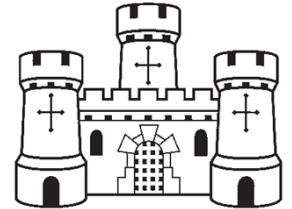


Public Document Pack

Date of meeting Tuesday, 23rd April, 2019
Time 7.00 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 8)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - STANTON CLOSE AND SITE OF FORMER FORGE INN PUBLIC HOUSE, KNUTTON. ASPIRE HOUSING. 18/00932/FUL** (Pages 9 - 22)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - PLOT 3 OF THE SCIENCE & INNOVATION PARK, KEELE ROAD, KEELE. CVS GROUP PLC & KEELE UNIVERSITY. 18/01011/FUL** (Pages 23 - 32)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. HILBRE HOMES. 19/00036/FUL** (Pages 33 - 46)
- 7 **CONSULTATION BY STOKE ON TRENT CITY COUNCIL ETRURIA VALLEY PHASES 2 & 3, ETRURIA, STOKE-ON-TRENT. STOKE-ON-TRENT REGENERATION LTD SOT/61494/OUT (NuIBC ref 348/242 and 348/262))** (Pages 47 - 50)
- 8 **APPLICATION FOR MINOR DEVELOPMENT - 9 RUSSELL STREET, WOLSTANTON. MERCIA GAS LTD. 19/00029/FUL** (Pages 51 - 60)
- 9 **APPLICATION FOR MINOR DEVELOPMENT - 24 GREENOCK CLOSE, NEWCASTLE-UNDER-LYME. MR R TAYLOR. 19/00149/FUL** (Pages 61 - 68)

- 10 **APPLICATION FOR OTHER DEVELOPMENT - UPPER FLOOR ABOVE TESCO EXPRESS, HIGHERLAND. J3BOX Ltd. 19/00030/FUL** **(Pages 69 - 76)**
- 11 **APPEAL DECISION - 26 CHURCH LANE, WOLSTANTON. 18/00041/FUL** **(Pages 77 - 78)**
- 12 **APPEAL DECISION - LAND REAR OF ROWLEY HOUSE, MOSS LANE, MADELEY. 17/01004/REM** **(Pages 79 - 82)**
- 13 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** **(Pages 83 - 88)**
- 14 **APPLICATION FOR FINANCIAL ASSISTANCE (Historic Buildings Grant) - BETLEY COURT, MAIN ROAD, BETLEY (Ref: 18/19005/HBG).** **(Pages 89 - 90)**
- 15 **ENFORCEMENT UPDATE - LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** **(Pages 91 - 92)**
- 16 **ENFORCEMENT UPDATE - 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** **(Pages 93 - 94)**
- 17 **TREE PRESERVATION ORDER - SUNNY BANK, SOUTHWOOD, BALDWINS GATE. TPO 200** **(Pages 95 - 98)**
- 18 **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, S. Dymond, A. Fear (Chair), H. Maxfield, P. Northcott, S. Pickup, B. Proctor, M. Reddish (Vice-Chair), S Tagg, G Williams and J Williams

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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

PLANNING COMMITTEE

Tuesday, 26th March, 2019
Time of Commencement: 7.00 pm

Present:- Councillor Andrew Fear – in the Chair

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

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

Apologies Councillor(s) S. Dymond

1. **APOLOGIES**

Apologies were received from Councillor Dymond.

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 26 February, 2016 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - THE BRIGHTON, SNEYD TERRACE,SILVERDALE. ASPIRE HOUSING. 18/00714/FUL**

Resolved: A That, subject to the applicant first entering into a Section 106 agreement by 1st May 2019 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £93,727 (index linked) towards public open space at Silverdale Park, 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,

The application be permitted, subject to the undermentioned conditions:

- (i) Time limit.
- (ii) Plans.
- (iii) Materials.
- (iv) Prior approval and implementation of landscaping

- and bin storage.
- (v) Prior approval and implementation of tree protection details.
- (vi) Access and car parking provision implementation prior to occupation.
- (vii) Prior approval and provision of weatherproof cycle storage.
- (viii) Prior approval and implementation of revised bin storage details.
- (ix) Restriction of construction and demolition hours to be outside of 6pm and 8am Monday to Friday, not at any time on Sundays or Bank Holidays, or outside of 8am-1pm on a Saturday.
- (x) No external lighting without prior approval.
- (xi) Agreed noise levels for internal and external areas.
- (xii) Prior approval of a scheme for the provision of at least 5 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced, but not requiring such provision to be "in perpetuity".
- (xiii) The installation of a railing or similar on top of the wall adjoining Sneyd Terrace in response to Police Crime Prevention Officer.(CPO)
- (xiv) Note to applicant that consideration be given to other recommendations of Police CPO

B. Failing completion of the above planning obligation by the date referred to at A., 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.

5. APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE-UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE. THE SCHOOL GOVERNORS. 19/00042/FUL

Proposed by Councillor Proctor and seconded by Councillor Tagg

Resolved: That the application be deferred to allow consideration/submission of amendments to design/external appearance of proposed building to ensure it is not harmful to character of Conservation Area

6. **LAND SOUTH WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF MARKET DRAYTON ROAD, LOGGERHEADS.MULLER STRATEGIC PROJECTS LIMITED. 15/00202/OUT**

Resolved: That Elan Homes be advised that the Council as the Local Planning Authority is willing to agree to a variation to the Section 106 agreement to require the provision of 8 affordable units prior to occupation of 50% of the open market dwellings with the remaining 12 affordable units to be provided prior to occupation of 90% of the open market dwellings.

7. **LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE. TAYLOR WIMPEY. 12/00127/OUT**

Resolved: That Aspire be advised that the Council as the Local Planning Authority is willing to agree to a variation to the Section 106 agreement so that a cascading clause is incorporated, whereby shared ownership units can be changed to affordable rented units, if they remain unsold after a 6 month period of marketing, subject to the approval of the Head of Planning.

8. **APPLICATION FOR MINOR DEVELOPMENT - 26, MILEHOUSE LANE, NEWCASTLE-UNDER-LYME. MR PAUL GOLDEN. 19/00047/FUL**

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

- (i) The development would appear cramped and out of keeping with the character of the area to its detriment.
- (ii) The proposed development, by virtue of the rooflight in the south-west facing roof plane serving the first floor bedroom, would result in overlooking and an adverse impact on the privacy of the occupiers of the neighbouring properties on Court Lane.
- (iii) The lack of adequate off-road parking spaces for both the existing and proposed dwellings would exacerbate on-street parking issues and have an adverse impact on highway safety.

9. **APPLICATION FOR MINOR DEVELOPMENT - ASPIRE HOUSING**

Resolved: A. Committee agreed not to require the provision of a contribution towards improvement and maintenance of public open space in respect of the following applications

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

- B. The Head of Planning to exercise the delegated authority to issue planning permissions 18/00016/FUL, 18/00243/FUL, 18/00443/FUL, 18/00441/FUL and 18/00461/FUL subject to the conditions as set out in the approved interim reports
- C. That in the case of 18/00465/FUL the application to be permitted subject to the conditions referred to in the resolution of the 11th September Planning Committee

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

- Resolved:**
- A Committee agreed not to require a Section 106 agreement by 6th December to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space, if the development is not substantially commenced within 12 months from date of the decision, and the payment of such a contribution if found financially viable
 - B The application to be permitted subject to the conditions referred to in the resolution of the 6th November 2018 Planning Committee.

11. LAND ADJACENT TO SLACKEN LANE.MR STEPHEN LOWNDES. 17/00791/FUL

Resolved: The Council do not agree to discharge the obligation.

12. APPLICATION FOR MINOR DEVELOPMENT - CHESTERTON COMMUNITY SPORTS COLLEGE, CASTLE STREET, CHESTERTON. CHESTERTON COMMUNITY COLLEGE. 18/00949/FUL

- Resolved:**
- A That, subject to the applicant first entering into a Section 106 agreement by 26th April 2019 to secure a financial contribution of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme to promote and encourage sustainable access to the school

The application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of development
 - (ii) Approved plans
 - (iii) 10 year temporary permission
 - (iv) Construction Management Plan
 - (v) Parking and turning areas prior to occupation
 - (vi) Weatherproof cycle storage
 - (vii) Travel Plan
 - (viii) Construction Hours
- B. Failing completion by the date referred to in the above resolution (1) of the above planning obligation, the Head of Planning is given delegated authority to either refuse the

application on the grounds that in the absence of a secured planning obligation the development would fail to secure an appropriate travel plan and so the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

13. APPLICATION FOR MINOR DEVELOPMENT - BURSLEY PRIMARY SCHOOL, BURSLEY WAY, BRADWELL. BURSLEY PRIMARY SCHOOL. 18/00990/FUL

Resolved: A That, subject to the applicant first entering into a Section 106 agreement by 26th April 2019 to secure a financial contribution of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme to promote and encourage sustainable access to the school,

The application be permitted subject to the undermentioned conditions:

- (i) Approved drawings
- (ii) Time Limit
- (iii) External facing materials
- (iv) Environmental Management Plan
- (v) External lighting
- (vi) Control of noise
- (vii) Access, parking, servicing and turning areas
- (viii) Secure weatherproof cycle and scooter parking
- (ix) Submission of a Travel Plan
- (x) Tree protection plan

B. Should the above Section 106 obligation not be secured within the above period, the Head of Planning is given delegated authority to either refuse the application on the grounds that in the absence of a secured planning obligation the development would fail to ensure sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

14. APPLICATION FOR OTHER DEVELOPMENT - 9 GENEVA DRIVE, NEWCASTLE. MR S ROYALL. 19/00031/FUL

Members were advised that this application had been withdrawn.

15. OFFICER AND MEMBER PLANNING ENFORCEMENT PROTOCOL

Resolved: Planning Committee fully supports the Draft Protocol subject to amendment to paragraph 3.4 as follows:
....Where a case is report to the Committee, a Ward Member that is not on Planning Committee will be entitled to speak on the item on the same terms as the public speaking protocol provided that it is not being dealt with as a confidential item where Committee resolve that the public (including Members not on Planning Committee) are to be excluded....

16. **APPLICATION FOR FINANCIAL ASSISTANCE - THE BEEHIVE, MAIN ROAD, BETLEY (REF: 18/19004/HBG).**

Resolved: That the following grant be approved:

£5,000 Historic Building Grant to repair two gables on a timber framed cottage, including propping, new timber framing with joints/pegs, replacement brick infills with lime mortar, making good the internal walls, subject to the appropriate standard conditions

17. **APPEAL DECISION - GRAVEL BANK, MUCKLESTONE ROAD, LOGGERHEADS**

Resolved: That the appeal decision be noted.

18. **APPEAL DECISION - 1 WADE COURT, MARKET STREET, KIDSGROVE**

Resolved: That the appeal decision be noted.

19. **TREE PRESERVATION ORDER - LAND AT LYNN AVENUE, WALTON WAY, TALKE. TPO197**

Resolved: That Tree Preservation order No 197 (2018) confirmed as modified and the owners of the site be informed accordingly

20. **TREE PRESERVATION ORDER - NUFFIELD HOSPITAL, CLAYTON ROAD, NEWCASTLE. TPO199**

Resolved: That Tree Preservation order No 199 (2018) confirmed as modified and the owners of the site be informed accordingly

21. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 8.07 pm

**STANTON CLOSE AND SITE OF FORMER FORGE INN PUBLIC
HOUSE, KNOTTON
ASPIRE HOUSING**

18/00932/FUL

The application is for full planning permission for the demolition of 11 existing bungalows and the construction of 30 affordable dwellings with associated external works. The new dwellings are to be “affordable rent” properties.

The application site measures approximately 0.65 ha.

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

The 13 week period for the determination of this application was the 20th February 2019. The applicant has extended, by agreement, the statutory determination period to the 26th April 2019.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. Time Limit.**
- 2. Approved Plans.**
- 3. External facing materials.**
- 4. Landscaping details provision, agreement, and implementation.**
- 5. Prior approval and implementation of tree retention and protection measures.**
- 6. Provision and retention of access, internal roads, private drives, parking and turning areas in accordance with the approved plans.**
- 7. The approval, provision and implementation of:**
 - surfacing materials for the private drives, parking and turning areas;**
 - means of surface water drainage for the private drives, parking and turning areas;**
 - delineation of the parking bays;**
 - details of the proposed electric buggy and cycle parking stores;**
 - EV charging points and infrastructure**
- 8. The two existing site accesses on Knutton Lane, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted, to be permanently closed and the access crossings reinstated as footway.**
- 9. No development shall take place, including any works of demolition, until a Construction Management Plan has been agreed in writing and thereafter fully implemented during construction.**
- 10. Prior approval and implementation of bin storage details.**
- 11. Prior approval and implementation of external lighting.**
- 12. Prior approval and implementation of a construction demolition and environmental management plan.**
- 13. Standard conditions relating to dealing with site contamination, remediation and importation of soil.**
- 14. Prior approval of an air quality assessment and mitigation for combustion appliances.**
- 15. Prior approval of coal mining risk hazard mitigation measures.**
- 16. Prior approval of a scheme for the provision of affordable rented housing units throughout the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced, but not requiring such provision to be "in perpetuity".**

Reason for Recommendation

The site is in a sustainable urban location where the broad principle of new and replacement housing is acceptable. There are also benefits to allowing additional new housing to occur on the site— namely boosting local affordable housing supply as well as the related economic and social benefits new and affordable housing brings to the area. The impact on the character and appearance of the location; tree retention and protection; residential living conditions and highway safety would all be acceptable subject to planning conditions. It is not advised a financial contribution of £144,839 towards public open space provision triggered by the development is sought. This is because Homes England grant funding and also match funding has been obtained from the Borough Council and in deciding to allocate match funding to this scheme account was taken of financial information provided and the rental values, costings and assumptions used within that appraisal were agreed to be reasonable and a net shortfall was accepted as existing by your Housing Strategy officers. The information provided, when combined with the knowledge that Homes England will also have assessed the viability of the scheme before deciding to award grant funding, is considered sufficient in this case to establish that the development could not afford, either in full or in part, what would be a policy compliant contribution towards public open space provision. The

significant benefits that this affordable rented scheme brings are such as to justify seeking no contribution. A appropriate condition requiring 100% affordable rented housing, as opposed to 25% affordable housing, to be provided would however be justified given the absence of tested evidence before the authority as to the viability of any other tenure mix.

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

The Authority has requested additional information during the consideration of the planning application to address specific technical concerns arising in the application process.

Key Issues

1.1 The application is for the demolition of 11 existing bungalows and the construction of 30 affordable dwellings with associated external works. The site includes that of the already demolished former Forge Inn Public House. A range of affordable rent properties are proposed comprising of the following:-

- 20, one bedroom flats measuring 52.1 and 59m² in footprint.
- 8, two bedroom bungalows measuring 64m² in footprint.
- 4, two bedroom flats measuring 65.5 and 72.7m² in footprint.

1.2 The application site lies within the Urban Area of Knutton as defined on the Local Development Framework Proposals Map of the Local Plan.

1.3 The key issues to consider are:-

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

2.0 Is the principle of residential use acceptable in this location?

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

2.2 Saved Newcastle Local Plan (NLP) policy H1 supports new housing in the urban area of Newcastle and Kilderslee 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 National Planning Policy Framework 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 Paragraph 117 of the National Planning Policy Framework 2018 (the Framework) states that Planning policies and decisions should promote an effective use of land in meeting the

need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

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

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

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

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

2.9 The current position is that the Council considers that there is a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy requires updating). The Council's Housing Delivery Test figure is currently 100%, and is met.

2.10 The redevelopment of the site would entail the efficient re-use of previously developed land. The 11 bungalow properties to be demolished to make way for the proposal have been assessed by Aspire for modernisation works, as opposed to demolition, but that approach has been rejected by the applicant on the basis that the scheme proposed is a more cost effective option and a greater number of energy efficient affordable homes (following purchase of the Forge Inn site adjacent to the existing bungalows to be demolished). The site is within a highly sustainable urban location (highlighted as such by the Core Spatial Strategy) within a relatively short walking distance of abundant local service provision and access to regular public transportation to the Town Centre and beyond. Regard also has to be paid to the social and economic benefits new and affordable housing brings to the area, where there is an identified need for affordable dwellings which carries significant weight. There is therefore a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations. More detailed matters are now considered.

3.0 Is the design and appearance of the development acceptable?

3.1 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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 Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary

Planning Document provides further detailed guidance on design matters in tandem with CSP1.

3.3 The site lies within an established residential area. To the north and to the south of the site is a former railway line which is now used as a public walkway/cycleway – the Greenway - and is heavily treed. Further afield from the existing bungalows to be demolished are two storey houses. The design of the proposed dwellings responds positively to the form and character of the area and a well thought out landscaping scheme, incorporating both private and communal gardens, has been included with the proposal. The development has a visual appearance which would improve the character of the area subject to conditions relating to securing appropriate external finishing materials and the implementation of agreed landscaping provision.

4.0 What is the impact to trees and is it acceptable?

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

4.2 Some 13 trees are proposed to be removed within the application site boundary and 1 additional poplar tree which is slightly beyond the application site boundary. The trees are not protected and there are no objections to the removal of those particular trees shown to be removed on the submitted plan drawings.

4.3 There has been a concern with the accuracy of the boundary information shown on some of the submitted plans in relation to trees which run along the boundary dismantled railway line (now being used as a walkway/cycle way) immediately to the south of the development site. The neighbouring land along the southern boundary referred to is within the ownership of the Council and contains a dense collection of mature visually significant trees. The trees are an attractive component of the Newcastle Greenway cycle route and the advice received for the Landscape Development Section (LDS) is that only a few Poplar trees are warranted to be removed alongside an agreement for appropriate tree thinning works. The matter has been raised with the applicant's agent and amended plans have been received to revise the southern site boundary. The most recent advice received from LDS objects to the scheme on tree retention and protection grounds in relation to these particular boundary trees. In response, the applicant is maintaining that the issue can be positively addressed to meet the Councils requirements and no tree removal beyond the site boundary other than that shown on the submitted plans is proposed nor could be undertaken by Aspire without the prior agreement of the Council as landowner. Acknowledging LDS's objection, but also noting that the orientation of the new dwellings in the vicinity of this line of trees would not appear to put them at risk, the view of your Officer, is that tree retention and protection can be successfully managed through appropriately worded planning conditions without detriment to the Councils landownership position or potential loss of trees worthy of retention. The applicant is seeking to retain all trees other than those shown to be removed on the submitted plan drawings and separate agreement can be made with the Council in relation to any appropriate tree thinning works envisaged.

5.0 Are the living conditions to be provided acceptable?

5.1 Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. An acceptable level of separation is achieved between other neighbouring properties in accordance with the SPG. The amount of garden space proposed within the scheme is also sufficient for the residents also accounting that there are publically available open space areas within a short walking distance.

6.0 What is the impact on highway safety and is it acceptable?

6.1 The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

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

6.3 A total of 43 car parking spaces are proposed. The Local Plan standard suggests a maximum of 46 spaces should be provided.

6.4 The Highway Authority following receipt of additional information during the application process no longer object to the scheme. Additional information received shows regard to a swept path analysis for a 11.9 metre waste collection vehicle to safely enter and egress from Knutton Lane and to turn within the internal site roads, as well as provisions for dropped pedestrian kerbs and tactile paving, adequate dimensions of footways and parking spaces. Moreover the provision of secure weatherproof cycle parking can also be secured in line with the Highway Authority's requirements.

6.5 Waste Management are concerned from an amenity perspective that collection containers will be stored at the front of each property between collections.. They request unrestricted access is maintained from the container storage locations to the access road – particularly where car parking spaces are provided at the front of the property. Your officer notes that appropriately located and screenable storage areas are provided and the view taken is that the concerns of Waste Management can be properly addressed by way of planning condition.

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

7.1 Paragraph 54 of the Framework states that planning obligations must only be sought where they meet all of the following tests, which are also set out in the CIL Regulations:

- a) necessary to make the development acceptable in planning terms ;
- b) directly related to the development; and
- c) fairly and reasonably related to scale and kind to the development.

7.2 Saved NLP policy C4 (part of the approved development plan) supports the seeking of a contribution for developments of 10 units or more or on sites of 0.4 ha or greater. 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.

7.3 In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £5,579 per additional residential unit for the 18 two bedroom units and £4933 per dwelling for the 9 single bedroom units, discounting the 11 dwellings already on the site to be demolished. They propose that the contribution in this case would be applied to improvements to the Greenway which approximately 200 metres is away using the link

footpath off Knutton Lane (which could include lighting, seating, surfacing upgrades or further planting).

7.4 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.

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

7.6 The contribution being sought is considered to meet the statutory tests. It is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy, per residential unit. The LDS section note that this amount should be sought for the 18, 2 bedroom dwellings and for the net increase of 9 single bedroom units, the play area element (£512) and a proportionate amount of maintenance contribution (£134) should be deducted from the total amounting to totalling £4933 per dwelling for those particular units. The total figure is £144,839.

7.7 The Education Authority do not consider the scheme should provide a contribution towards local school places provision.

7.8 In knowledge of a policy compliant financial contribution being requested the applicant has evidenced the particular funding streams supporting the scheme. These include Homes England grant funding (at the maximum level that is normally permitted) and also match funding obtained from the Borough Council. A total of £219,715 in match funding from the Borough Council has been agreed to be transferred to Aspire following Cabinet approval in March 2018 to a tendering process. In deciding to allocate the money to this project account was taken of financial information provided and the rental values, costings and assumptions used within that appraisal were agreed to be reasonable and a net shortfall was accepted as existing by your Housing Strategy officers.

7.8 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.

7.9 The NPPG indicates that 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 the transparency of assumptions behind evidence submitted as part of the viability assessment.

The information provided, when combined with the knowledge that Homes England will also have assessed the viability of the scheme before deciding to award grant funding, is considered sufficient in this case to establish that the development could not afford, either in full or in part, what would be a policy compliant contribution of £144,839 towards public open space provision. For the Council to seek that contribution would render the development unviable.

7.10 The scheme does provide benefits. The 11 bungalows currently on site are no longer fit for purpose and part of the vacant land on the existing site blights the surrounding area and is understood to attract anti-social behaviour. Furthermore, and more importantly, the scheme makes a material contribution to housing supply and by the provision of affordable housing addresses housing need in line with the Council's Housing Strategy. These are material considerations and in light of such considerations it is concluded that it would not be appropriate, if granting planning permission, to insist upon the payment of the public open space contribution.

7.11 When the Council has accepted, on the basis of an independent appraisal, that a scheme cannot and should not provide policy compliant contributions a section 106 agreement to secure a financial reappraisal of a development proposal, should it not commence within say 12 months of consent, and payment then of whatever contributions can be afforded at that time, can be warranted. The above approach would not be appropriate in this case, but consideration has been given to whether it would be appropriate to ask the applicant to enter into an agreement requiring that should the development upon first occupation not provide 100% affordable rented housing a financial appraisal be undertaken to determine the viability of the development with the policy compliant contribution, and in the event of this demonstrating that the development can support such contribution or part of it, such contribution then being made.

7.12 Where possible issues should be dealt with by conditions rather than by planning obligations. It has been suggested that the risk of the above scenario happening is very low and this should determine the approach. However regardless of the risk the fact remains that whilst the development is indeed stated to be for 100% affordable rented housing, in the absence of a condition or obligation such statements have no effect whatsoever in planning law. Upon the grant of planning permission the site could be sold on, or Aspire could reconsider the tenure of their development.

7.13 CSS Policy CSP6 states that residential development within the urban area, on sites of 15 dwellings or more, such as this, 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.

7.14 In this case, irrespective of the planning policy requirements outlined above Aspire as a Registered Social Landlord have applied for development where all of the 30 units proposed are to be of affordable rented tenure. As such the policy requirements would be more than met if the scheme were delivered and the normal approach would be to include a condition requiring at least 25% of the units to be "affordable housing" – to require this by obligation would it is understood mean that the scheme would no longer be eligible for Homes England grant. Given that Homes England have advised that a funding condition of their grant is that developments must be eligible for Right to Acquire, a condition which sought to secure affordable housing in perpetuity would in effect make the scheme ineligible for Homes England grant, would almost certainly prevent the development proceeding, and should not therefore be included.

7.15 Bearing in mind the particular basis upon which the conclusion has been reached that a further independent appraisal is not required in this case it is considered that it would be appropriate to attach a condition requiring 100% of the housing to be of affordable rented tenure.

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 T18	Development servicing requirements
Policy C4	Open Space in New Housing Areas
Policy N12	Development and the Protection of Trees
Policy N13	Felling and Pruning of Trees
Policy N17	Landscape Character – General Considerations
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(PPG\) \(March 2014, as amended\)](#)

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

Supplementary Planning Documents/Guidance

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

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

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

[North Staffordshire Green Space Strategy](#)

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

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

Planning History

None relevant.

Views of Consultees

Coal Authority have no objections subject to the condition that prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and migratory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the Framework.

The **Highway Authority** (following consideration of additional information submitted by the applicant) have no objections subject to conditions relating to:-

1. The development is not be occupied until the access, internal roads, private drives, parking and turning areas have been provided in accordance with the approved plans and thereafter retained for the life of the development.

2. The development not be brought into use until the following has been approved in writing:

- surfacing materials for the private drives, parking and turning areas;
- means of surface water drainage for the private drives, parking and turning areas;
- delineation of the parking bays;
- details of the proposed electric buggy and cycle parking stores.

The development shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation.

3. The shall not be occupied until the two existing site accesses on Knutton Lane, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossings reinstated as footway.

4. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority. The Plan then fully implemented during the construction phase.

The **Education Authority** advise that no financial contributions are required for the development.

Waste Management comment that the access will need to be to adopted highway standard as a requirement. There are concerns regarding where each property will store collection containers between collections, due to the communal nature of the gardens. There appears to be no rear access to the properties, so it seems intended that collection containers will be stored at the front of each property between collections. This is less than ideal from an amenity perspective. The design needs to make clear that there is unrestricted and clear access from the container storage location to the access road – particularly where car parking spaces are provided at the front of the property.

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

1. Agreement and implementation of a construction demolition and environmental management plan.

2. Prior approval of external lighting.

3. Prior approval of an Air Quality Assessment.

4. Standard conditions relating to dealing with site contamination, remediation and importation of soil.

Landscape Development Section comment that of the various plans that have been submitted there appear to be differing site boundaries. There is concern that some parts of the site shown to be developed, and where a significant number of trees are proposed to be removed, are in the ownership of Newcastle Borough Council. Loss of some of these trees would have a significant detrimental impact on the Newcastle Greenway cycle route and therefore LDS would object to their removal. It is requested that the correct boundary is identified and the drawings revised accordingly.

The Arboricultural Report does not include trees that would be within that largest site area defined, and trees adjacent to the site that could be affected by the proposals. It is requested that the report is updated to include these trees and to show which would be retained and which removed, and additional tree protection. Whilst loss of some Poplar Trees is acceptable as is tree thinning works, oak trees and ash trees are not favoured to be removed. The landscaping proposals should also be amended accordingly.

A contribution by the developer for capital development/improvement for offsite open space is required. This should be £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years for the 18no. 2 bedroom dwellings, total contribution £5,579 per dwelling. For the net increase of 9 single bedroom units, the play area element (£512) and

a proportionate amount of the maintenance contribution (£134) should be deducted from the total, amounting to £3915 for capital and £1018 for maintenance totalling £4933 per dwelling. This will be used for improvements to The Greenway which is approximately 200m away using the link footpath off Knutton Lane.

Staffordshire Police Architectural Liaison Officer comments that the layout of the proposal is largely very satisfactory. The development should be self-contained with no through routes that might otherwise have justified the presence of anyone passing through. As such, the development should be perceived as very much 'belonging' to the tenants and under their control, which should go some way to discouraging negative interaction with it. The layout should enable very good levels of natural surveillance throughout including over the public space, parking and between properties.

The site boundary treatments appear excellent with the retention of the brick wall and addition of a 3.5m high acoustic fence along the southern boundary where it borders the external path providing privacy and a robust barrier. The steep embankment with vegetation outside the northern site boundary coupled with the 1.8m high wooden fence for the rear of the properties bordering it should also create a secure boundary. Plots 21-30 will be set back from but face Knutton Lane and provide good natural surveillance over the lane. The low railings at back of pavement will clearly demarcate public space from semi-private space.

Ample parking spaces are provided to cater for tenants and their visitors. A potentially minor conflict may arise should customers for the corner shop use the development and its parking when stopping to buy provisions. Residents and visitors only signage should lay down some ground rules.

The buggy stores will be covered and have doors it would seem, and presumably be lockable. The store adjacent to plots 21/22 is the most exposed of these and will need to have a robust door/lock to discourage any interference with it from outsiders.

It would be highly desirable for the properties to meet the minimum physical security standards contained within the Secured by Design Homes 2016 document (or latest iteration). This includes external door sets and ground floor/accessible windows which have been tested and importantly, have third party certification to recognised minimum manual attack-resistant standards. Doing so would be one further significant way in which the applicant could seek to design out criminal opportunity.

Knutton and Cross Heath Locality Action Partnership have not commented by the due date of the 4th January so it is assumed there are no objections to the scheme.

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

Representations

No letters of representation have been received.

Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Coal Report, Noise Impact Assessment, Phase I Desk Study, Drainage Strategy and Topographical Survey. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00932/FUL>

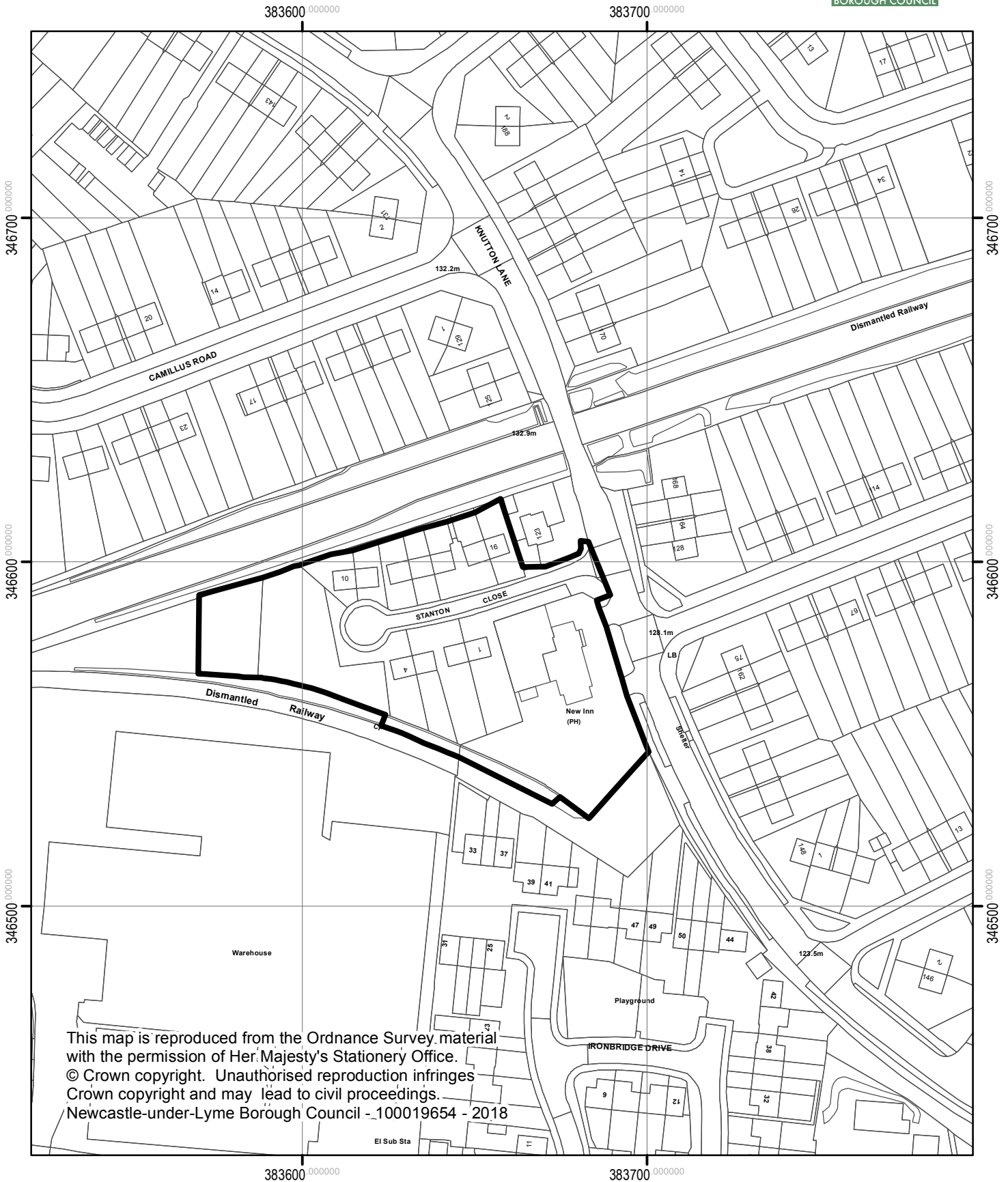
Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

4th April 2019.

Stanton Close and site of former Forge Inn Public House Knutton, Newcastle-under-Lyme



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 Newcastle-under-Lyme Borough Council - 100019654 - 2018

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**PLOT 3 OF THE SCIENCE & INNOVATION PARK, KEELE ROAD, KEELE
CVS GROUP PLC & KEELE UNIVERSITY**

18/01011/FUL

The application is for full planning permission for the construction of a new veterinary training school incorporating a specialist veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping. The application site comprises approximately 1.5ha of land.

The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The 13 week period for the determination of this application expired on the 22nd March 2019 but an extension of the statutory period to the 26th April 2019 has been agreed by the applicant.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by 21st May 2019 to secure a financial contribution of £2,360 towards travel plan monitoring,

PERMIT subject to conditions relating to the following:-

- 1. Time limit**
- 2. Approved drawings**
- 3. Materials**
- 4. Provision of access, parking and turning areas**
- 5. Provision of cycle parking**
- 6. Travel Plan**
- 7. Trips to count towards the trip envelope calculation with regard to 17/00934/OUT**
- 8. Landscaping scheme**
- 9. Electric vehicle charging infrastructure**
- 10. Implementation of security/crime prevention measures**

B) Should the above Section 106 obligation not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure measures to ensure that the development achieves sustainable development outcomes, 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 considered to be acceptable in principle. The design of the new building is considered to represent high quality attractive development which will be a focal point on the campus. An appropriate level of car parking is proposed and subject to planning conditions and a Travel Plan monitoring fee, it is concluded that there are no highway safety or capacity concerns arising from this development that would warrant the refusal of 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 proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

Full planning permission is sought for the construction of a new veterinary training school on a plot (known as Plot 3) forming part of a wider site (known as Phase 3) that was granted outline planning permission for buildings accommodating academic functions; staff and student residences; and employment uses directly related to or complementary to the University's core activities (05/01146/OUT and 17/00934/OUT). The original consent also granted full planning permission for various engineering works that include the creation by cut and fill of levelled plots, some hard and soft landscaping and the creation of the road network serving these plots. Those works were all undertaken.

The scheme proposes a combined practice and teaching building which comprises a veterinary clinic; referral hospital which will be a 24 hour operation; specialist imaging and diagnostics facilities; teaching facilities which include tutorial rooms, lecture theatre, and study spaces; wet and dry laboratories and academic and meeting spaces.

The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

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

- Is the principle of the development acceptable?
- Is the location and design of the proposed development acceptable, including in the wider landscape context?
- Is the proposal acceptable in terms of its impact on highway safety and capacity and the level of car parking proposed and what planning obligations, if any, are considered necessary and lawful?
- Are crime prevention/security considerations appropriately addressed within the development?

Is the principle of the development on the site acceptable?

The application site lies within the University campus which is excluded from the Green Belt but is within the rural area in policy terms. Core Spatial Strategy (CSS) Policy ASP6 states that investment in Keele University and its Science Park will be fostered to help strengthen the local knowledge and skills base and facilitate the growth and competitiveness of high value business development, thereby increasing local job opportunities in these sectors. Saved Policy E8 of the Local Plan identifies the site as forming part of an area where development at Keele University and Keele Science Park will be permitted so long as it is limited to one or more of the following uses;

- i) Academic functions
- ii) Staff and student residences
- iii) Employment uses directly related to or complementary to the University's core activities.
- iv) Class B1 uses directly related to the university's functional activities (excluding manufacturing or storage of large tonnages or mass production of goods).

While the proposed development involves academic functions, the veterinary practice/hospital is not one of the uses referred to in saved Policy E8 or one of the uses approved under the most recent outline consent, 17/00934/OUT. However, there is a clear and strong functional relationship between the academic and veterinary practice elements of the proposal and it is considered that the principle of the development should be supported.

Is the location and design of the proposed development acceptable, including in the wider landscape context?

The building would be triangular in form with a frontage to University Avenue (the main road through Phase 3) and the site lies adjacent to the central landscaped spine that runs north south through the Phase 3 site. The building would be three storeys to the west with the remainder two storeys. The

internal layout proposes two distinct zones within the building - veterinary practice and student teaching - with each use to have a separate access. Vehicular access to the building would be from a new access road leading from the existing secondary access to the east of the site to a new client only car park and a drop off and pickup area. The car parking area includes significant areas of planting.

The outline planning permission, 17/00934/OUT, was supported by Design Guidance and a condition of the permission specified that any reserved matters coming forward for approval shall comply with that Design Guidance. Whilst this is a full planning application rather than an application for the approval of reserved matters, that guidance is considered entirely relevant.

The proposed building would be within Zone A in the Guidance. Zone A is the northern part of the wider site and the Guidance states that to respond to its more direct relationship with the Medical School, Innovation Centres and University Campus, Zone A's infrastructure has been implemented in a more overtly urban manner. It states that buildings within this zone will need to have regular, defined and active frontages, with hard and soft landscaping also reflecting the order and rhythm. Building forms will need to respond to urban opportunities and features such as junctions of routes, activity nodes and important visual axes. It states that it is important that building heights appear consistent as this formality is an essential part of Zone A's character.

The building has been positioned in such a way to formally address the roundabout, providing a dominant focal point. The university entrance to the building has been positioned on the feature corner to address both pedestrian routes from the wider campus. The car park has been sited at the rear of the building to directly serve the veterinary entrance. The layout and landscaping of the car park relates well to the central landscaped spine through the wider site.

A simple palette of three materials is proposed. A copper coloured aluminium rainscreen panel is proposed to the entrance area with a copper mesh to the lecture theatre box providing a feature focal point which will be illuminated at night. In addition, fibre cement cladding panels in natural tones are proposed along with powder coated aluminium curtain walling with translucent and opaque panels.

To the west of the site, the Mercia Centre of Innovation and Leadership (MCIL) buildings is currently under construction. The eastern part of that building is three storeys in height which relates well to the taller western section of the building now proposed. Further to the west are the IC3 and IC4 buildings which are at a higher ground level and are considerably higher than the proposed building. To the south-west of the site is the IC5 building which is also three storeys in height.

A Visual Impact Appraisal that accompanies the application considers the visual impact of the proposal from a number of viewpoints, from both short and long distances. Clearly the building would have an impact on views from a short distance but in the wider landscape, the document concludes that from the south the development would not be visible due to intervening woodland and topography and in views from the north, the impact would not be significant.

The height of the building as proposed is considered to be acceptable in this location and any objection to its height would be inconsistent with the Planning Inspector's decision to allow a six storey hotel building plot 1 adjacent to the A525. The Inspector was satisfied that that building would be no higher in profile than the Medical Research Facility Building or IC3 or 4. In this case the proposed building is considerably lower than those buildings.

With regard to the appearance of the building, the Urban Vision Design Review Panel admired the overall design intention, describing the building as being well ordered, coherent and calm. They considered the proposed palette of materials to be simple and successful promising a building of high quality. They felt that the triangular form of the building responding to the site context, the robust frontage onto University Avenue and the increased building height adjacent to the MCIL building were all successful elements of the design.

The contemporary design and materials are considered to be of high quality and appropriate in this location and it is considered that the building would provide a positive focal point in a prominent position at the main vehicular entrance to the University.

Is the proposal acceptable in terms of its impact on highway safety and capacity, and the level of car parking proposed?

The application is accompanied by the Transport Statement for the development referred to in the outline planning permission on the wider site which took account of developments already undertaken and concluded that the wider proposal would not have any unacceptable impacts on prevailing transport conditions. The applicant asserts that as the quantum of floorspace proposed in this application represents only a modest proportion of that approved for the wider site, and that a generous level of car parking is proposed, it could not be reasonably argued that any adverse transport or parking impacts are likely to arise.

A total of 138 car parking spaces, cycle stands and covered bays for 40 cycles would be provided on the application site. Most of the parking being provided is for the staff and visitors to the veterinary practice. 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 maximum car parking standards in the Local Plan do not specify a standard for a veterinary practice or hospital but for health centres/surgeries/consulting rooms 5 spaces per consulting room/cubicle are required. In relation to Universities, the Local Plan only refers to standards for residential uses, but for colleges, 1 space per 5 students is required. For 250 students and a development comprising 12 consulting rooms, this equates to 85 spaces. Although significantly more spaces are proposed (than this very qualified figure), given the scale and mix of the uses proposed the level of car parking is considered appropriate and should not undermine longer term efforts to achieve modal shift through Travel Planning..

Bearing in mind that the Highway Authority has no objections to the development subject to planning conditions and a Travel Plan monitoring fee it is concluded that there are no highway safety or capacity concerns arising from this development that would warrant the refusal of planning permission. Such a monitoring fee could be secured by a Section 106 obligation which is considered to be in compliance with Section 122 of the CIL Regulations as being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

In relation to the outline consent for the wider site, it was considered necessary to impose a condition that capped the quantum and mix of development so that if the quantum was to be exceeded or mix go beyond that proposed, a new application would be required. Given that this is an application for full planning permission, it is not covered by the conditions of the outline consent and therefore a condition is recommended that requires the trips associated with this development to count towards the trip envelope calculation required by the outline consent.

Are crime prevention/security considerations appropriately addressed within the development?

Since the comments of the Crime Prevention Design Advisor were received the applicant has provided additional information setting out how the building will be secured. Security measures include access control systems, a video entry system, CCTV and various vehicle mitigation measures such as bollards and the introduction of modular seating to access points in order to defuse the approaches to the building. It is considered that the building will be suitably secured and appropriate crime prevention measures adopted. A condition could be imposed to ensure such measures are provided.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy 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
Policy CSP10	Planning Obligations

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

Policy E8	Keele University and Keele Science Park
Policy N17	Landscape Character – General Considerations
Policy N19	Landscape Maintenance Areas
Policy T16	Development – General Parking Requirements
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

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

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

Relevant Planning History

05/01146/OUT (A) Full planning permission for engineering operations including plateau formation, earthworks, layout of road network, cyclepaths and footpaths, drainage works and other ancillary works

(B) Outline planning permission for development for (a) academic function's; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved

- 10/00631/REM The siting, design and external appearance of a conference, training, and leisure hotel (outline permission for which was granted under reference 05/01146/OUT), the means of access to its site from the road network and the internal landscaping of its site - Refused and subsequently allowed on appeal
- 11/00058/FUL Construction of Three Storey Business Accommodation to be known as Innovation Centre 5 (IC5), with provision of workshops on ground level and offices on the first and second floors, with associated parking and landscaping - Approved
- 17/00012/FUL Creation of temporary car park and associated works - Approved
- 17/00934/OUT Proposed development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure - for the use of students, staffs, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved

Views of Consultees

The **Environmental Health Division** has no objections subject to a condition regarding electric vehicle charging infrastructure.

The **Highway Authority** has no objections subject to the imposition of conditions requiring the provision of the access, parking and turning areas in accordance with the approved plans, full details of the cycle parking storage, and submission of a travel plan. A Section 106 contribution is required towards travel plan monitoring.

The **Landscape Development Section** raises no objections subject to a condition requiring full landscaping proposals.

The Council's **Economic Regeneration Section** strongly supports the development which is clearly in line with the development strategy for Keele Science Park to grow the core role of the University (teaching and research) and its science park (to attract new high skill and high technology employment to the area). The proposal builds on the University's partnership with Harper Adams Agricultural College, brings 75 new jobs to Keele and expands the University's strength in Health Sciences and Teaching. It is also an attractive building which will add to the appeal and prestige of the science park.

The **Local Lead Flood Authority** has no objections to the proposal.

The **Environment Agency** has assessed the development as having low environmental risk and therefore has no comments to make.

The **Police Crime Prevention Design Advisor** has no objections and considers that the site layout appears legible, attractive and functional. However the following comments are made:

- The three main building entrances and the atrium/café curtain walling warrants modification. There are currently no hostile vehicle mitigation measures in place and it would be prudent to deny vehicles the ability to approach these with the intention of causing damage.
- No provision appears to have been made for scooters/mopeds/motorbikes. Robust ground anchors located in a visible dedicated parking area should be provided.
- A clear and robust access control strategy is imperative to ensure that the various building users only have legitimate access to the parts of the building to which they are entitled and at relevant times.
- Security arrangements should include a comprehensive CCTV system and effective staff safety measures.

The **Waste Management Section** has no comments other than that some waste generated on site will require specialist disposal and that provision must be made for this and standard business waste.

Cadent have identified operational gas apparatus within the application site boundary and developers are required to contact the Plant Protection Team before carrying out any works on site.

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

Representations

None received

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Flood Risk Assessment
- Ecology Appraisal
- Visual Impact Appraisal
- Design and Access Statement
- Geoenvironmental Desk Study Report
- Transport Statement

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/01011/FUL>

Background papers

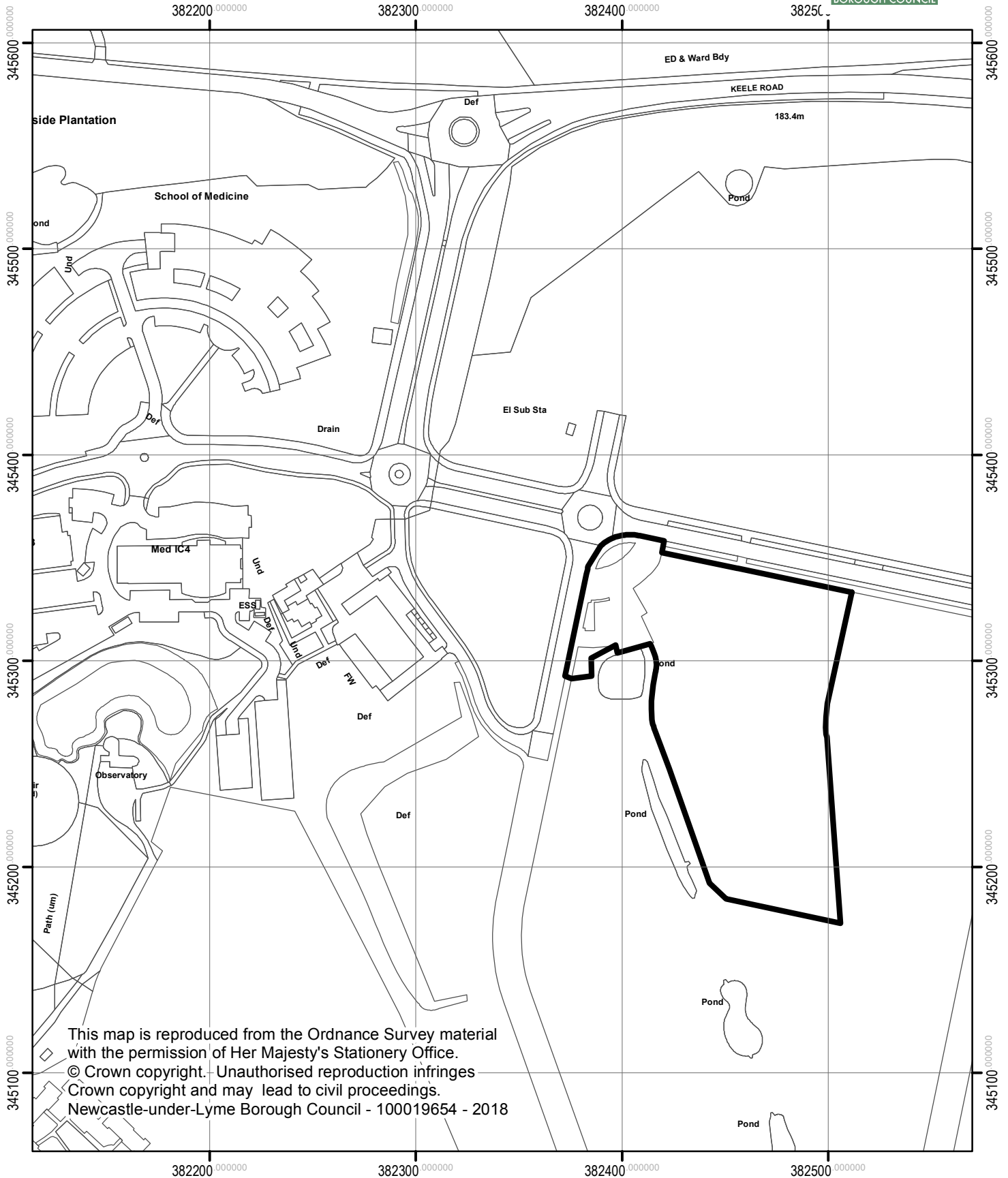
Planning files referred to
Planning Documents referred to

Date report prepared

4th April 2019

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Plot 3 Of The Science & Innovation Park Keele Road, Keele



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LAND AT NEW ROAD, MADELEY
HILBRE HOMES

19/00036/FUL

The application seeks full planning permission for a residential development of up to 32 dwellings

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Trees bordering the site are the subject of a Tree Preservation Order.

The statutory 13 week determination period for this application expires on the 19th April 2019 but the applicant has agreed an extension to the statutory determination period to the 3rd May 2019.

RECOMMENDATIONS

A. Subject to the applicant first entering into a Section 106 agreement by the 31st May 2019 securing a financial contribution of £178,528 (index linked) towards the maintenance and improvement of public open space at College Gardens Play Area, a contribution of £66,488 towards school spaces at Madeley High School and 25% onsite affordable housing), PERMIT the application subject to conditions relating to the following matters:-

1. Standard time limit for commencement of development
2. Approved plans
3. Materials
4. Boundary treatments
5. Finished ground levels and floor levels
6. Submission and approval of SuDS scheme/ layout and proposed maintenance regime
7. Foul and surface water to be drained on separate systems
8. Detailed hard and soft landscaping proposals
9. Dimensioned Tree Protection Plan (to include retained trees and proposals for protection of hedgerows)
10. Arboricultural Method Statement (detailed) for all works within the Root Protection Areas (RPAs) of retained trees including for construction of the acoustic fence/barrier.
11. Alignment of utility apparatus
12. Schedule of works to retained trees
13. Submission and approval of a Construction Environmental Management Plan,
14. Design measures to control internal and external noise levels,
15. Noise assessment
16. Electric Vehicle Charging Provision
17. Visibility splays
18. Access road being completed prior to occupation
19. Internal roads, private drives and parking areas being provided prior to occupation
20. Off-site highway works - construction of an uncontrolled pedestrian crossing on New Road
21. The access road at the junction with New Road shall have a maximum gradient of 1:15
22. Submission and approval of surfacing, surface water drainage and delineation of car parking spaces
23. The upgrade of two bus stops on New Road
24. Private drives shall have a minimum length of 6m
25. Submission and approval of a construction management plan
26. Biodiversity recommendations
27. Waste Management details, as per submission

Reason for recommendations

The design of the scheme, the impact on highway safety and the impact on neighbouring residential amenity levels are considered acceptable and whilst the site is located beyond the village envelope of Madeley it is considered that it represents a sustainable rural location. The adverse impacts of the development - principally arising from the extension of the village into the countryside – do not significantly and demonstrably outweigh the benefits of the development, which is sustainable being on the edge of the village of Madeley with its facilities (a recognised Rural Service Centre), and accordingly permission should be granted, provided the financial contributions and affordable housing indicated in the recommendation are secured. Conditions to minimise the harm are also considered appropriate. Contributions are however required to make the development policy compliant.

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.

KEY ISSUES

1.1 The application seeks full planning permission for a residential development of up to 32 dwellings.

1.2 The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

1.3 Trees bordering the site are the subject of a Tree Preservation Order.

1.4 Members may recall that an application (18/00225/REM) on the site was determined by the Planning Committee on the 14th August 2018. That application was a reserved matters application following the granting of an outline planning permission in April 2015 for residential development of up to 32 dwellings (14/00930/OUT). The reserved matters application, following a site visit, was refused on the grounds that the proposed scale, size and massing of plots 7-12 (the flatted development) located within the southwest corner of the development constituted inappropriate overdevelopment which would not be in keeping with, and would be detrimental to, the character and appearance of the area and quality of the landscape by virtue of its edge of village location.

1.5 The applicant has submitted an appeal against that decision which the Planning Inspectorate has confirmed that is a valid appeal.

1.6 The application is for full planning permission, it no longer being possible to make a further application for approval of the reserved matters of the above outline planning permission. Since the outline planning permission was granted, which accepted the principle of residential development on the site, the revised National Planning Policy Framework has been published. The main issues for consideration in the determination of this full planning application are:-

- Is the principle of residential development on the site acceptable?,
- Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?
- Would there be any material adverse impact on residential amenity?
- Would the proposed development have any material adverse impact upon highway safety?
- Does the proposed development meet sustainable development objectives?
- 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?

2.0 Is the principle of residential development on the site acceptable?

2.1 The site lies outside of the village envelope of Madeley, in the open countryside.

2.2 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.

2.3 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.

2.4 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.

2.5 Although the site is outside of the village development boundary it is immediately adjacent to it. Madeley is identified within the CSS as being one of the three largest rural service centres which are detailed as providing the most comprehensive provision of essential local services. Madeley has a primary school (Sir John Offley School) and a secondary school (Madeley High School, a specialist technology academy), with another primary school (the Meadows) in Madeley Heath, a village community centre (the Madeley Centre), public house, doctor's surgery, and a number of shops. It also has good road links to the conurbation, whilst also having links to cross border centres such as Crewe for employment and high level rail services.

2.6 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))

2.7 The principle of residential development on this site was considered acceptable when outline planning permission was granted in 2015, reference 14/00930/OUT. However, the Council at that time was not able to demonstrate a five year supply of specific deliverable housing sites, whereas it now can with a supply of 5.45 years (including the appropriate buffer).

2.8 The Inspector in the Gravel Bank appeal decision noted 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 noted that a similar conclusion was reached in the appeal decision for Tagedale Quarry. Therefore policies H1 and ASP6 should only be afforded limited weight and paragraph 11(d) of the Framework should be engaged. 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.

3.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?

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 scheme proposed is similar, in terms of its layout and the house type design, to the recently refused reserved matters application. However, this application now seeks to address the reason for refusal, which focused on the unacceptable nature of the scale, size and massing of plots 7-12 (the flatted development). This was the only reason for refusal and was specific to plots 7-12. Therefore the issue of whether the wider design of the scheme is acceptable or not should not be reopened for discussion.

3.3 The design and layout of plots 7-12 have been orientated by 90 degrees so that the rear elevations now face towards the western boundary rather than the southern boundary as it previously did. They have also been staggered in height to follow the slope of the land, which rises from the south to the north, and are two storey in form.

3.4 The change in design is considered to address the previous reason for refusal and your officers consider that this represents an improvement to the design and layout of the scheme.

3.5 In all other respects the scheme remains similar to the design and layout proposed as part of the previous reserved matters application and is considered acceptable despite concerns raised by objectors to the proposal which consider the proposal to be contrary to the guidance and requirements of the NPPF.

3.6 The Landscape Development Section (LDS) have been re-consulted on a revised Arboricultural Impact Assessment (AIA) and their further comments are awaited. However, it has to be acknowledged that LDS raised no objections to the scheme presented during the previous reserved matters submission. Therefore, appropriately worded conditions could ensure that protected and visually significant trees are not adversely affected by the proposed development. Existing TPO trees and natural hedgerows on the northern and western boundaries of the site can be retained and supplemented with additional soft landscaping, where possible. Additional planting on the southern boundary has also now been proposed.

3.7 Overall the design of the proposed scheme is further improved and the development would enhance the site and the character and amenity of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD and the revised Framework.

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

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

4.3 Objections regarding the relationship of certain plots with existing properties on Woodside have been raised. However, the relationship between plots 1-6 and existing properties on Woodside remains similar to the scheme proposed in the recent reserved matters application and separation distances of 21 to 25 metres are achieved, as they were previously. These separation distances were previously considered acceptable despite the difference in grounds levels because there were no principal windows proposed above the second storey on each of the rear elevations of the proposed dwellings. Cross sections showing the relationship were also submitted previously and are again submitted. Therefore, it is again accepted that the resultant relationship would not be so severe that the living conditions and residential amenity levels, in terms of privacy, loss of light or overbearing

impact, to properties on Woodside would be significantly harmed to the extent that a reason for refusal could be justified. Therefore the issue of whether the layout and scale of the proposed dwellings is acceptable or not should not be reopened for discussion.

4.4 In respect of the block of six flats (plots 7-12) this building has been orientated by 90 degrees so that the rear elevations now face towards the western boundary rather than the southern boundary. The building also has a staggered height and the relationship with neighbouring properties is improved and raises no concerns.

4.5 Suitable boundary treatments and landscaping could be secured by conditions which would help to further reduce any harm to neighbouring residential amenity levels.

4.6 The Environmental Health Division (EHD) has raised concerns about possible odour and noise concerns from farming activities at Windy Arbour Farm and traffic noise from New Road. The impact of odour from the neighbouring farm was not raised as a significant concern during the consideration of the previous outline planning permission and it is not considered that a reason for refusal can now be progressed. Any mitigation measures to address noise concerns can be secured by imposing a suitably worded condition.

4.7 In conclusion, it is considered that a good standard of amenity for all existing and future occupants of land and buildings can be achieved and maintained, as required by the NPPF, and subject to suitably worded conditions.

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

5.1 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.

5.2 The previous outline planning permission for up to 32 dwellings also approved the proposed access arrangements onto New Road. The access arrangements remain the same to those previously approved and the layout, aside from the 6 apartments, is fundamentally the same also. On this basis HA raises no objections to the access and level of car parking, subject to conditions. These include the upgrade of two bus stops on New Road and provision of pedestrian links from the development onto New Road.

5.3 It remains, as it did on the previous application that the preference is for a footpath link to be proposed on the western side of New Road, which could link to the existing footway near to Woodside. This has been raised within the submitted Road Safety Audit and HA have requested the link also. However, trees and ground levels/ gradients have made this problematic and the only proposed pedestrian link would be the one outside of plots 29 and 30 which is accepted, as it was previously. This would provide a link from the development to the footpath on the east side of New Road, which would provide connectivity to the village centre.

5.4 Although concerns have been raised by other parties about the location of the crossing outside of plots 29 and 30, the Highway Authority do not share such concerns. The link should be provided before plots 20, 21, 22, 23, 28, 29 and 30 are occupied and this can be secured via condition.

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

6.0 Does the proposed development meet sustainable development objectives?

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

6.2 Paragraph 148 of the revised NPPF also recognises that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and

providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

6.3 The application has been accompanied by a Flood Risk Assessment (FRA) and a sustainable urban drainage strategy scheme (SuDS). However, this is only a draft proposal and a condition which requires the submission and approval of the final SuDS design will be necessary. The LLFA have not commented on the details but they did not raise significant concerns on the previous outline application and the principles of the scheme remain the same.

6.4 Environmental Health encourage the provision of facilities within the development for the charging of electric vehicles for each plot and shared parking areas. EHD indicate that this can easily be achieved by installing appropriate cabling and ducting during the build process. This will help facilitate the installation of EV charging facilities by the future occupiers. The applicant has confirmed previously that they will provide the necessary infrastructure and this is to be encouraged and can be secured by condition.

6.5 The provision of SuDS, electric vehicle charging and the pedestrian link to the development are positive sustainable development features to be taken into account.

7.0 Planning obligation considerations

7.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £66,488 towards education provision and a contribution of £178,528 towards public open space.

7.2 Staffordshire County Council when calculating the education contribution have excluded the 6 apartments. They also indicate, as they did on the previous outline planning permission for up to 32 dwellings on this site, that only secondary education places are required with the two primary schools having sufficient space to accommodate the demand arising from the proposed development. The requested £66,488 would be allocated to Madeley High School, which has had a number of previous S106 obligations allocated to it.

7.3 The Council's Landscape Development Section has requested a contribution towards the nearby College Gardens Play Area, as they did during the determination of the previous outline planning permission but the total now requested is higher than it was in April 2015 following the adoption of the Open Space Strategy in 2017.

7.4 The contributions are ones, which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.5 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

7.6 Staffordshire County Council has requested the education contribution goes towards the provision of spaces at Madeley High School. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a specific project to provide an extension to the dining area together with additional ancillary facilities, infrastructure upgrades and external works. Any subsequent planning obligations will be for a different project or projects than mentioned above. On this basis, it is considered that the contribution complies with CIL Regulation 123.

7.7 The request for a financial contribution towards College Gardens Play Area would also comply with CIL Regulation 123.

7.8 The applicant has agreed to secure the requested obligations via the completion of a S106 agreement.

8.0 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?

8.1 The NPPF refers to three objectives of sustainable development – economic, social and environmental. It also 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.

8.2 The proposed development is for the provision of 32 new homes adjacent to the village development boundary of Madeley, which is considered to represent a sustainable location for new development. The site is approximately 500 metres from the village centre of Madeley and it is on a bus route into the village centre with the nearest bus stop being within 100 metres. Bus stops within the village centre offer good public transport links (no.85 bus) to Newcastle town centre, Hanley city centre, Crewe, Keele University and other rural locations. The national recommended distance for a suitable walking distance from a property to a bus stop is 400m. The catchment for a play facility is considered to extend to at least 400m and it is generally recognised in village locations that play facilities may have to be at greater distances. The College Gardens play area is approximately 455 metres, by foot from the centre of the site, via an attractive and safe route. This relationship is an acceptable one.

8.3 Whilst there would be some encroachment of the development into the open countryside, the benefits of the proposed development would clearly outweigh any harm with the main benefits being the sustainable form of development and provision of new housing in the rural area, including 8 affordable homes. It is therefore considered that the proposal accords with the requirements of paragraph 11 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

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 T16	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Considerations
Policy N20:	Areas of Landscape Enhancement
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential supporting Infrastructure

Other material considerations include:

[National Planning Policy Framework \(2019\)](#)

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

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

Supplementary Planning Guidance/Documents

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

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

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

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

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

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

Relevant Planning History

14/00930/OUT Outline planning application for the erection of up to 32 dwellings (including details of access) Permit

18/00225/REM Approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 32 dwellings Refused, and now subject of appeal

Views of Consultees

Madeley Parish Council advises that they welcome the changes made to the original application. However, it still has major concerns about the access and egress to the site due to its proximity to the junction of New Road and Heighley Castle Way. The road is a "rat run" and the anticipated increase in vehicle movement will only aggravate the problems in this area. They also object to the scale and massing of properties that back on to Woodside and the associated lack of privacy the residents of Woodside would experience.

The **Education Authority** states that the proposed development falls within the catchments of Sir John Offley CE (VC) Primary School/The Meadows Primary School and Madeley High School. The development is scheduled to provide 32 dwellings. Excluding the 6 apartments, a development of 26 houses could add 5 Primary School aged children and 4 Secondary School aged children. They advise that Sir John Offley CE (VC) Primary School and The Meadows Primary School are projected to have sufficient space to accommodate the likely demand from pupils generated by the development. However, Madeley High School is projected to be full for the foreseeable future. They therefore seek an Education Contribution for 4 High School places only (4 x £16,622 = £66,488).

The **Highway Authority** now raises no objections following the submission of additional and amended information to address initial concerns regarding the car parking provision, adequate visibility and the footpath link. Conditions which secure the following are now advised;

- Visibility splays,
- Access road being completed prior to occupation,
- Internal roads, private drives and parking areas being provided prior to occupation,
- Off-site highway works - construction of an uncontrolled pedestrian crossing on New Road and provision of a 2m wide footway on New Road from the site access linking south to Woodside (which would require the removal of a tree covered by a TPO),
- The access road at the junction with New Road shall have a maximum gradient of 1:15,
- Submission and approval of surfacing, surface water drainage and delineation of car parking spaces,
- The upgrade of two bus stops on New Road,
- Private drives shall have a minimum length of 6m, and
- Submission and approval of a construction management plan.

The **Environmental Health Division** has raised concerns about farming activities at Windy Arbour Farm and the impact of odour on future occupiers of the proposed development. They have therefore requested further information on animal housing or slurry storage at the farm. Subject to this matter being satisfactorily addressed they recommend conditions related to the following matters;

- Submission and approval of a Construction Environmental Management Plan,
- Design measures to control internal and external noise levels,
- Noise assessment, and
- Electric Vehicle Charging Provision

The **Landscape Development Section** raise a number of concerns with the information submitted, particularly regarding the submitted Arboricultural Impact Assessment and the construction methods within root protection areas of TPO trees. Conditions are sought to secure a dimensioned tree protection plan; an arboricultural method statement (for all works within the Root Protection Area of retained trees including construction of the acoustic fence/barriers proposed for certain plots detail and sewer pipe installation); tree protection measures; hard and soft landscaping details, a plan to show the alignment of utility apparatus; and a schedule of works (to retained trees).

They also request a financial contribution for capital development/improvement of offsite open space of £4,427 in addition to £1,152 (per dwelling) for 60% of maintenance costs for 10 years. Total contribution £5,579 (per dwelling). The money to be used for improvements at the College Gardens play area, which is approximately 455m away.

Housing Strategy raises no objections and advises that 25% affordable housing is proposed and that this will be provided in the form of 6 no. 2 bedroom flats, and 2 no. 3 bedroom houses. 5 (60%) of the

8 affordable dwellings will be provided as social rented units and 3 (40%) as shared ownership units. The location of the AH units is also acknowledged.

The **Mineral and Waste Planning Authority** raises no objections.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** advises that the layout is well conceived and there should be some inherent crime prevention benefits. They recommend that some boundary hedgerows to rear gardens are reinforced and thickened up with additional hedgerow planting which will provide secure areas. It is also advised that additional planting is proposed and a number of recommendations are advised, in particular securing the car port for plot 1.

The **Waste Management Section** raises no objections following the submission of further information and changes proposed which include a footpath from the bin store to the car park area for plots 7-12.

Natural England indicates that they have no comments to make on the application.

The **Environment Agency** indicated that the development is of a low environmental risk and so they have no comments to make.

United Utilities recommend conditions that secure foul and surface water to be drained on separate systems and the submission and approval of a surface water drainage scheme, along with a future management and maintenance plan.

Comments were also invited from **Staffordshire County Council Flood Risk Team** (LLFA) and **Staffordshire Wildlife Trust** 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, including from Councillor **Gary White**, have been received raising objections on the following grounds;

- Loss of a greenfield,
- Lack of facilities within the village,
- The proposal would detract from the village environment,
- Safety of access and egress,
- Increased volume of traffic on surrounding road network,
- There is no access to the proposed zebra crossing,
- New Road is dangerous and will be hazardous for new residents to cross safely,
- Loss of light and privacy to neighbouring properties,
- The scale of the dwellings will be overbearing and contrary to development plan policies and the NPPF,
- The design would be contrary to the NPPF which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- Additional tree planting on the southern boundary should be secured,
- Overdevelopment of the site and vertical stacking,
- There no mention of the archaeological remains in the top left of the field,
- Flooding and drainage concerns,

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00036/FUL>

Background Papers

Planning File

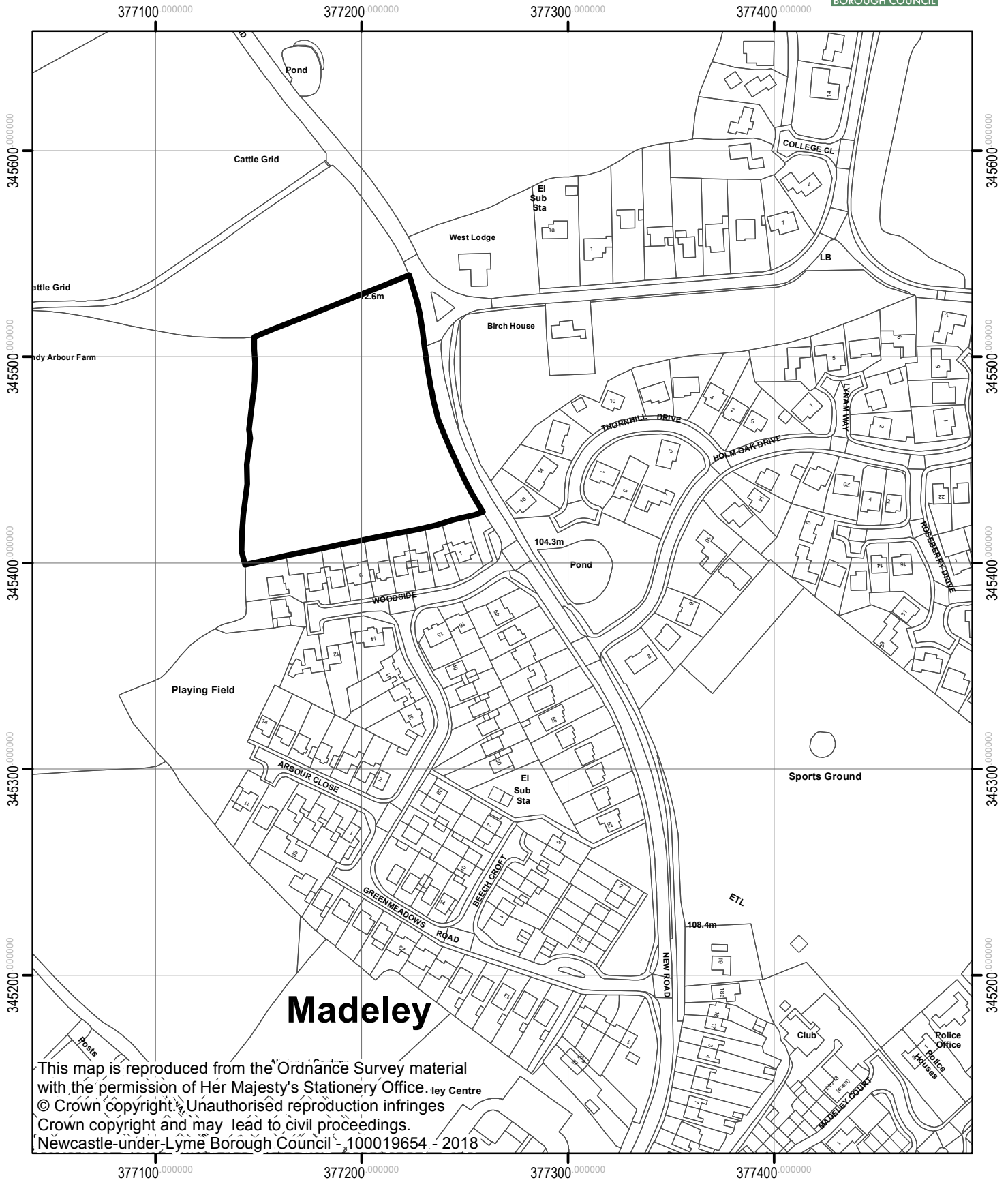
Development Plan

Date report prepared

10th April 2019

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Land Off New Road, Madeley, CW3 9HA



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**ETRURIA VALLEY PHASES 2 & 3, ETRURIA, STOKE-ON-TRENT.
STOKE-ON-TRENT REGENERATION LTD SOT/61494/OUT (NulBC ref 348/242 and
348/262))**

The Borough Council has been re-consulted by the City Council on an outline planning application, with all matters reserved except the means of access, for employment development of B1(c) light industrial, B2 general industrial, B8 storage and distribution, and ancillary B1(a) offices (62,000m² total floorspace).

The site is accessed off Shelton Boulevard with possible access from Festival Way.

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 24th April.

RECOMMENDATION

Subject to the Environmental Health Division confirming that the development does not result in air quality issues for the Borough that the City Council be informed that the Borough Council has no objections to the proposed development.

Reason for Recommendation

The proposals involve Class B2 and Class B8 development which would accord with policies of the Core Spatial Strategy and of the NPPF and as such developments would not adversely affect the Borough Council's interests subject to confirmation that the proposal does not give rise to concerns regarding air quality

Key Issues

The application site comprises the remaining, undeveloped parcels of land located within the previously consented development sites at Phase 2a, Phase 3a and Phase 3b.

The Borough Council were consulted, in 2017, on this application and Planning Committee in September 2017 agreed to inform the City Council that the Borough Council had no objections to the proposed development subject to the City Council receiving no objections from the Highway Authority and/or Highways England in respect of any unacceptable impact the development may have on the A53/A500 junction at Basford Bank.

The Borough Council has been reconsulted following the submission of a revised Air Quality Assessment (AQA) and a Technical Note which outlines the methodology and calculations used to forecast the traffic data used within that AQA. The Environmental Health Division has been consulted and their comments, regarding the issue of air quality and its impact on the Borough, have not been received but will be reported if available.

It is noted that the Highway Authority for the City advised that the scale of the development will be within the proposed revised trip envelope for the site and some capacity for additional trips would remain. It is also noted that Highways England have not objected.

As such it can be concluded that the Highway Authority and/or Highways England are not raising objections in respect of any unacceptable impact of the developments on the A53/A500 junction at Basford Bank. In light of this it would not be appropriate to provide the same comments to the City Council.

APPENDIX

Policies and proposals in the Development Plan relevant to this recommendation

[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 ASP2: Stoke-on-Trent Inner Urban Core Area Spatial Policy
Policy ASP4: Newcastle Town Centre Area Spatial Policy

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[Etruria Valley Enterprise Area Supplementary Planning Document](#) (adopted by the City Council March 2013)

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

Relevant Planning History

Permission has been granted for the following developments on the site:

- SOT/52732. Business Park comprising Use Classes B1 business, B2 general industrial and B8 storage and distribution was granted outline permission in 2012. The Borough objected to this application. NuLBC Ref 348/187
- SOT/56150/OUT Business Park comprising up to 13,720m² of floorspace comprising 20% Use Classes B1 business, B2 general industrial and B8 storage and distribution was granted outline permission in 2013. The Borough had no objections to this development subject to the City Council receiving no objections from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact on the A53/A500 junction at Basford Bank. NuLBC Ref 348/206
- SOT/56151/OUT Business Park comprising up to 33,950m² of floorspace comprising 20% Use Classes B1 business, B2 general industrial and B8 storage and distribution was granted outline permission in 2013. The Borough had no objections to this development subject to the City Council receiving no objections from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact on the A53/A500 junction at Basford Bank. NuLBC Ref 348/207

Applicants Submission

The application is supported by a number of documents as follows:-

- Revised Air Quality Assessment
- Air Quality Technical Note
- Flood Risk Assessment and Drainage Strategy
- Land Quality Statement
- Planning Statement including Design and Access and Heritage Statement
- Coal Mining Technical Note
- Traffic Generation Report
- Traffic Data Technical Note
- Ecological Assessment
- Framework Travel Plan

All these documents are available to view on Stoke City Council's website
<https://planning.stoke.gov.uk/online-applications/plan/61494/OUT>

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

4th April 2019

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9 RUSSELL STREET, WOLSTANTON
MERCIA GAS LTD

19/00029/FUL

The application is for the demolition of existing workshop buildings and the construction of a 5 unit apartment block, achieved through the conversion and extension of number 9 Russell Street.

A mixture of 3, 2 bedroom apartments and 2, 1 bedroom apartments are proposed.

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

The development has been called to the Planning Committee for determination due to resident's concerns relating to the development not being in keeping with the area and insufficient car parking space or vehicle manoeuvring space within Russell Street.

The 8 week period for the determination of this application expired on the 12th March 2019. However the determination period has been extended to the 26th April 2019, following agreement by the applicant.

RECOMMENDATION

REFUSE for the following reason:-

- 1. There is insufficient space within the site to accommodate an appropriate level of off-site car parking for the number of units proposed in addition to providing appropriate pedestrian access bin storage and access for collection. As a result the development would negatively impact upon local on street car parking problems and highway safety levels in the area contrary to 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).**

Reason for Recommendation

The site is in a sustainable location where the broad principle of new housing can be accepted. There are also benefits to allowing additional new housing on the site— namely boosting local housing supply as well as the related economic advantages new housing brings to the area. Moreover the scale, design, appearance of the development would not be visually harmful to the immediate locality it would be viewed within and would provide acceptable residential amenity levels, subject to conditions. However there are material highway safety objections to the proposal which cannot be satisfactorily addressed owing to a deficient amount of space available for off-site parking provision within the site boundary if appropriate provision for bin storage and associated access for collection and pedestrian access is achieved. As a result the proposal if permitted would lead to the exacerbation of parking problems in the locality which would be detrimental to highway safety.

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 application follows a withdrawn scheme where problems in securing permission have been subject to ongoing negotiation. The current proposal fails to address all previous concerns and the appropriate course of action is to refuse planning permission.

Key Issues

Full planning permission is sought for the demolition of existing workshop buildings and the construction of a 5 unit apartment block, achieved through the conversion and extension of

number 9 Russell Street. 3, 2 bedroom apartments and 2, 1 bedroom apartments are proposed. The extension proposed measures approximately 8 metres by 6 metres in footprint by around 8.5 metres in overall roof ridge height. The key issues to consider are:-

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

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

Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy ASP5 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) sets out for the period 2006 – 2026, a minimum of 4,800 net additional dwellings will be provided within the urban area of Newcastle under Lyme. Within the overall urban area figure quoted the neighbourhoods of Newcastle Urban South and East (including Clayton, Westlands, Seabridge, May Bank, Wolstanton, Porthill and Bradwell) a total of 1,000 homes are anticipated by the policy. The site is within the urban centre of Wolstanton which is recognised by the Core Strategy as a highly sustainable location for additional residential development.

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

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

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

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

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

The Borough Council's position is that it is currently able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (also noting its adopted strategic Development Plan policies are more than 5 years old, the Council having previously accepted that the Core Spatial Strategy requires updating for housing location). However, the sufficiency of the supply of housing sites currently identified is of a marginal nature. The 2018 Housing Delivery Test result for the Borough was not below the 75% figure.

The redevelopment of the site would entail the efficient re-use of previously developed land. The site is within a highly sustainable urban location (highlighted as such by the Councils Core Spatial Strategy) within short walking distance of local services along Wolstanton High Street and access to regular public transportation to the Town Centre and beyond. Regard is

also paid to the economic benefits of additional housing. There is therefore a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations. More detailed matters are now considered.

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

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

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

The site lies within a residential area, albeit one that is fairly close to the district centre of Wolstanton. Residential properties in the area comprise of a mix of architectural styles. Directly opposite the site (to the north) are traditional two storey brick built terraced properties, some of which have been subsequently rendered over time, and to the west a group of 1950's terraced houses with rendered walls at first floor level. To the east is Wolstanton Workingmen's Club and bowling green. To the south along Wellington Street are more modern detached properties with independent driveways, and traditional terraced housing stock further afield. Number 9 Russell Street is an attractive detached property with several flat roof buildings to the side and rear located at the junction shared with Wellington Street. The existing flat roof buildings serve as a workshop and have a ramshackle appearance. The prevailing character of the immediate area comprises of two storey development, although it is also recognised that number 9 has a steeply pitched roof, more generous floor to ceiling heights and as a result is somewhat higher than neighbouring dwellings along Russell Street and Wellington Street.

The plans show proposals to convert and extend number 9 with a 2 storey extension to be erected in the position where existing workshop buildings are located. The appearance of the extension comprises of a mix of render, fair faced brickwork for the external walls and plain clay tiles for the roof. Although the use of external render is evident in the immediate locality, taking into account the attractive appearance of number 9 the view taken is that the increased use of brick facades would be a more appropriate option, and such a working amendment could be negotiated or potentially agreed by way of planning condition. Subject to such amendments, the agreement of external facing materials inclusive of fenestration and door details, as well as landscaping, the design of the development would integrate successfully with the appearance of other properties and is considered to be acceptable.

3. Is the impact to neighbouring living conditions acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. An acceptable level of separation can be achieved between the development and neighbouring properties in accordance with the SPG, bearing in mind the intervening roads on both frontages. Although no outdoor garden space is proposed within the scheme for the residents of the apartments there are publically available open space areas within a short walking distance. It is therefore considered that an acceptable level of amenity would be achieved.

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

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum

parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

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

A total of 5 off road parking spaces are shown on plan to serve the development along with cycle storage.

The Highway Authority originally had no objections to the scheme. However comments from the Waste Management Team have led to working changes to the parking area layout to be submitted from that originally proposed. As a consequence the Highway Authority has objected to 3 substandard sized parking bays that are now shown on plan. That issue aside Waste Management still have concerns that the current bin storage and collection point are not acceptable due to the need to cross a parking area, and possibly between parked cars, when bin collections are being undertaken.

The site is in a very sustainable urban location and consequently the Highway Authority consider that the provision of 5 adequately sized off road car parking spaces will not result in on street parking problems in the surrounding area.

The revised parking layout drawings have been examined in further detail and it is considered that the layout can only realistically provide 4 appropriately sized parking bays for vehicles (measuring 2.4 metres by 4.8 metres in dimensions), taking into account the need for cycle storage, pedestrian access and also bin storage and appropriate access to such storage. Russell Street is a location where owing to the number of terraced properties, there is heavy reliance upon on-street parking and a shortfall of any less than 5 workable parking spaces would lead to a detrimental impact to highway and road user safety as would, accepting proposals with deficient bin collection access provision to serve the development.

5. Other matters

The Landscape Development Section has requested a contribution of £5,579 per additional residential unit created. However following Planning Committee of 26th February it has been determined (taking into account appeal decisions) that it should no longer be the practice of the Planning Authority to seek financial contributions for public open space provision for less than 10 dwellings, unless the specific circumstances detailed within Planning Practice Guidance are applicable. As such specific circumstances don't apply in this case financial contributions are therefore not required with respect to this application.

In response to the representations received it should be noted that this is not the type of application or within a location where a bat survey is required. In addition the site is within a low risk development area as identified by the Coal Authority and as such a Coal Mining Risk Assessment is not required either. Foul drainage connection would be addressed through Building Regulations.

APPENDIX

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

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

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

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

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

Other Material Considerations

National Planning Policy Framework (March 2012)

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

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

Supplementary Planning Documents/Guidance

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

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

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

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

Planning History

18/00459/FUL	Demolition of an existing residential property and the construction of 7 no of 2 bedroom apartments.	Withdrawn	2008
N8337	Shop extension and formation of storage area	Permitted	1980
NNB10425	Alterations and extensions to form double garage, W.Cs, kitchen, dining room and bathroom	Permitted	1973
NNB03938	Alterations to shop premises, as described in your application dated 26th April, 1958.	Permitted	1973

Views of Consultees

The **Highway Authority** objects to the development on the basis that it fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due vehicles being parked on the public highway.

Waste Management comments that the bin store is in an unacceptable location, as it appears to be reached across a parking area. The bin store must have unimpeded access from the highway, and ideally be adjacent to the highway, where it can be reached without collection staff having to walk across the property. Collections across land which may well

have parked vehicles on is unacceptable as it causes a potential for the Council to be the subject of insurance claims. The access path to the bin store is shown to be wider in the new plan. As the plot size remains the same, this widening must have been achieved by simply narrowing the car park spaces. It is unclear how this would translate on the ground into a wider path that would be guaranteed to provide a clear access on collection day. No path width measurement is provided. There would also need to be a drop kerb in order to get bins from pavement height to road height for emptying.

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

1. The construction and demolition phases of the development no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site between the hours of 18.00 hours and 07.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.
2. Approval of external lighting.
3. Provision of electric vehicle charging points.

Landscape Development Section has no objection to the proposal subject to a contribution by the developer for capital development/improvement of offsite open space for the net gain of two 2 bed apartments and one 1 bed apartment. This should be £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years for the 2 bed apartments, total contribution £5,579 per dwelling, and the full contribution less the play item totalling £3,915, in addition to £1,018 pro rata for 60% of maintenance costs for 10 years for the 1 bed apartment, total contribution £4,933. This will be used for improvements to Lamphouse Way play area which is approximately 550m away. Permission should be subject to submission of detailed landscaping proposals. Planting should reflect that indicated on the submitted plan. The proposed parking does not allow sufficient free movement to access the two new 2 bed apartments, particularly for bicycles, wheelchairs and prams.

Representations

6 letters of representation have been received raising the following concerns:-

- Aggravation of existing on street parking problems in the area due to the development not providing sufficient off road parking.
- The proposal is out of keeping with the character of the area.
- The existing property on the site is of an attractive character and could be retained as family housing.
- Insufficient detail to what will be built to replace the existing gable wall to the garage to determine whether privacy is ensured. Possible unacceptable loss of privacy due to overlooking of gardens.
- Position of the building will impede highway visibility at the junction of Russell Street and Wellington Road.
- Possible on site contamination due to the previous use on the site.
- Wolstanton has a mining heritage and the application is not supported by a mining report.
- Foul sewage treatment details are unconfirmed.
- Waste collection details are unconfirmed.
- There are bats in the area which could be affected and the application is not supported by a bat survey.
- No air quality assessment has been provided.
- There are no public open space contributions or landscape details provided.

Applicant/agent's submission

Application forms and indicative plans have been submitted. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00029/FUL>

Background Papers

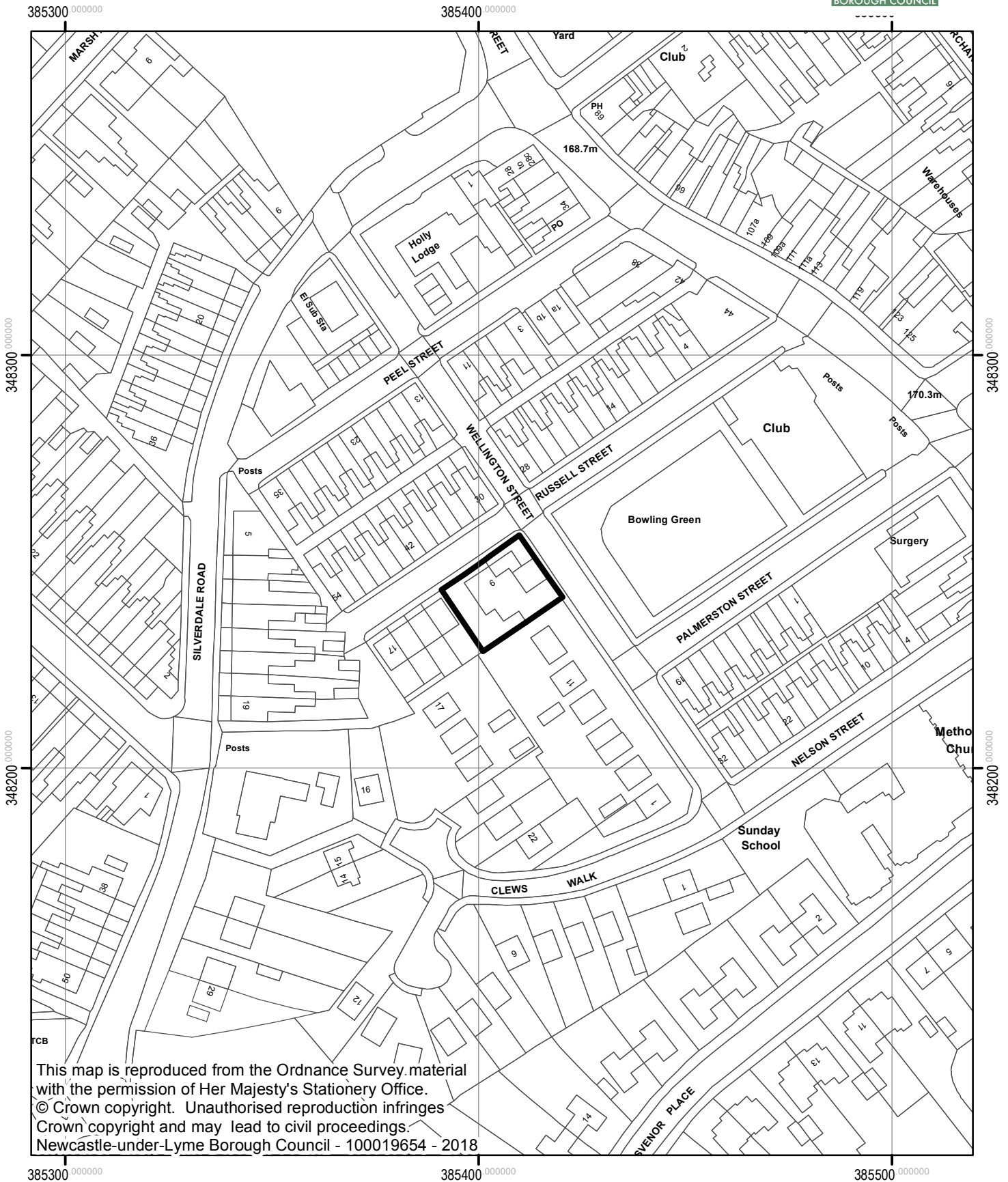
Planning File.
Planning Documents referred to.

Date Report Prepared

8th April 2019.

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9 Russell Street Wolstanton



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 Newcastle-under-Lyme Borough Council - 100019654 - 2018

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24, GREENOCK CLOSE, NEWCASTLE-UNDER-LYME
MR R TAYLOR

19/00149/FUL

The Application is for full planning permission for the erection of two 3-bed detached dwellings.

The application site, which comprises part of the garden of No. 24, Greenock Close, is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expires on the 26th April 2019.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Approved plans**
- 3. Provision of access, parking and turning**
- 4. Delineation of parking bays**
- 5. Access to remain ungated**
- 6. Submission of a Construction Management Plan**
- 7. Contaminated land**
- 8. Construction hours**
- 9. Electric vehicle charging points**
- 10. Materials**
- 11. Boundary treatments**

Reason for Recommendation

This site is in a sustainable location within the urban area and therefore the principle of residential development is acceptable. It is considered that the two dwellings would not have any significant adverse impact upon the character and appearance of the area or on the amenity of the occupiers of the neighbouring dwellings. It is not considered that an objection could be sustained on highway safety grounds.

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 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

This application is for full planning permission for the erection of two detached dwellings. Outline planning permission was granted last year for 2 detached dwellings on the site (Ref. 17/01015/OUT). All matters of detail were reserved for subsequent approval.

The application site is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map. The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- What financial contributions, if any, are required?

Is the principle of residential development on the site acceptable?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

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.

Since granting the previous permission for this site, a revised NPPF has been published. There is nothing in the revised NPPF to suggest that there is a basis for the Local Planning Authority to reconsider its position regarding the principle of residential development on this site. The Council's housing supply position has also changed since the previous development was approved. The Council is now able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. This site is in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle town centre and there are regular bus services that run frequently and close by the site. Development for residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for additional residential development.

Is the design of the proposal and the impact on the character and appearance of the area acceptable?

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements

should respond to the established urban or suburban character where this exists and has definite value.

In granting outline planning permission for 2 dwellings on this site, the Council accepted that two dwellings could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the area. There is a mix of dwelling style in the area but the majority of properties are relatively modest in scale and set within limited sized plots. The dwellings would be simple in design comprising facing brickwork and concrete roof tiles.

Overall, it is considered that the layout and design of the proposal would be sympathetic to the character of the surrounding area.

Would there be any adverse impact on residential amenity?

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.

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

Although objections have been received on the grounds of overbearing impact and adverse effect on privacy, the dwellings to either side of Plot 2 have a blank gable facing the proposed dwelling on that plot and neither of proposed dwellings would obstruct daylight beyond a 45-degree angle measured from any principal windows in the adjacent properties. Windows have been positioned in such a way that sufficient distance is achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

Both the proposed and existing dwellings would have a reasonable sized garden and therefore, it is considered that an acceptable level of amenity would be achieved.

Is the proposal acceptable in terms of highway safety?

The NPPF states that safe and suitable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around Town Centres and high streets.

Whilst saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) is not consistent with the Framework in that it seeks to apply maximum parking standards it states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The parking standards identified in the Local Plan indicate that for dwellings with 2 or 3 bedrooms a maximum of 2 parking spaces shall be provided.

Objections have been received on the grounds of impact on highway safety due to inadequate access.

Access would be via the existing access drive off Greenock Close that serves the existing dwelling. Sufficient space would be available for parking for both the existing and proposed dwellings and the Highway Authority has no objections to the proposal subject to conditions.

It is not considered that the proposal would create or materially aggravate a local on-street parking or traffic problem, and therefore an objection could not be sustained on highway safety grounds.

What financial contributions, if any, are required?

The previous permission for this site was granted subject to a Section 106 obligation to secure a public open space contribution towards Thistleberry Parkway Play Area. At that time, the contribution being sought was considered to meet the statutory tests. However since then, an appeal decision has been received in respect of the decision to refuse to grant planning permission (18/00393/FUL) for the change of current use (communal area) into a 1 bedroom self-contained flat at 1 Wade Court, Market Street, Kidsgrove for the same reason as 18/00649/FUL. The appeal was allowed. The Inspector's letter rehearses the Council's policy basis for seeking contributions for public open space, and explores these in the context of the National Planning Policy Framework and two additional appeals where open space contributions for developments of less than 10 dwellings was an issue. The Inspector found that these contributions are tariff style and thus the seeking of them is inconsistent with Government policy. This inconsistency takes precedence over the fact that our previous approach to these contributions is consistent with our own policy documents, including the Core Strategy and the Open Spaces Strategy. This is the second appeal where a Planning Inspector has found this to be the case

In response to these appeal decisions Planning Committee, at its meeting of 26th February 2019, resolved that the Local Planning Authority should cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other in the circumstances expressly stated as possible in the PPG. Such circumstances don't apply in this case. As such, it is no longer a local policy requirement to secure a financial contribution to public open space for this development.

APPENDIX

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

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

Policy 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

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

05/00821/FUL	Two-storey side extension and single-storey front extension	Approved
17/01015/OUT	Two detached dwellings	Approved

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, hours of construction and electric vehicle charging points.

The **Highway Authority** has no objections subject to conditions regarding provision of access, parking and turning, delineation of parking bays, access to remain ungated and submission of a Construction Management Plan.

The **Landscape Development Section** has no objections.

Representations

Three letters of representation have been received raising objections on the following grounds:

- Impact on privacy and light
- Visually overbearing
- Impact on character of the area
- Unacceptably high density/over-development of the site
- Loss of view
- Given the former use of the site, there should be testing for contaminants
- Impact on highway safety due to inadequate access
- Unclear who will be responsible for maintenance of boundary fencing

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00149/FUL>

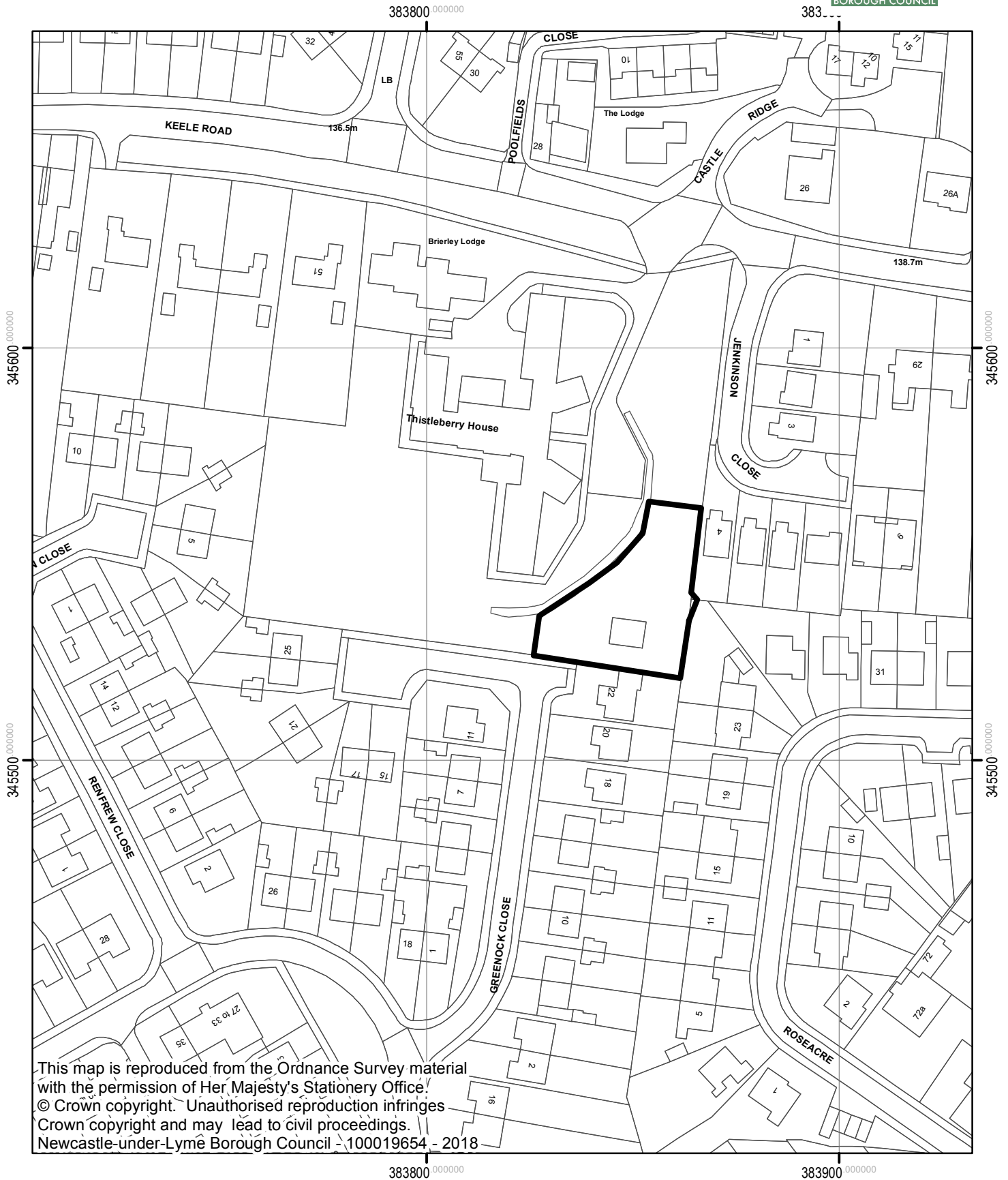
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

5th April 2019

24 Greenock Close
Newcastle



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 Newcastle-under-Lyme Borough Council - 100019654 - 2018

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UPPER FLOOR ABOVE TESCO EXPRESS, HIGHERLAND
J3BOX Ltd **19/00030/FUL**

The application is for full planning permission for the change of use of the upper ground floor of the former garage, above Tesco Express, to a boutique gym/fitness suite falling within use class D2. A parking area is to be provided to the rear and side of the premises.

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

The application has been referred to the Committee for decision at the request of two Councillors due to residents' concerns inadequate parking proposals and potential highway obstruction on the A525.

The 8 week period for the determination of this application expires on 14th March, but the applicant has agreed to extend the statutory period until 29th April 2019.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

1. Time limit
2. Approved plans
3. Provision of parking and cycle storage prior to commencement of use.
4. Noise management plan
5. Approval of details of any mechanical ventilation or air conditioning plant prior to installation.
6. Approval of details of any external lighting prior to installation.
7. Approval of details of the storage and collection of recyclable materials and refuse storage.
8. Provision of 2 electric vehicle charging points within six months of commencement of use

Reason for Recommendation

The proposed use is considered to be acceptable in principle, would not result in an adverse impact on highway safety or residential amenity subject to appropriate planning conditions.

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

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

Key Issues

The proposal is the change of use of existing floorspace, measuring 168m², to a gym.

The proposal initially involved the loss of a landscaped area, at the junction of Higherland and Seabridge Road, to create additional parking spaces. The application has, however, been amended so that this landscaped area is retained and all parking is now proposed on existing areas of hardstanding around the building. Taking this into account and that the application does not propose any external alterations to the building it is considered that the proposal does not raise any issues regarding visual amenity.

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

- Is the principle of development acceptable?

- Would the proposed development have any adverse impact upon highway safety?
- Would there be any adverse impact on residential amenity?

Is the principle of development acceptable?

Both local and national policy advocate sustainable development with a primary focus on main town centre uses being located within town centres. The National Planning Policy Framework (NPPF) defines main town centre uses as including health and fitness centres as is proposed.

At paragraph 86 the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

At paragraph 87 the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The site is not within, or on the edge of, an existing centre as designated within the Core Spatial Strategy although it is noted that there are shops and facilities located close by which are similar to that of a local centre.

The submission indicates that the floorspace involved in this application has remained unoccupied since Randles ceased trading as a car showroom/repair garage a number of years ago prior to an application to convert the ground floor to a convenience goods store in 2012. It was identified by Tesco, who now occupy the lower ground floor of the building, as surplus to their requirements. The applicant indicates they are seeking to utilise the surplus redundant space to offer the local community an opportunity to improve health and fitness through flexible, pre-planned, timed exercise sessions lasting approximately 30 minutes.

There are a number of vacant premises that are within the town centre which could, potentially, be put to the proposed use. However, the application site is arguably more closely located to the residential population that it would serve. In addition it would bring back into use floorspace that has been vacant for a number of years. Therefore whilst the proposal does not fully accord with national policy in this case given the nature of the proposal, and taking into consideration its very limited scale, there are no objections in principle to the proposed use.

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

The NPPF states that safe and suitable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around Town Centres and high streets.

Whilst saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) is not consistent with the Framework in that it seeks to apply maximum parking standards it states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be

overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The parking standards identified in the Local Plan indicate that for sports and leisure centres a maximum of 1 space per 10m² of indoor space is required which equates to the provision of 17 parking spaces. 11 parking spaces are proposed, in addition cycle storage will be available within the building.

The applicant advises that the gym operates a 10 station structured rolling 30 minute circuit and as such the number of customers at any one time will be less than the 11 spaces provided. They advise that the members of the gym will be encouraged, through membership advice, to walk, cycle and car share to increase health benefits and reduce the carbon footprint. In addition the applicant advises that they run a very similar operation in 13 different locations around the country and at no other site has there been a requirement for any more than 8 parking spaces.

The level of parking provision that is proposed would, from the information provided, be adequate for the intended use although the views of the Highway Authority have not yet been received as to the acceptability of the parking layout. Whilst it is known that there are issues arising from parking associated with the Tesco store at the lower ground level of the building, given that it would appear that sufficient on-site parking can be provided to meet the operational requirements of the business, and the site does lie within walking distance of the town centre, and is close to a number of bus routes there is no basis to conclude that the proposed use will aggravate a local on-street parking or traffic problem so as to justify refusal.

Would there be any adverse impact on residential amenity?

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.

At paragraph 170 the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions.

There is the potential that noise from amplified music being played at the gym could cause disturbance to nearby residents. Whilst the application is supported by a Noise Management Strategy the Environmental Health Division (EHD) advise that it is not adequate for their purposes and as such have recommended that a condition is imposed to secure an appropriate noise management plan. It would be reasonable to impose such a condition and in addition a recommended condition is that the details of any external lighting be agreed.

Given that no external alterations or engineering works are proposed there is reason for the other conditions recommended by EHD which seek to control construction activities.

Discussions have been taking place between the applicant and EHD about the requirements for Electric Vehicle Charging Points. It has been agreed that two fully operable electric vehicle chargers should be provided within six months of the use commencing. It is considered that such a requirement is reasonable and would accord with national planning policy.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy 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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations

National Planning Policy Framework (NPPF) (2019)

Planning Practice Guidance (2014)

Planning History of the site and adjoining land

12/00701/FUL Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access – Permitted 2013.

13/00463/FUL Variation of condition 6 of planning permission 12/00701/FUL to allow the convenience goods store to open to members of the public between the hours of 07:00 and 23:00 on any day – Permitted 2013.

14/00163/OUT Outline application for the erection of 12 dwellings - Refused 2014.

14/00885/FUL Installation of access ramp and associated stairs (Tesco store). Permitted 2015

15/00077/OUT Erection of up to 12 dwellings - Permitted 2015.

15/00097/FUL Alterations to car park layout (approved under (12/00701/FUL) - Refused 2015

15/00390/FUL Alterations to car park layout (approved under (12/00701/FUL) - Permitted 2015

16/00405/REM Application for the approval of the details of appearance, the internal access arrangement, the layout and scale of the development, and the landscaping of the site relating to 15/00077/OUT - Erection of up to 12 dwellings. Permitted 2016

Views of Consultees

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

- Provision of access, parking and turning prior to use commencing.
- Provision of cycle storage prior to use commencing.

Their comments are awaited on the revised parking details and will be reported when received.

The **Environmental Health Division** has no objections subject to conditions relating to the following:

- Restrictions on hours of construction
- Provision of facilities to prevent the deposition of mud and debris on the public highway prior to the commencement of construction operations that involve the movement of materials in bulk to or from the site.
- Approval of dust mitigation measures during demolition and construction phase.
- No noise generating plant to be installed until full and precise details have been agreed.
- Approval of a noise management plan before use commences.
- Prior approval of a lighting scheme.
- Prior approval of arrangements for the storage and collection of recyclable materials and refuse.
- Electric Vehicle Charging provision

Representations

One representation has been received objecting to the development on the grounds that there are parking problems in the area with Tesco Express customers parking on the highway rather than the designated car park and questioning what measures will be put in place to avoid more parking problems.

Applicants/ Agents submission

The application is supported by a Planning Statement, Parking Strategy, and Noise Management Strategy. The application documents are available at the Guildhall and on the Council's website via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00030/FUL>

Background Papers

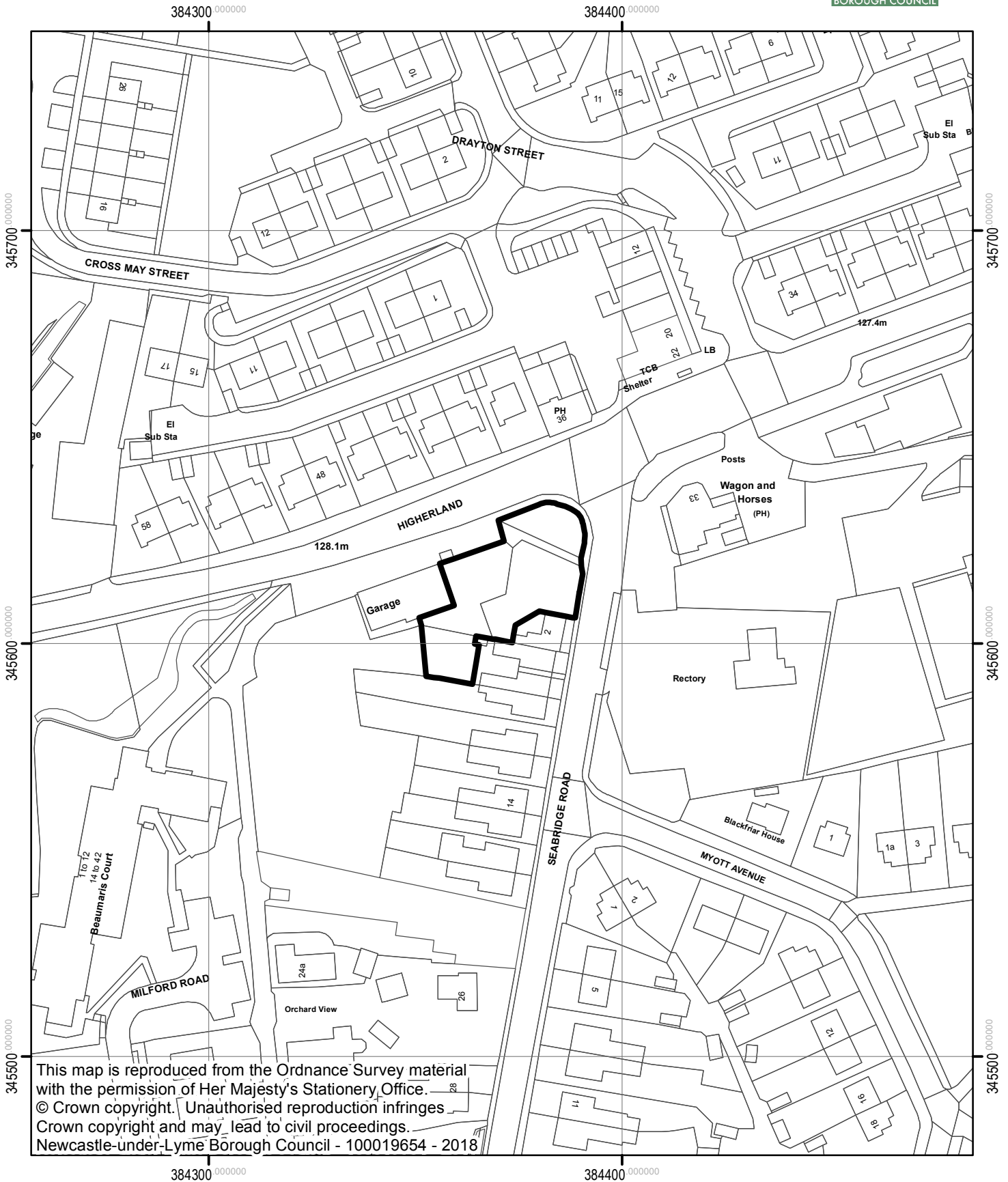
Planning File
Planning Documents referred to

Date Report Prepared

4th April 2019.

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Upper Floor Above Tesco Express, Higherland, Newcastle



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APPEAL BY MR P JACKSON AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A DROPPED KERB AND DRIVE AT 26 CHURCH LANE, WOLSTANTON

<u>Application Number</u>	18/00041/FUL
<u>LPA's Decision</u>	Refused under delegated authority 27th April 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	15th August 2018

The Appeal Decision

The Inspector identified the main issue to be the effect of the proposal on the safety of highway users.

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

- The proposed vehicular access would be close to the signalled junction of Church Lane and Grange Lane and would be very close to a zebra crossing. It would also be directly adjacent to a hatched 'Keep Clear' box. Furthermore, the submitted information shows no visibility splays serving the proposed access. Nor does it suggest that any sections of the tall front boundary fence would be removed other than that which the access would punctuate. Such arrangement would severely impede a driver's ability to see pedestrians walking along the pavement and approaching the new access from the north when exiting the site.
- The Council has expressed concern that the proposed parking and turning facility could be used for two vehicles and that would prevent turning within the site. In such circumstances vehicles would have to either reverse into the driveway, or more likely, reverse onto the highway. This would be a dangerous manoeuvre and it would unacceptably increase the danger to highway users. The Inspector considered whether it would be possible to limit, through condition, the facility to the parking of one vehicle, with on-site turning to be retained at all times but concluded that this would be difficult for the Council to monitor and enforce.
- The appellant has referred the Inspector to a Local Transport Note 2/95 titled 'The Design of Pedestrian Crossings' which recommends a minimum separation distance between uncontrolled junctions and a signal controlled crossing or a zebra crossing of 20m and 5m respectively. The Inspector noted, however, that the appeal relates to a domestic vehicular access rather than an uncontrolled junction. In addition the Inspector didn't have sight of the document nor was clear of its current status and as such attached limited weight to it. The appellant also pointed to the fact that there had been no accidents involving vehicles outside the property, however it seemed to the Inspector that this reflected the specific highway conditions during the period, which would change if the proposed access was created.
- The Inspector was mindful that the adjacent property had a similar vehicle access but as it was further away from the highway junction, the zebra crossing and the hatched 'Keep Clear' box it was not directly comparable.
- The Inspector concluded that the proposal would unacceptably increase the safety risk to highway users contrary to the NPPF and Policy CSP1 of the adopted Core Spatial Strategy.

Recommendation

That the appeal decision be noted.

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APPEAL BY MR M AJMAL (PRIME DEVELOPERS (CREWE) LIMITED) AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO RESERVE MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR A RESIDENTIAL DEVELOPMENT OF 42 DWELLINGS AT LAND ADJACENT ROWLEY HOUSE, MOSS LANE, MADELEY

<u>Application Number</u>	17/01004/REM
<u>Recommendation</u>	Approval subject to securing of a planning obligation
<u>LPA's Decision</u>	Refusal, contrary to recommendation, by Planning Committee 14th August 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Costs Decision</u>	An application for a full award of costs against the Council refused
<u>Date of Appeal Decision</u>	29th March 2019

The Appeal Decision

The Inspector identified the main issue as the effect of the proposal on the character and appearance of the area. In dismissing the appeal the Inspector made the following comments:-

- The site slopes in a southerly direction and the dwellings would be located over a gradient, varying in levels by around 4m over the site. The north corner of the site would contain plots 21-22. These would be 2 storey semi-detached dwellings, accessed from a spur off the main loop road. The height of these dwellings would be around 1m less than the adjoining dwelling, 50 The Bridle Path, a semi-detached bungalow with rear dormer, yet at least 1m taller than other dwellings on the site, considerably stepping up in height, and correspondingly size, from the plots 19-20. This increase in height would be conspicuous from both within and outside the development.
- Furthermore, plot 22 would have its side gable facing the rear of No 50. The side elevation on plot 22, at its nearest point, would be less than 1m from the rear boundary of No. 50. Coupled with the dwellings' heights, the location of plot 22 and its proximity to the boundary with No 50, the extent of hardstanding to the front and the overall scale and massing of development in this area, the northern corner of the site would appear overly urban for this location. Additionally, while several gardens across the site are small which the Council raise no objections to, the gardens for these plots would be of limited depth. This would not relate well to adjacent garden sizes on The Bridle Path and would provide little space to enable a transition from the open countryside to the development.
- Although there would be enough distance between plot 22 and No 50 to ensure no adverse effect on the living conditions of the occupiers, the proximity to the boundary is tight and would be at odds with the existing plot form and layout of the immediate context whereby there is breathing space between dwellings and corners are largely addressed with larger dwellings and side gardens. Equally, this is different to plots 13 and 14, which would adjoin the pond and therefore benefit from a sense of spaciousness to the side.
- Consequently, the dwellings appear unsympathetically shoehorned into the corner of the site. Despite the asserted lack of prominence, this part of the development would not function well or add to the overall quality of the area, nor be visually attractive as a result of good layout.
- Condition 4 of the outline planning permission required the reserved matters submission to be informed by the principles of the Design and Access Statement, which should have taken account of the recommendations in the Design Review. Recommendation 4 advised the more urban forms of development should be located

near the village centre and the lower density part nearest to the open countryside. In this proposal, the most urban form of the development has been located adjacent to the countryside and whilst being recommendations only, this represents a flaw to the design.

- The Inspector found that the northern corner of the development would be of a cramped and incongruous design contrary to local policy and the adopted Urban Design Guidance. There would also be conflict with the National Planning Policy Framework (NPPF), which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The Costs Decision

In refusing the application for an award of costs the Inspector made the following comments:-

- The applicant submits that the Council have acted unreasonably by:
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
 - failure to produce evidence to substantiate each reason for refusal on appeal; and
 - making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
- The Council's Planning Committee refused planning permission contrary to officer recommendation. Whilst the Council is not duty bound to follow its officer's recommendations, if a different decision is reached the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and substantiate that reasoning.
- The minutes of the meeting provide limited information on why the Committee decided to refuse the planning application yet it is noted that only Members who attend a site visit have any speaking and voting rights at the Committee meeting at which the decision was reached.
- Nonetheless, the reason for refusal adequately justifies why the proposal was considered contrary to the development plan, supplementary planning document and NPPF. It is not vague or generalised. On the contrary, it is specific and identifies the area of proposal that the Council has objection to, and details scale, size and massing as an issue along with asserting where harm would arise.
- The evidence provided by the Council in its statement sets out adequate justification to substantiate the reason for refusal, and harm to the character and appearance of the area that would arise. The Inspector notes that character and appearance can be a subjective matter, yet was satisfied that the Council provided sufficient objective analysis to defend the decision. Indeed, this is evident in the Appeal Decision and the Council did not prevent development which should clearly have been permitted.
- Scale, size and massing would include the footprint of the development, and correspondingly density. Therefore, the Inspector saw no reason why the Council referring to density in its statement would be unreasonable. Moreover, reference to the variety of the development refers to the character areas suggested by the Design Review, and the recommendation to locate the lower density part of the development nearest to the open countryside. This relates to the northern corner of the site, and in turn, relates to the scale, size and massing.

Your Officer's comments

It was noted, within the Officer report to Planning Committee that *"the design and layout of the proposed dwellings are more suburban than is ideal in this village location"* but then continued *"it could not be argued that it is not harmful to the appearance of the village given that it will not be prominent in views from any public vantage point."* The Inspector, however, did not consider that the lack of prominence of the site, specifically the northern corner, justified

development that would not, in the Inspector's opinion, function well or add to the overall quality of the area, nor be visually attractive as a result of good layout.

As set out within the Council's appeal statement, the latest version of the NPPF demonstrates the Government's strong policy commitment to promote the high quality design of new homes and places. The appeal statement also highlighted that the Housing Minister at that time, Dominic Raab, indicated at the Design Quality Conference April 2018 that it is not good enough to build more homes and that what was needed was to build better homes that embody the high standards of quality and design that are at the heart of strong communities. This appeal decision would, it would appear, suggest that the Planning Inspectorate fully endorse this stance on design and are therefore more likely than they have been in the past to dismiss appeals relating to refusal of planning permission on design grounds.

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

Purpose of the Report

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

Recommendations

a) That the report be noted

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

Introduction

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

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

This report covers the period between 29th January 2019 (when the Committee last received a similar report) and the date of the preparation of this report (4th April 2019).

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

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

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

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

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

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

Details of the applications involved are provided below:-

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

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

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

The 8th March 2018 date was not achieved and whilst further ongoing delays have occurred your Officer has considered it appropriate to agree further extensions of time within which the Section 111 agreement can be secured, the most recent being to the 1st July 2019. The delay is currently primarily as a result of the position of the County Council who have to be party to the agreement. There is now an expectation that there will be some progress in that respect.

Some 86 weeks have now passed since receipt of the application.

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

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

The agreement was not completed by the 9th November due to delays on behalf of the applicant; however the applicant has now made some progress. The application is the subject of a financial viability appraisal report, the conclusions of which are becoming less reliable the longer the period is since the appraisal was undertaken. Therefore, your Officer only considers it reasonable and appropriate to agree a further short extension of time for the completion of the S106 to the 2nd May 2019.

Some 51 weeks have now passed since receipt of the application.

3) Orme Centre, Orme Road, Newcastle 18/00183/FUL

This application for full planning permission the conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation came before the Planning Committee at its meeting on the 11th September 2018 (at around week 20). The resolution of the Planning Committee included a time limit for the securing, by the 12th November, of obligations relating to financial contribution of £124,560 towards public open space, £2,200 towards travel plan monitoring and £50,000 to fund both before and after parking surveys and a Resident Parking Zone in the event that it has been demonstrated by those surveys that the development has resulted in on street parking problems.

The agreement was not completed by the 12th November due to delays on both sides and further delays were encountered which meant that your Officer agreed various extensions of time by which the Section 106 should be completed with the latest being to the 4th March 2019. The agreement was completed on the 4th March and the decision was issued 'in time' on the 5th March

The decision was issued in this case some 45 weeks after receipt of the application.

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

This application for outline planning permission for 38 residential units came before the Planning Committee at its meeting on the 9th October 2018 (at around week 15). The resolutions of the Committee inter alia required that an obligation to secure a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space and 25% on site affordable housing. The resolution included the requirement that the agreement should be completed by the 21st November.

The agreement was not completed by the 21st November due to a lack of information being received from the applicant and delays have continued for sometime, with eventually the other party appointing solicitors. Your Officer in deciding to grant a short extension until the 25th February took into account some personal circumstances of the applicant and also required the applicant to meet certain interim milestones. Some progress was made and a further extension then granted until 8th April again with a requirement that the applicant meet certain milestones. Subsequent delays on the LPA solicitors side have resulted in that date not being achieved, but draft agreement is now with the applicant. Your Officer has agreed a further extension of time by which the Section 106 should be completed by to the 30th April, again with an additional milestone. An update on this case may need to be provided to the Committee

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

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

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

The agreement was not completed by the 13th December due to delays on behalf of the Council in preparing the draft agreement. A couple of extensions were agreed. Further delays were encountered but the agreement was eventually completed on the 28th February, after a further short extension having been agreed to the 1st March, and a decision notice was then issued 'out of time' on the 8th March 2019.

The decision was issued in this case some 32 weeks after receipt of the application.

(6) Former Bristol Street Motors, London Road 16/01106/FUL

This application for full planning permission for 499 studio apartments for student occupation was permitted in October 2017 with a completed S106 agreement, which secured a number of financial contributions. The developer has subsequently submitted a request to vary the current terms of the section 106 agreement and a report came before the 3rd January 2019 planning committee. The resolution of the Committee was to agree to amend the existing Section 106 agreement so that it requires contributions totalling £300,000 (index linked as from October 2017) unless substantial commencement is not achieved by the 3rd January 2020 and then a review of the financial position will then be required. The resolution included the requirement that the agreement should be completed by the 3rd March.

A draft Deed of Variation (DOV) has been in circulation for a number of weeks and whilst a number of delays have been encountered by all parties it is now nearing completion and on this basis your Officer has agreed an extension of time for the completion of the DOV to the 26th April.

(7) Sites of Horwood, Lindsay and Barnes Halls, Keele University 18/00698/FUL

This application for full planning permission for the demolition of 732 student bed-spaces and the erection of twenty new buildings to provide 1,685 student bedrooms (1,706 student bed-spaces) and social hub at Horwood and Lindsay Halls and the provision of car parking at Barnes and Horwood Halls, came before the Planning Committee at its meeting on the 3rd January (at around week 17). The resolution of the Planning Committee included a time limit for the securing, by the 14th February, of obligations relating to financial contribution towards travel plan monitoring (£2,360), the provision of real-time travel information (£15,000), and a Toucan signal controlled crossing on Cemetery Road (£39,000).

The agreement was not completed by the 14th February due to delays primarily on behalf of the Council which meant that your officer agreed various extensions of time by which the Section 106 should be completed with the latest being to the 29th April 2019. It is expected that a supplementary report may need to be provided to the committee on this case

Some 30 weeks have now passed since receipt of the application.

(8) Orchard House, Clayton Road 18/00693/FUL

This application for full planning permission for specialist accommodation for the elderly comprising 75 residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over came before the

Planning Committee at its meeting on the 3rd January (at around week 17). The resolution of the Planning Committee included a time limit for the securing, by the 20th February, of obligations restricting the occupancy of the accommodation so that it falls within the C2 Use Class and financial contributions of £130,203 (index linked) towards the maintenance and improvement of public open space at Lyme Valley Parkway and travel plan monitoring fee of £2,360 (index linked).

The agreement was not completed by the 20th February due to delays primarily on behalf of the Council which meant that your officer agreed various extensions of time by which the Section 106 should be completed with the latest being to the 13th March 2019.

Further delays were encountered but the agreement was eventually completed on the 25th March and a decision noticed issued 'out of time' on the 28th March 2019.

The decision was issued in this case some 29 weeks after receipt of the application.

(9) Former Savoy Cinema/Metropolis Nightclub 18/00483/FUL

This application for full planning permission planning permission for the erection of a part 9, part 12 storey building to provide 211 rooms of student accommodation came before the Planning Committee at its meeting on the 3rd January (at around week 25). The resolution of the Planning Committee included a time limit for the securing, by the 14th February, of obligations relating to financial contribution of £2,200 towards travel plan monitoring, £22,200 towards the enhancement of public open space, £8,000 towards the ongoing maintenance of the Real Time Passenger Information system for bus services, £10,600 towards improvements to the cycle route from Newcastle town centre to Keele University, £11,000 towards public realm improvements, a free bus pass to each student for travel to the Campus at Keele University, Staffordshire University, Stoke-on-Trent College or the Royal Stoke University Hospital and a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to public open space if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if then found financially viable.

The agreement was not completed by the 14th February due to delays on both sides but steady progress was being made and your officer agreed various extensions of time by which the Section 106 should be completed with the latest being to the 13th March 2019.

The agreement was eventually completed on the 14th March and a decision noticed was issued 'in time' on the same day.

The decision was issued in this case some 35 weeks after receipt of the application.

(10) Chatterley Valley 18/00736/OUT

This hybrid planning application for full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial) and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses came before the Planning Committee at its meeting on the 29th January (at around week 19). The resolution of the Planning Committee included a time limit for the securing, by the 29th March, of obligations relating to financial contribution towards a Travel Plan monitoring fee of £11,325 and a payment of £5,000 for amendments to the existing Travel Regulation Order.

The agreement was not completed by the 29th March due to delays on behalf of the Council. On this basis, your officer has agreed an extension of time by which the Section 106 should be completed by. An update may need to be provided to the meeting. Some 28 weeks have now passed since receipt of the application.

Date Report prepared

10th April 2019

Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund for Betley Court, Main Road, Betley (Ref: 18/19005/HBG).

RECOMMENDATION:

That the following grant is approved:-

- 1. £423 Historic Building Grant to repair the flat roof above bay window and a sash window on the southern elevation, subject to the appropriate standard conditions**

Purpose of report

To enable members to consider the application for financial assistance.

Betley Court is a Grade II* Listed Building built by G Wilkinson but has alterations by John Nash. The 18th Century house is built from brick with slate roof. The bow window on the south elevation is attributed to Nash. The flat roof on top of the bow window is leaking and causing damage internally to the cornice. Additionally a number of windows need some attention on the southern elevation but the one proposed for repair is the worst affected. It currently does not open and elements have rotted.

The owner has received 3 quotations for the work which is estimated to cost £2,113.80 including VAT.

The works are eligible for a grant of up to 20% or up to a maximum of £5,000.

The Conservation Advisory Working Party support the giving of this grant provided the materials used on the bow window roof repairs are appropriate.

Financial Implications

There is sufficient funding to meet this grant application with £18,788 in the Fund; allowing for commitments. This Fund will receive additional funding of £10,000 on 1 April 2019.

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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

When the last update was given at Planning Committee of 26th February it was reported that a formal condition approval application for details required by condition 3 of planning permission reference 18/00299/FUL had been submitted and that your officer had undertaken appropriate consultation on the information received to satisfy this condition.

Following this consultation process a response has been received from Staffordshire County Council as the Waste Planning Authority who has expressed concerns. They indicate that the information received does not amount to a detailed monitoring programme (which was the purpose of the condition) and they have therefore submitted a holding objection.

Your officers have subsequently requested further detailed information from the applicant and a response is awaited. If no further information is received by the 22nd April then the condition approval application will be refused and the applicant will once again be in breach of the condition and the LPA will need to determine what appropriate action is then necessary.

Date Report Prepared – 9th April 2019

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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.

As reported in the last update of 26th February 2019, 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 and that remains the case on the date that this report was prepared.

The Inspectorate indicates, as a guide, that an enforcement appeal will take from valid appeal to decision:

- 42 weeks if dealt with by written representations
- 46 weeks if dealt with by hearing
- 72 weeks if dealt with by public inquiry

Confirmation that the appeal was valid was received on 15th January 2019.

Date report prepared: 9th April 2019

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Confirmation of Tree Preservation Order

SUNNY BANK, SOUTHWOOD, BALDWINS GATE.

Tree Preservation Order No.200 (2018)

Town & Country Planning Act 1990

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

The Order protects a tree within the garden of Sunny Bank, Southwood, Baldwins Gate.

The Order was made to safeguard the longer term visual amenity that the tree provides following an enquiry regarding pruning the tree and concern of likely future pressure for it to be lopped or felled.

The Order was made using delegated powers on 29th October 2018. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 29th April 2019

RECOMMENDATION

That Tree Preservation Order No 200 (2018), Sunny Bank, South Wood, Baldwins Gate be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

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

Representations

No representations have been received however the owner, thinking that the Order covered a number of trees that could if left to grow to shade a main outdoor seating area, did indicate that he would make an objection. Nothing was subsequently received.

Issues

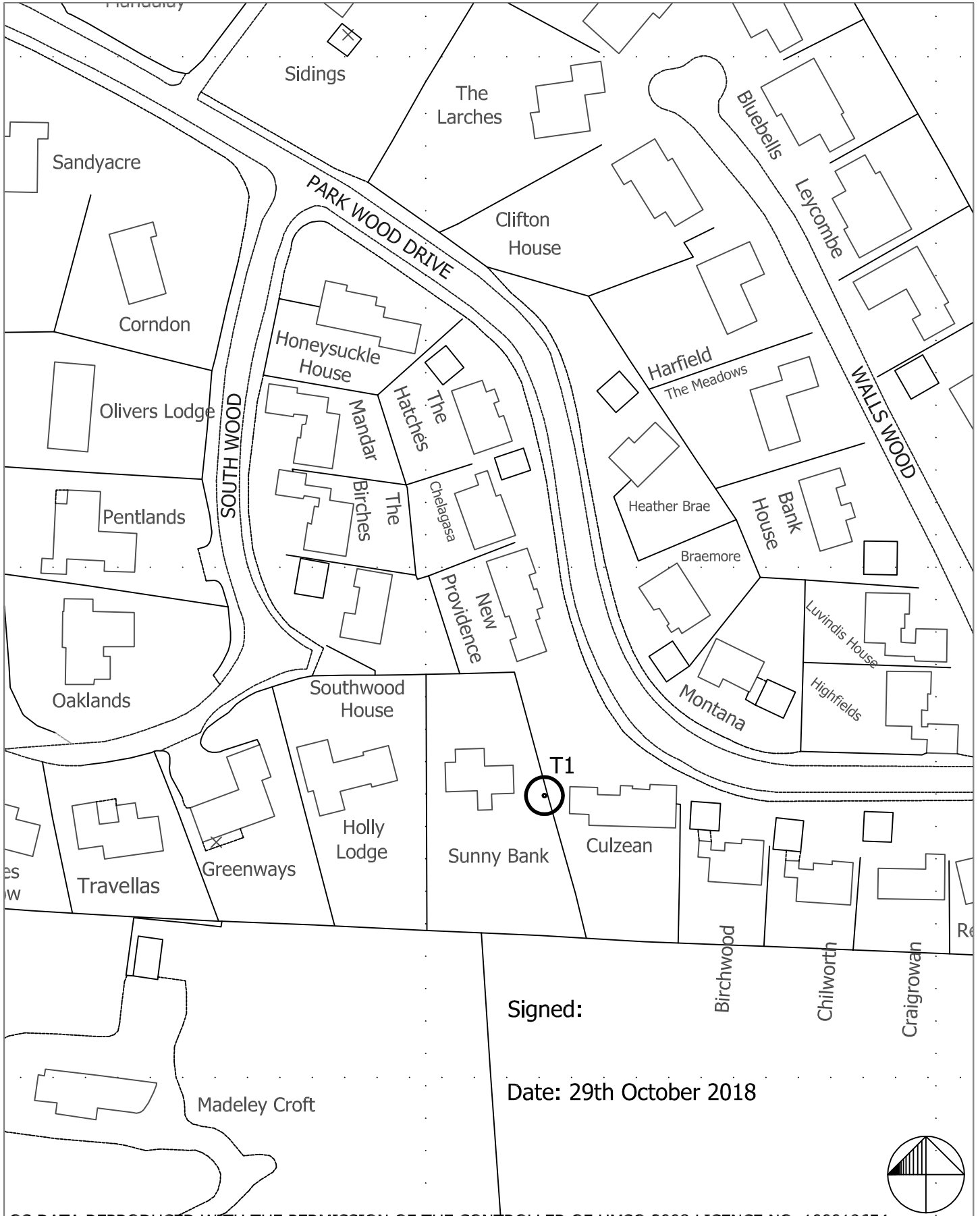
The tree is a Scots pine in an elevated position within the garden of Sunny Bank close to the boundary with Culzean. It is a prominent tree and clearly visible from Parkwood Drive. The loss of many adjacent trees in recent years has increased the trees visual value. It is

an important feature to the locality and provides a significant contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

Following a tree status enquiry for the tree relating to removal of a branch that could affect the balance of its crown, and concern of further pruning or felling, your officers carried out a TPO assessment of the tree in October 2018 and found it worthy of an Order. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 29th October 2018 in order to protect the long term well-being of the tree.

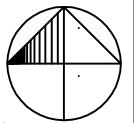
Date report prepared

25 March 2019



Signed:

Date: 29th October 2018



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DAVE ADAMS,
EXECUTIVE DIRECTOR
OPERATIONAL SERVICES
CASTLE HOUSE,
BARRACKS ROAD,
NEWCASTLE,
STAFFORDSHIRE. ST5 1BL

TITLE:

Sunny Bank, South Wood, Baldwins Gate, ST5 5EY

DESCRIPTION:

Tree Preservation Order number 200

SCALE:
1:1000 @A4
DATE:
October 2018
DRAWN BY:
Page 97
DRAWING NO.
TPO 200

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