential living conditions.

It is accepted, following the obtaining of independent financial advice, that the scheme is not viable if policy compliant financial contributions towards public open space are required and whilst it is recommended that these policy compliant requirements are not sought, given the contribution the development makes to housing supply, particularly to affordable housing and the regeneration of this part of Chesterton, a Section 106 agreement is required to secure a review mechanism should substantial commencement not be achieved promptly.

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

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

Key Issues

The application is for the erection of five, two bedroom detached bungalows. The footprint of each bungalow measures approximately 70 square metres. The overall site area for the scheme is around 1200 square metres.

The application is a resubmission of previous application 18/00410/FUL for an identical proposal which was refused by the Council on the basis that without an agreed financial contribution towards public open space provision (or a viability argument for not seeking the contribution being robustly and successfully demonstrated) that the proposal would be contrary to relevant planning policies in the National Planning Policy Framework (the Framework) and the Councils Development Plan.

When refusing the previous application, for the reason set out above, it was concluded that the principle of the proposed residential development was acceptable on this site. The proposal was also considered to be acceptable with regard to design and appearance, residential amenity and highway safety. Acknowledging that the current application is identical to the refused scheme and in the absence of any material change in planning circumstances since that decision, the only consideration at this time is whether it remains that a financial contribution is still appropriate and necessary.

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

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

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

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

In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £5,579 per residential unit which would be used to upgrade playground

equipment at Loomer Road Play Area which is a 110m walk away. A total contribution of £27,895 for this development.

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

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

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

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

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

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

The Framework advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 47 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.

A financial obligation for the amount specified by the Landscape Development meets the tests outlined and is therefore triggered to make the development acceptable in planning terms. However a further issue arises in that a viability argument to such a financial request has been advanced by the applicant.

Viability consideration

Paragraph 57 of the Framework advises that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular

circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the Plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

The applicant has submitted an open book financial appraisal to support a case that the development scheme will not be viable if the financial obligation triggered (£27,895) is requested in full, or indeed reduced downwards, by the Council. Planning Practice Guidance advises generally 15-20% of Gross Development Value (GDV) (GDV is the total value of the development once complete) may be considered a suitable return to developers in order to establish the viability of plan policies. Based on the figures supplied by the applicant the scheme without a public open space contribution is only expected to deliver a modest return to the developer of 3.18% once complete, as the proportion of the GDV after all expenditure. An independent review of the applicant's financial assessment has also been undertaken and also concludes that the scheme would not be viable if a financial contribution is requested and only marginally viable without a financial contribution being requested in line with the applicants assertions. The view taken therefore is that a clear cut viability argument has been successfully evidenced by the applicant which carries significant weight.

In conclusion, taking into account the viability issues identified and the overall merits of the scheme which include boosting local housing supply and the related social and economic benefits of encouraging house building to occur in what is a very sustainable location, relative to many others, a financial contribution should not be insisted upon and permission granted subject to the planning conditions indicated in this report.

APPENDIX

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

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

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

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

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

Other Material Considerations

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

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

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

10/00345/FUL	Demolition of public house and erection of 19 dwellings	Permitted 2010
11/00220/FUL	62 Bedroom Care Home	Permitted 2011
15/00138/OUT	5 detached single storey dwellings	Permitted 2015
15/00921/FUL	Erection of a 6 bedroom bungalow and formation of new accesses and associated car parking	Permitted 2015

Views of Consultees

The **Environmental Health Division** object to the scheme in the absence of a submitted noise assessment which demonstrates acceptable residential noise levels can be achieved.

They also recommend in the event of approval the following conditions should be applied

1. Restriction of construction hours to occur between 7am and 6pm Monday to Friday. Between 7am and 1pm on Saturdays. No construction activity on Sundays or Bank Holidays.
2. The prior approval of details which deal with site contamination and the importation of soil.

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

1. The provision of access, parking in accordance with the submitted details.
2. The prior approval and implementation of surfacing materials for the parking areas, and surface water drainage provision.
3. The prior approval and implementation of a Construction Method Statement.

Landscape Development Section has no objections subject to:-

1. A planning condition for the prior approval and implementation of a landscaping scheme that includes replacement tree planting.
2. A contribution by the developer for capital development/improvement of offsite open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This will be used to upgrade playground equipment at Loomer Road Play Area which is a 110m walk away.

The County Council as **Minerals Planning Authority** and the Borough Councils **Waste Management Section** both have no objections to the scheme.

Representations

None received.

Applicant/agent's submission

Application forms and 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/18/00967/FUL>

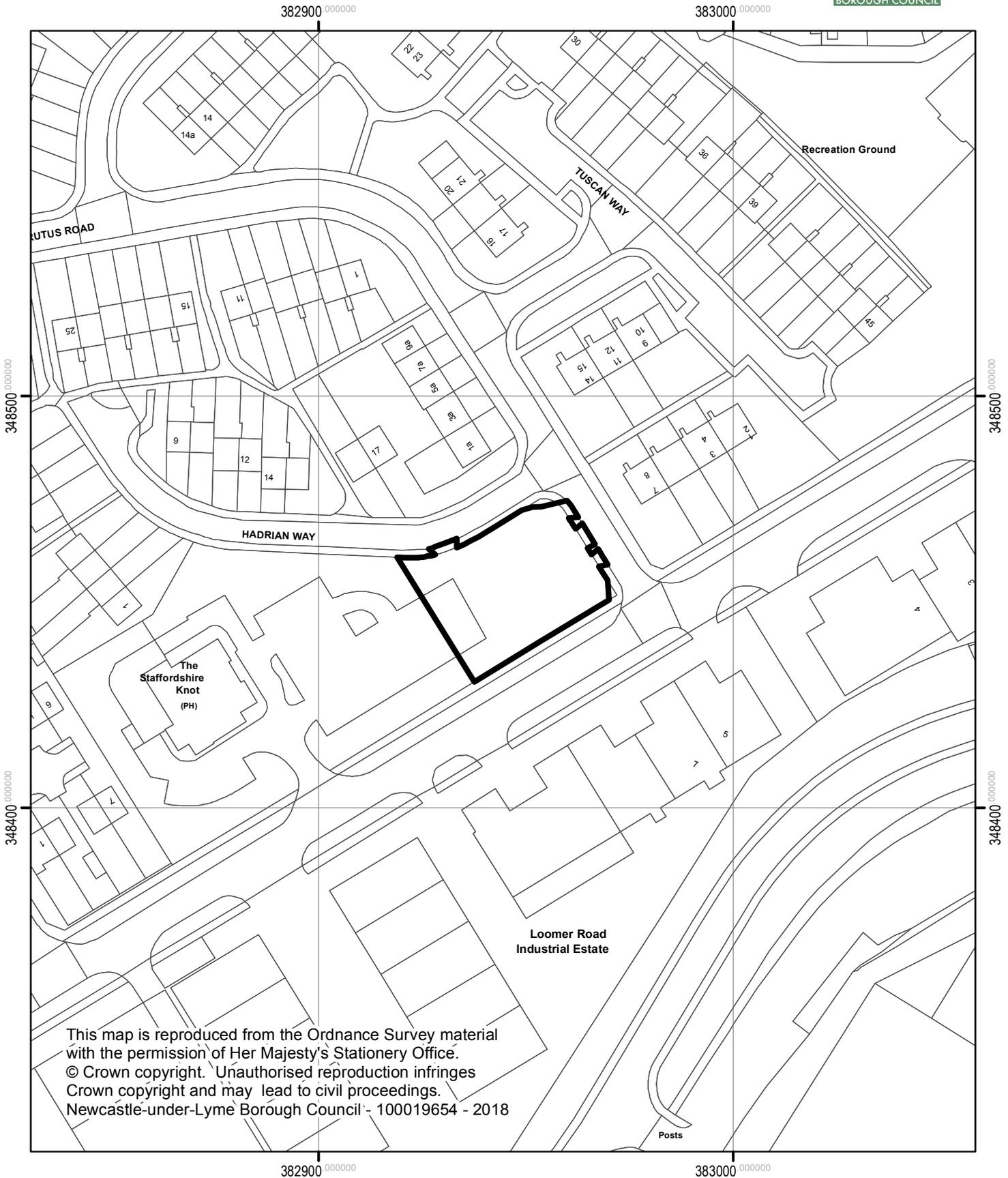
Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

8th February 2018.

Site at Loomer Road, Chesterton.



This page is intentionally left blank

LAND ADJACENT TO A525, KEELE GOLF COURSE, KEELE ROAD, KEELE
NEWCASTLE BOROUGH COUNCIL

19/00010/DEEM3

The application is for advertisement consent for the erection of a 48 sheet poster unilluminated hoarding 6.07m in width; the panel is 3.023m high on legs/base panel measuring 2.475m giving a total height of 5.498m.

The application site is within the Green Belt and a Landscape Maintenance Area as specified on the Local Development Framework Proposals Map. The site lies adjacent to the A525.

The 8 week period for the determination of this application expires on the 21st March 2019.

RECOMMENDATION

PERMIT subject to the following conditions, as well as the standard advertisement display conditions:

- i. Approved plans**
- ii. Tree/hedgerow protection measures and/or replacement planting of trees/hedgerows.**
- iii. Highway method statement to address installation and maintenance of the sign, such arrangements to be adhered to at all times that the sign is displayed otherwise the sign is to be removed or alternative arrangements to be agreed.**

Reason for Recommendation

There will be no material harm to the amenity of the area or to public safety and as such the proposal is therefore acceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet un-illuminated advertisement hoarding 6.07m in width; the panel is 3.023m high on legs/base panel measuring 2.475m giving a total height of 5.498m. The sign is to be located adjoining the A525 Keele Road between the car park to the former Keele Golf Course and the pavement along that road. The site is within the Green Belt and a Landscape Maintenance Area as specified on the Local Development Framework Proposals Map

The NPPF states, at paragraph 132, that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Paragraph 141 of the NPPF indicates that once Green Belts have been defined LPAs should plan positively to enhance interalia visual amenity.

Amenity

National Planning Practice Guidance indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

The poster hoarding is proposed to be located within a landscaped verge adjoining the car park to Keele Golf Course and adjoining the A525 Keele Road. The site is within the rural area, designated as Green Belt and a Landscape Maintenance Area, and would be viewed in the context of mature landscaping. It is however in close proximity to the entrance to the car park, which is currently surrounded by temporary fencing, in a position where the Golf Course buildings are visible.

The siting of the sign is in close proximity to a mature beech hedge and three small trees. It is apparent that the hedge could not be retained and in addition it is possible that the trees could be affected by the proposed siting of the sign. There are no objections to the loss of such landscape features, however, provided that they are suitably replaced. This could be secured by condition.

The siting as proposed could not be said to be in a location where the general environment is poor and that the introduction of a poster hoarding could be said to be serving a positive function. However, taking into account the context of the site it is considered that the poster hoarding at the scale proposed would be appropriate and would not introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area. It is therefore considered that consent should be granted.

Public safety

The Highway Authority have confirmed that they have no objection. The sign is therefore not considered harmful to public safety by virtue of its scale or location subject to the condition that they recommend.

APPENDIX

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt

Policy N17: Landscape Character – General Considerations

Policy N19: Landscape Maintenance Areas

Other Material Considerations

National Planning Policy Framework (NPPF) (2018)

Planning Practice Guidance (PPG) (March 2014)

Relevant Planning History

None relevant.

Views of Consultees

The **Landscape Development Section** advises that the existing beech hedge and three small trees will be affected by the proposals. These form an important frontage to the site, and screen to the car park. They would have no objections in principle if these are removed providing they are replanted so as to avoid the proposed sign. Additional information is requested to be submitted indicating if they can be retained and what remedial works would be possible if they are to be removed.

The **Highway Authority** has no objections subject to a condition requiring the submission and approval of a method statement about the location of the parking of vehicles during installation and maintenance and the type of equipment used for the installation.

The views of **Keele Parish Council** have been sought and will be reported if received.

Applicant/agent's submission

The application form and plans can be inspected at Castle House or online via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00010/DEEM3>

Background Papers

Planning File

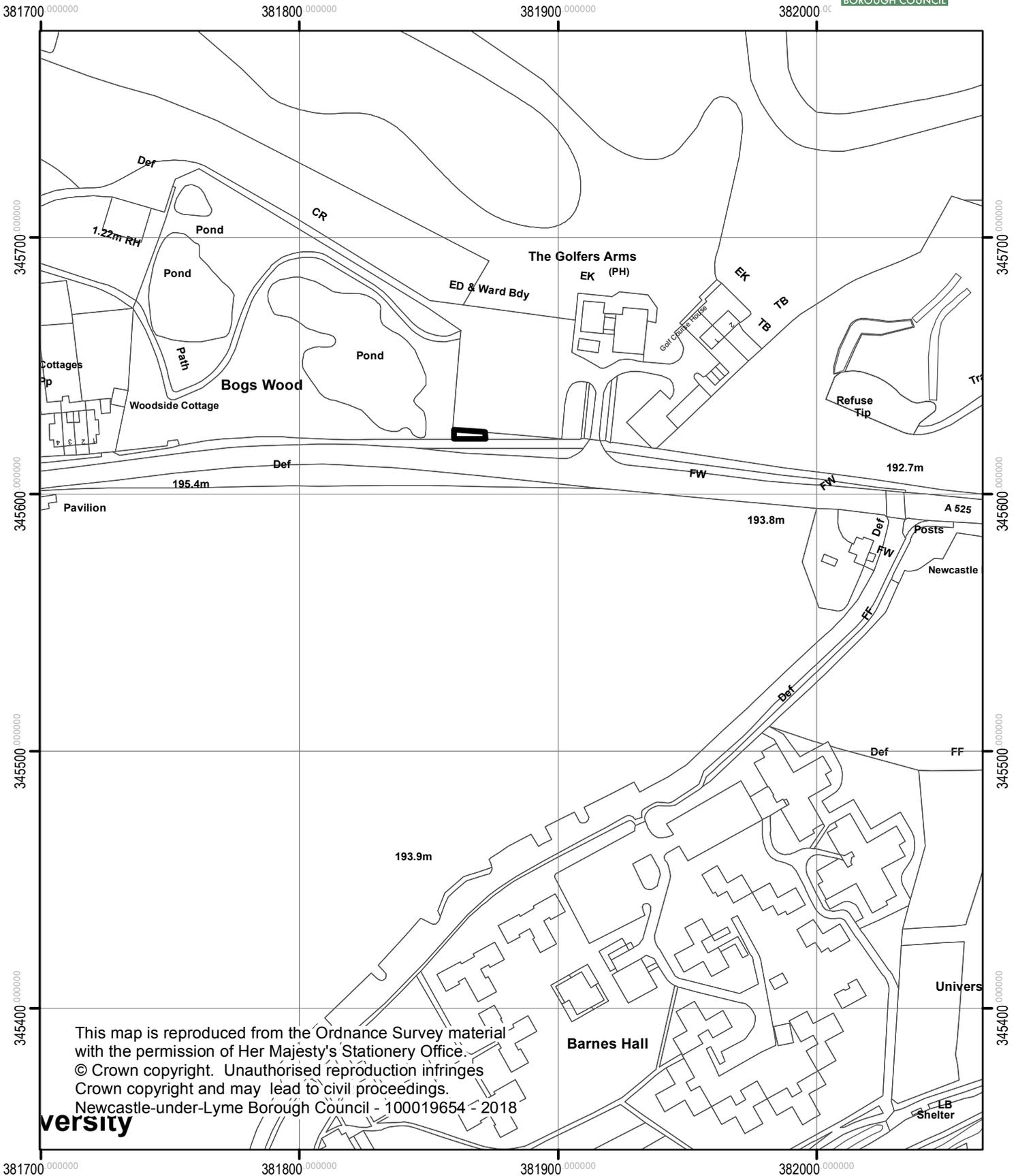
Planning Documents referred to

Date Report Prepared

12th February 2019.

This page is intentionally left blank

Land Adjacent To Keele Golf Course
Keele Road, Keele.



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
 Newcastle-under-Lyme Borough Council - 100019654 - 2018

This page is intentionally left blank

**LAND OFF TALKE ROAD, NORTH OF PARKHOUSE ROUNDABOUT (ADJACENT
BREWERS FAYRE)**
NEWCASTLE BOROUGH COUNCIL **19/00012/DEEM3**

The application is for advertisement consent for the erection of a 48 sheet poster unilluminated hoarding 6.07m in width; the panel is 3.023m high on legs/base panel measuring 2.475m giving a total height of 5.3m.

The application site is within the Green Belt and an Area of Landscape Restoration as specified on the Local Development Framework Proposals Map. The site lies adjacent to the A34 Talke Road.

The 8 week period for the determination of this application expires on the 21st March 2019.

RECOMMENDATION

PERMIT subject to the following conditions in addition to the standard advertisement display conditions:

- i. Approved plans**

Reason for Recommendation

There will be no material harm to the amenity of the area or to public safety and as such the proposal is therefore acceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet un-illuminated advertisement hoarding 6.07m in width; the panel is 3.023m high on legs/base panel measuring 2.475m giving a total height of 5.3m. The sign is to be located to the north of the Brewers Fayre Public House adjoining an unmade access. It is within the Green Belt and an Area of Landscape Restoration as specified on the Local Development Framework Proposals Map.

The NPPF states, at paragraph 132, that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Paragraph 141 of the NPPF indicates that once Green Belts have been defined LPAs should plan positively to enhance interalia visual amenity.

Amenity

National Planning Practice Guidance indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

The poster hoarding is proposed to be located on the northern side of an unmade access, which forms a public footpath, that is located to the north of the Brewers Fayre Public House, which does have a couple of advertisements adjoining the A34 albeit they are of a significantly smaller size than that now proposed here. It is therefore located in proximity to a

number of commercial units within Parkhouse Industrial Estate that are visible from the A34, part of the strategic highway network- a main highway in terms of the PPG. Between the application site and the Talke/A500 roundabout is open countryside within the Green Belt. The site is therefore at the limit/edge of the commercial development on the northbound carriageway of the A34 on the very edge of the Green Belt. The sign would be viewed against a backcloth of trees.

The siting as proposed could not be said to be in a location where the general environment is poor and that the introduction of a poster hoarding could be said to be serving a positive function. However, taking into account the context of the site it is considered that the poster hoarding at the scale proposed would be appropriate and would not introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area. It is therefore considered that consent should be granted.

Public safety

The poster hoarding is located adjacent to the A34, part of the strategic highway network. Although the views of the Highway Authority have not been received it is not considered harmful to public safety by virtue of its scale or location. Assuming that the Highway Authority raise no objections to the proposal it is concluded that there are no significant public safety concerns to address.

APPENDIX

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt

Policy N17: Landscape Character – General Considerations

Policy N21: Areas of Landscape Restoration

Other Material Considerations

National Planning Policy Framework (NPPF) (2018)

Planning Practice Guidance (PPG) (March 2014)

Relevant Planning History

None relevant.

Views of Consultees

The views of the **Highway Authority**, the **County Footpaths Officer**, and the **Landscape Development Section** have been sought and will be reported if received.

Applicant/agent's submission

The application form and plans can be inspected at Castle House or online via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00012/DEEM3>

Background Papers

Planning File

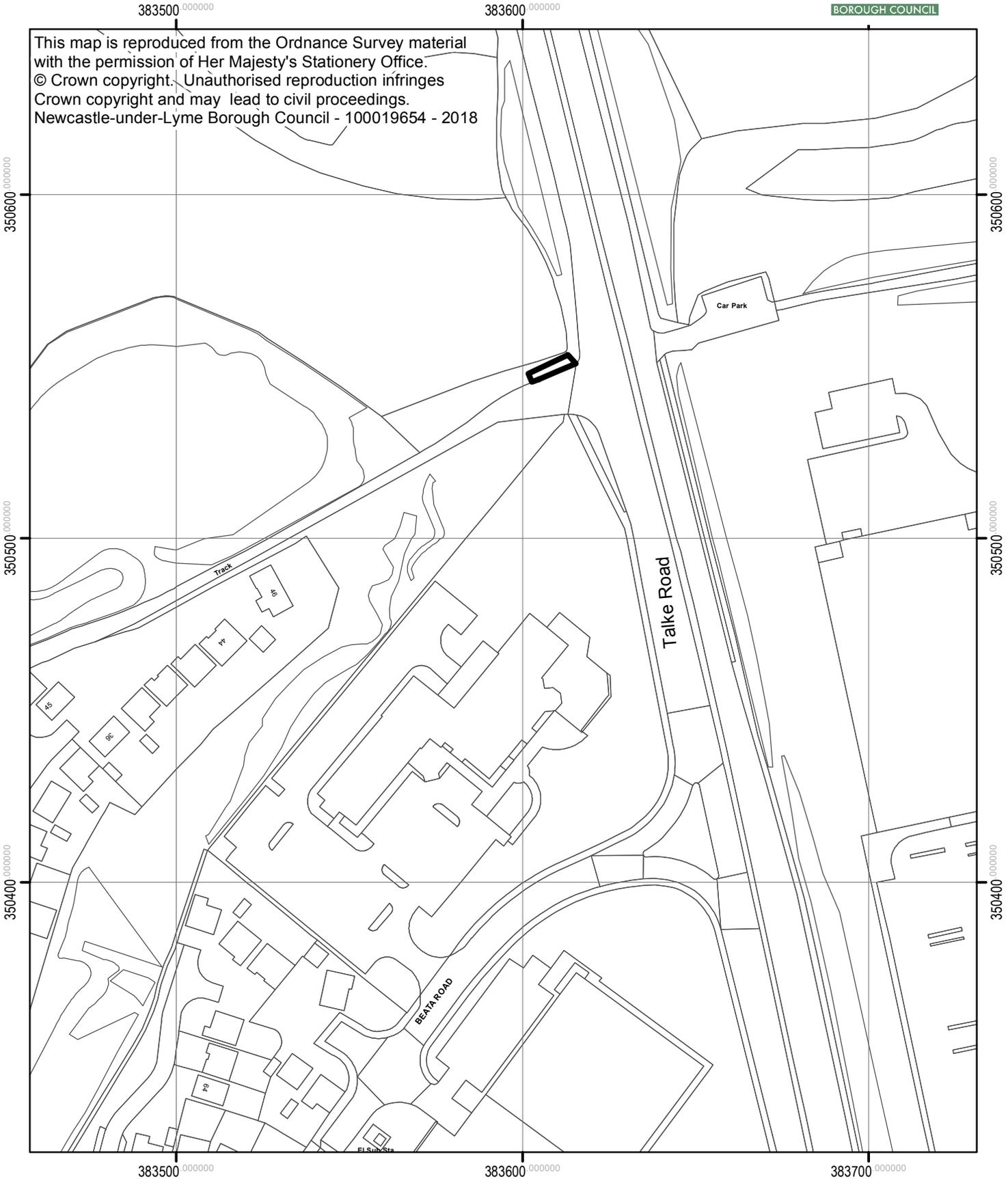
Planning Documents referred to

Date Report Prepared

12th February 2019.

This page is intentionally left blank

Land Off Talke Road (adjacent To Brewers Fayre)
Newcastle



This page is intentionally left blank

LAND AT DODDLEPOOL, BETLEY reference 17/00186/207C2

The purpose of this report is to provide Members with an update of the progress in relation to this site following a planning application for the retention and completion of a partially constructed agricultural track, reference 18/00299/FUL, which came before the Planning Committee on the 6th November 2018.

RECOMMENDATION

That the information be received.

Latest Information

Since the last update was given at the 3rd January planning committee your officers have approved the details required by the following conditions of planning permission 18/00299/FUL:

Condition 11 – measures to prevent the deposition of deleterious material on the public highway during the construction phase; and

Condition 13 - details of dust mitigation measures that prevent detriment to the amenity of residential properties

Your officers have identified an issue with regards to condition 3 of the planning permission. This condition required that;

“Within 3 months from the date of this decision a detailed monitoring programme for the works necessary to complete the track, which shall include (but shall not be restricted to) a timeline of when works are likely to be undertaken, key milestones and dates when monitoring updates will be given to officers, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained for the duration of the development.

Reason: To ensure appropriate monitoring in order to safeguard the appearance of the landscape and to protect adverse harm to the Betley Mere SSSI (Site of Special Scientific Interest) in accordance with the requirements of policy CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the National Planning Policy Framework 2018.

The three month date for the submission of the detailed monitoring programme for the works necessary to complete the track ended on the 9th February and to date no information has been submitted and this is a breach of the condition.

The landowner has been notified of the breach of condition and they have set out reasons for the delay – which are that the work will not commence until permits from the Environment Agency are in place and when the weather improves in Spring which means that it is difficult to provide the timeline details as the supply information is not yet available. Notwithstanding this, your officer has requested that the information is submitted as part of a formal condition approval application by the 25th February 2019. In the meantime monitoring will continue to ensure that the construction of the development does not recommence until all relevant conditions are satisfied.

Date Report Prepared – 13th February 2019

This page is intentionally left blank

5 BOGGS COTTAGE, KEELE, reference 14/00036/207C3

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd January 2019, of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

RECOMMENDATION

That the information be received.

Latest Information

The Planning Inspectorate has now confirmed that the appeal is valid but has not issued a 'start letter' and as such has not set out the appeal timetable. The appellant has requested that the procedure that the appeal follows is a hearing. The Planning Inspectorate will determine the appeal procedure to be followed.

The grounds of appeal advanced to date by the appellant in this case are as follows-

Ground (a) – that planning permission should be granted for what is alleged in the notice (or the "deemed planning application")

Ground (f) – that the steps required to comply with the requirements of the notice exceed what is necessary to remedy any breach of planning control referred to in the notice, and lesser steps would overcome the objections.

Ground (g) – the time given to comply with the notice is too short.

Ground (a)

The case advanced at ground (a) is that the development constitutes inappropriate development in the Green Belt and, would reduce openness to a limited extent. On balance, the unmet need for gypsy and traveller sites; the appellant's family's personal accommodation needs and personal circumstances; the absence of alternative sites for this vulnerable family; substantial compliance with the Council's locally specific criteria; the failure of the development plan to bring forward suitable land for traveller sites in a timely manner; and the needs of the appellant's children, clearly outweigh harm to the Green Belt and any other harm. The appellant asserts that the very special circumstances therefore exist to justify the granting of planning permission.

Ground (f)

The steps required by the notice are the cessation of the residential occupation of the mobile home on the land; removal of the mobile home from the land and removal of all material associated with the residential use of the land.

The appellant's case is that the condition being enforced does not require removal of the caravan or, of all materials associated with the residential use of the land. It is asserted that the operational development carried out in connection with the use was not authorised by the planning permission, which was for "use of mobile home as dwellinghouse", it was carried out more than 10 years ago and, is immune from enforcement action. The argument advanced therefore is that the enforcement notice can only require cessation of the use of the mobile home for residential purposes.

Ground (f)

The case sets out that the mobile home is the appellant's home, together with that of his partner and children. The time period for compliance as set out in the notice, which is 4 months, would make this family homeless and, disrupt the children's health care and education. It is, according to the appeal submission, disproportionate to the harm being caused by them staying on in a mobile home which has been on the appeal site since 1992. The appellant requests that a period of at least 18 months

should be allowed before they are required to cease the residential use of the mobile home, as this would allow a reasonable amount of time for alternative lawful accommodation to be found.

Date report prepared: 13th February 2019

Planning Committee 26th February 2019

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

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

The last report was brought to the Planning Committee at its meeting on the 6th November 2018. 4 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Residential Development on site of the Former Silverdale Colliery</p> <p>Non-compliance with condition B8 of outline planning permission 06/00337/OUT which requires the provision of 2 Locally Equipped Areas for Play (LEAPs) and 1 Neighbourhood Equipped Area for Play (NEAP) as integral parts of the development</p>	25.04.17	<p>Following refusal of a planning permission to vary a condition of the permission which would have removed the requirement to provide a second Locally Equipped Area for Play (LEAP) on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.</p> <p>Details of a revised play area were subsequently received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018.</p> <p>Consideration was given to the provision of a NEAP (Neighbourhood...) during which it became apparent that there are different views as to what has or has not been approved. The developer's position is that details of the NEAP as provided on site were submitted and approved within the reserved matters application Following consideration of the reasonableness of the Council taking a different line to the developer, the considerable time that has elapsed after the provision of that play area, and the nature of the documentation relating to the permissions in place it was decided, under the delegated authority provided by the resolution of the Planning Committee of the 24th April 2017, that it would not be expedient to take enforcement action in relation to any breach of planning control in relation to the NEAP.</p> <p>A site visit has been undertaken and all the approved equipment has been provided within the second LEAP. Concerns have, however, been expressed regarding the installation of the equipment.</p>	<p>Contact regarding installation and request information in respect of post installation inspections.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Importation and deposit of earth, and waste material on land and associated engineering operations to create a trackway.</p>	<p>20.4.15</p>	<p>Material has been imported onto the site and a new access is currently being constructed from Waybutts Lane (with the initial section being within Cheshire East Council's area and which has subsequently been granted planning permission by them).</p> <p>Whilst an application was submitted it was invalid upon receipt. A Temporary Stop Notice (TSN) was served on the owner on 13th February requiring the cessation of the importation and deposit of earth, and waste material on land and the associated operations to create a track. The reason for the action was to prevent adverse harm and effect on Betley Mere Site of Special Scientific Interest (SSSI) and Black Firs and Cranberry Bog SSSI.</p> <p>Subsequently it was decided that it was expedient to serve an Enforcement Notice (EN) and a Stop Notice (SN). The reason for such action was that the unauthorised works are contrary to local and national policy in terms of the unknown impact to the designated SSSIs and also due to the adverse harm to the openness of the Green Belt. Both Notices required the cessation of the unauthorised importation of material onto the site and all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas.</p> <p>The application for the retention and completion of the track was eventually registered as valid and reported to Committee on 6th November when it was resolved to grant planning permission subject to condition.</p> <p>Following the granting of planning permission the EN and SN were withdrawn as was the appeal that had been lodged against the EN. In light of this, this case can be closed.</p> <p>Monitoring of the permitted development is being undertaken to ensure that the development is being carried out in accordance with the planning permission. Updates are being provided on such monitoring every two month, the second such update is reported elsewhere on this agenda.</p>	<p>CASE CLOSED.</p> <p>Continue to monitor compliance with the planning permission and provide updates in accordance with Committee resolution.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p data-bbox="100 236 414 295">Boggs Cottages, Keele Road, Keele</p> <p data-bbox="100 331 450 419">Initially regarding unauthorised use of land for the siting of a mobile home.</p> <p data-bbox="100 456 450 544">Now non-compliance with the occupancy condition attached to the mobile home</p> <p data-bbox="100 580 315 603">14/00036/207C3</p>	<p data-bbox="472 236 595 295">5.1.16 & 11.10.18</p>	<p data-bbox="665 236 1491 451">A personal planning permission (reference N14847) was granted for the siting of a mobile home on this Green Belt site due to the personal circumstances of the applicant at that time. The same restrictions were imposed on a subsequent planning permission (reference N21428) for a larger mobile home. Subsequent attempts by the original applicant to vary or remove the conditions were unsuccessful.</p> <p data-bbox="665 488 1491 635">It was established that the occupation of the mobile home as a dwellinghouse ceased and on 5th January 2016 Planning Committee resolved that enforcement action should be taken. An Enforcement Notice (EN) was subsequently served which, because no appeal was lodged, came into force on 13th July 2016.</p> <p data-bbox="665 671 1491 786">The breach of planning control referred to in the EN was “without planning permission the material change of use of the Land for the storage of a mobile home”. Subsequent visits to the site established that the Notice had not been complied with.</p> <p data-bbox="665 823 1491 1034">On 4th January 2017 Planning Committee refused an application (16/00969/FUL) to vary the condition on permission N21428 so that it could be occupied by others. A subsequent appeal was dismissed on 5th January 2018. Shortly afterwards the applicant/appellant took ownership of the site and it was later established that the mobile home was being occupied. The breach of planning control referred to in the EN was no longer taking place therefore.</p> <p data-bbox="665 1070 1491 1158">A further EN was served on 9th November 2018 regarding the occupation of the mobile home in breach of condition 1 of planning permission N21248.</p> <p data-bbox="665 1195 1491 1283">An appeal has been lodged and confirmation received that it is valid. A ‘start letter’ has not, as yet, been issued and as such the appeal timetable has not been set out.</p> <p data-bbox="665 1319 1491 1378">For further information regarding the appeal refer to the update report elsewhere on this agenda.</p>	<p data-bbox="1503 236 1845 355">Await the appeal ‘start letter’ and when received adhere to the appeal timetable.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Breach of condition 3 of planning permission 14/00610/FUL.</p> <p>18/00251/207C2</p>	<p>7.11.18</p>	<p>Planning application 14/00610/FUL, for the retention of water reservoir, formation of hardstandings and repairs to the existing track was permitted on the 3rd December 2014 with 13 conditions. Condition 3 required all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas to cease by 1st June 2015.</p> <p>A subsequent application was permitted (reference 15/00521/FUL) extending the period set within the condition a further nine months from the decision.</p> <p>In September 2018 complaints were received that soil was being removed from the site in breach of the condition. Following correspondence from the Council that activity ceased, however further allegations were then received on 2nd November.</p> <p>Whilst the removal of the soil has been infrequent such operations and activities at the site are still resulting in a significant and detrimental harm to the residential and there was reason to consider that the breach could happen again. As such it was resolved to take enforcement action.</p> <p>An Enforcement Notice (EN) was served on 22nd November requiring the cessation of the removal of soil seven days after the notice took effect. An appeal has been lodged and as such the EN hasn't taken affect. As yet confirmation has not been received that the appeal is valid.</p>	<p>Await the appeal 'start letter' and when received adhere to the appeal timetable.</p>

This page is intentionally left blank

Report on Open Enforcement Cases

Purpose of the Report

To inform members of the current situation regarding the enforcement caseload.

Recommendations

- That the report be received
- That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

Background

In accordance with previous Committee decisions, the format of this report shows existing and previous enforcement cases. The Table included in this report shows the total number of outstanding cases in one format (shown below).

In the last quarter (October to December 2018) a further 53 new cases have been reported, marginally more than the previous quarter (52). The current number of open cases is 280. The number of open cases has slightly increased in this quarter given that in the last quarter it was 275.

A number of the cases have associated pending planning applications that are awaiting determination (8 as at 09 January 2019).

Conclusions

It remains inevitable that some cases in the 'backlog' will remain open for some time because of their complexity.

Progress continues to be made in tackling older cases and there is still a significant body of work being undertaken behind the scenes.

Date report prepared

14th February 2019

This page is intentionally left blank