

Public Document Pack

Date of meeting Tuesday, 16th July, 2019
Time 6.30 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

PLEASE NOTE EARLIER START TIME

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 10)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - HAMPTON'S
SCRAP YARD AND ADJACENT FIELD, KEELE ROAD,
NEWCASTLE. PERSIMMON HOMES. 18/00656/REM** (Pages 11 - 12)
Report to follow
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND
ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3
AND WEST OF NEWCASTLE GOLF COURSE. KEELE
UNIVERSITY. 18/00933/FUL** (Pages 13 - 14)
Report to follow.
- 6 APPLICATION FOR MAJOR DEVELOPMENT - LAND
ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3
AND WEST OF NEWCASTLE GOLF COURSE. KEELE
UNIVERSITY. 18/00934/FUL** (Pages 15 - 16)
Report to follow.
- 7 APPLICATION FOR MAJOR DEVELOPMENT - WOLSTANTON
RETAIL PARK, WOLSTANTON. SOUTH TYNESIDE BC.
19/00114/FUL** (Pages 17 - 18)

Report to follow.

8	APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 19/00375/FUL	(Pages 19 - 26)
9	APPLICATION FOR MAJOR DEVELOPMENT - LAND EAST OF SHELTON BOULEVARD, STOKE-ON-TRENT. STOKE-ON-TRENT REGENERATION LTD. SOT/63948/OUT(NuIBC ref 348/263)	(Pages 27 - 30)
10	APPLICATION FOR MAJOR DEVELOPMENT - CHERRY HILL WASTE, HIGH CARR FARM, CHESTERTON. CHERRY HILL WASTE. SCC REF: N.19/02/294 MW (NULBC REF 19/00489/CPO)	(Pages 31 - 36)
11	APPLICATION FOR MINOR DEVELOPMENT - ROSEDENE, MOSS LANE, MADELEY. MR ROY WILD. 19/00347/OUT	(Pages 37 - 46)
12	APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS. ELAN HOMES LIMITED. 19/00409/FUL	(Pages 47 - 52)
13	APPLICATION FOR MINOR DEVELOPMENT - FORMER SAINSBURY'S SITE, LIVERPOOL ROAD, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 19/00470/DEEM3	(Pages 53 - 58)
14	APPLICATION FOR MINOR DEVELOPMENT - 114 MOW COP ROAD, MOW COP. MR & MRS K SPENCER. 19/00341/FUL	(Pages 59 - 66)
15	APPLICATION FOR MINOR DEVELOPMENT - THISTLEBERRY HOTEL, THISTLEBERRY AVENUE, NEWCATSLE-UNDER-LYME. STAR PUBS AND BARS. 19/00358/FUL	(Pages 67 - 74)
16	APPLICATION FOR MINOR DEVELOPMENT - CRACKLEY GATES FARM, LEYCETT LANE, SILVERDALE. MR COLIN DACEY. 19/00308/FUL	(Pages 75 - 84)
17	APPLICATION FOR OTHER DEVELOPMENT - 2 ROSEACRE, NEWCASTLE-UNDER-LYME. MRS JOANNA HISSEY. 19/00459/FUL	(Pages 85 - 90)
18	APPLICATION FOR OTHER DEVELOPMENT - COMMUNICATIONS SITE, ROOF OF COPTHALL HOUSE, KING STREET. EE (UK) LTD AND HUTCHINSON UK LTD. 19/00385/TDET	(Pages 91 - 98)
19	APPEAL DECISION - HAZELEY PADDOCKS, MADELEY HEATH. 18/00488/OUT	(Pages 99 - 102)
20	APPEAL AND COSTS DECISION - NEW FARM, ALSAGER ROAD, AUDLEY. 18/00122/FUL	(Pages 103 - 108)
21	REVIEW OF THE LIST OF LOCAL VALIDATION REQUIREMENTS	(Pages 109 - 176)
22	DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2018/2019	(Pages 177 - 186)
23	ANNUAL REPORT ON PLANNING AND RELATED APPEALS - 1st APRIL 2018 - 31st MARCH 2019	(Pages 187 - 194)

**24 2019 CONSERVATION AREA APPRAISAL AND MANAGEMENT (Pages 195 - 198)
PLANS PROGRAMME**

**25 TREE PRESERVATION ORDER - LAND AT PINE COURT, (Pages 199 - 202)
LOGGERHEADS. TPO 201A**

26 URGENT BUSINESS

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

Members: Councillors S. Burgess, Mrs J Cooper, A. Fear (Chair), D. Jones, H. Maxfield, S. Moffat, P. Northcott, 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.

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PLANNING COMMITTEE

Tuesday, 18th June, 2019
Time of Commencement: 7.00 pm

Present:- Councillor Andrew Fear – in the Chair

Councillors S. Burgess, M. Holland, D. Jones, H. Maxfield, S. Moffat, P. Northcott, K.Owen, 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 - Landscape Officer, Trevor Vernon -Solicitor and Darren Walters- Environmental Protection Officer

1. APOLOGIES

Apologies were received from Councillors' Mrs Cooper and Proctor.

2. DECLARATIONS OF INTEREST

Councillor Northcott declared an interest in application 19/00065/FUL, as an Aspire Board Member.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 21 May, 2019 be agreed as a correct record.

***The Chair changed the order of the meeting. Item five was heard first in order to adjourn the meeting for five minutes to allow Members time to read a Members' Statutory Declaration submitted by Aleksandra Toseva. (The meeting reconvened at 7.09pm).*

4. APPLICATION FOR MAJOR DEVELOPMENT - FORMER BRISTOL STREET GARAGE, LONDON ROAD, NEWCASTLE. ADOBE RESIDENCIES. 16/01106/2CN03

Moved by Councillor John Williams and seconded by Councillor Fear.

Resolved: That the application be refused on the grounds that the colour of the cladding on the south-western elevation of Block 1 facing Lyme Valley Parkway is inappropriate and detracts from the visual amenity of the Parkway.

5. APPLICATION FOR MINOR DEVELOPMENT - BARN 2, MOSS HOUSE FARM, EARDLEYEND ROAD, BIGNALL END. MS A TOSEVA AND MR R MANDAIR. 18/00937/FUL

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

6. APPLICATION FOR MINOR DEVELOPMENT - LAND TO REAR OF SILVER BIRCH, BIRKS DRIVE, ASHLEY HEATH.MR & MRS J PERKINS. 19/00103/FUL

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

- (i) The proposed scale of the proposed dwelling would result in it being disproportionate to the size of the plot which would be out of keeping and harmful to the character of the Ashley Heath area. The proposed development is therefore contrary to policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, policies LNPP1 and LNPP 2 of the Loggerheads Neighbourhood Plan, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the National Planning Policy Framework 2019.
- (ii) The proposed development would result in the loss of visually significant trees which would be harmful to the character of the Ashley Heath area. The proposed development is therefore contrary to saved policies N12 and N13 of the Newcastle-under-Lyme Local Plan 2011, policies LNPP1 and LNPP2 of the Loggerheads Neighbourhood Plan, and the requirements and policies of the revised National Planning Policy Framework 2019.

7. APPLICATION FOR MINOR DEVELOPMENT - 87 ST BERNARDS ROAD & LAND ADJACENT 2 VIGGARS PLACE. ASPIRE HOUSING. 19/00065/FUL

Members were advised that this application had been withdrawn.

8. APPLICATION FOR MINOR DEVELOPMENT - 9 RUSSELL STREET, WOLSTANTON. MERCIA GAS LTD. 19/00352/FUL

Resolved: That, subject to the amendment to condition (ix) below (bold print), the application be permitted subject to the

undermentioned conditions:

- (i) Time limit.
- (ii) Plans.
- (iii) Prior approval of external facing materials (including windows, doors and rainwater goods)
- (iv) Prior approval of soft and hard landscaping.
- (v) Restrictions on hours of construction.
- (vi) Approval of external lighting.
- (vii) Provision of an electric vehicle charging point.
- (viii) The development shall not be brought into use until the existing Wellington Street access, within the limits of the public highway, has been revised in accordance with the approved plans and completed as a vehicular dropped crossing.
- (ix) The development shall not be brought into use until the existing Russell Street **access** has been increased in width by a minimum 1.8m.
- (x) The development shall not to be brought into use until any length of existing Wellington Street made redundant as a consequence of the development hereby permitted is permanently closed and reinstated as footway in accordance with details to be approved.
- (xi) The development shall not be brought into use until the parking areas have been provided which shall thereafter be retained at all times for their designated purpose.
- (xii) The development shall not be brought into use until secure weatherproof cycle parking facility has been provided in accordance with details to be approved, such facility thereafter retained.

9. APPLICATION FOR MINOR DEVELOPMENT - LAND TO THE WEST OF NEWCASTLE ROAD (A53), BLACKBROOK. MR D A AND T CLEE, J WILSON & M LEE. 19/00332/FUL

Resolved: (a) That, should the Highway Authority remove their objection by no later than 27th June the Head of Planning given the delegated authority to refuse the application for the following reasons;

- (i) The proposed development is in an unsuitable location within the open countryside away from services and facilities and without safe and convenient access to public transport. Whilst the Local Planning Authority recognises that there is an identified and unmet need for a further gypsy and traveller pitch in the period between 2014 and 2019, and a further 6 pitches in the period between 2019 and 2034 the benefits arising from the proposed development do not outweigh identified harm. The proposed development would therefore be contrary to Policy CSP7 of the Core Strategy and national policy within the Planning Policy for Traveller Sites, saved policy N20 of the Local Plan and the guidance of the National Planning Policy for Traveller Sites and the National Planning Policy Framework.

- (ii) The applicant has failed to demonstrate that the residents of the site will not be adversely affected by the impact of noise from the A53 and the nearby pumping station and as such the proposal is contrary to the guidance of the National Planning Policy for Traveller Sites and the National Planning Policy Framework.
 - (iii) The applicant has failed to demonstrate that the proposed development will not have an adverse impact on Wellings, a critical groundwater source used for public water supply to the local area and is vulnerable to surface influences, contrary to the guidance of the National Planning Policy Framework.
- (b) Should the Highway Authority maintain their objection or not respond by 27th June the Head of Planning given the delegated authority to refuse the application for the reasons 1-3 above and the following additional reason as amended to reflect the views of the Highway Authority if necessary;

The applicant has failed to demonstrate that the existing access is suitable for the proposed development and that the visibility splays achievable from the site are appropriate for the speed of traffic and that the development will not, therefore, result in an adverse impact on highway safety. As such the proposal is contrary to the guidance of the National Planning Policy Framework.

10. ARTICLE 4 DIRECTION FOR MAER CONSERVATION AREA

Resolved: That the making of an Article 4 Direction for Maer Conservation Area be agreed, on the terms set out within the agenda report.

11. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - BETLEY COURT, MAIN ROAD, BETLEY (REF: 19/20001/HBG).

Resolved: That a Historic Building Grant of £3,260 be approved to repair the roof, subject to the appropriate standard conditions.

12. ENFORCEMENT UPDATE -5 BOGGS COTTAGES

Resolved:

- (i) That the information be received.
- (ii) That a further report on progress be brought back to this Committee in August.

13. LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2

Resolved:

- (i) That the information be received.
- (ii) That a further report on progress be brought back to this Committee in August.

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

Resolved: That the report be noted.

15. **LAND OFF WATERMILLS ROAD, CHESTERTON. CARDEN DEVELOPMENTS LTD. 18/00017/REM**

Resolved: That the decision of your Officer taken under the Matters of Urgency provisions, following consultation with the Chair, that:

- (i) The Council should express the view to the Planning Inspectorate that it would be contrary to the principle of fairness established by the Wheatcroft judgement for the Inspector to determine the appeal on the basis of the revised plans; and
- (ii) The Council's Statement of Case should indicate that if the appeal is determined on the basis of the amended scheme, given that the amended plans directly address the reasons that the Planning Committee gave for the refusal of the application and that the revisions do not result in the introduction of any new issues or concerns, that it wishes to offer no evidence in support of the original grounds of refusal and it would not oppose the granting of the reserved matters application subject to appropriate conditions.

16. **APPEAL DECISION - THE LODGE , STATION ROAD, ONNELEY. 18/00641/OUT**

Resolved: That the Appeal Decision be noted.

17. **URGENT BUSINESS**

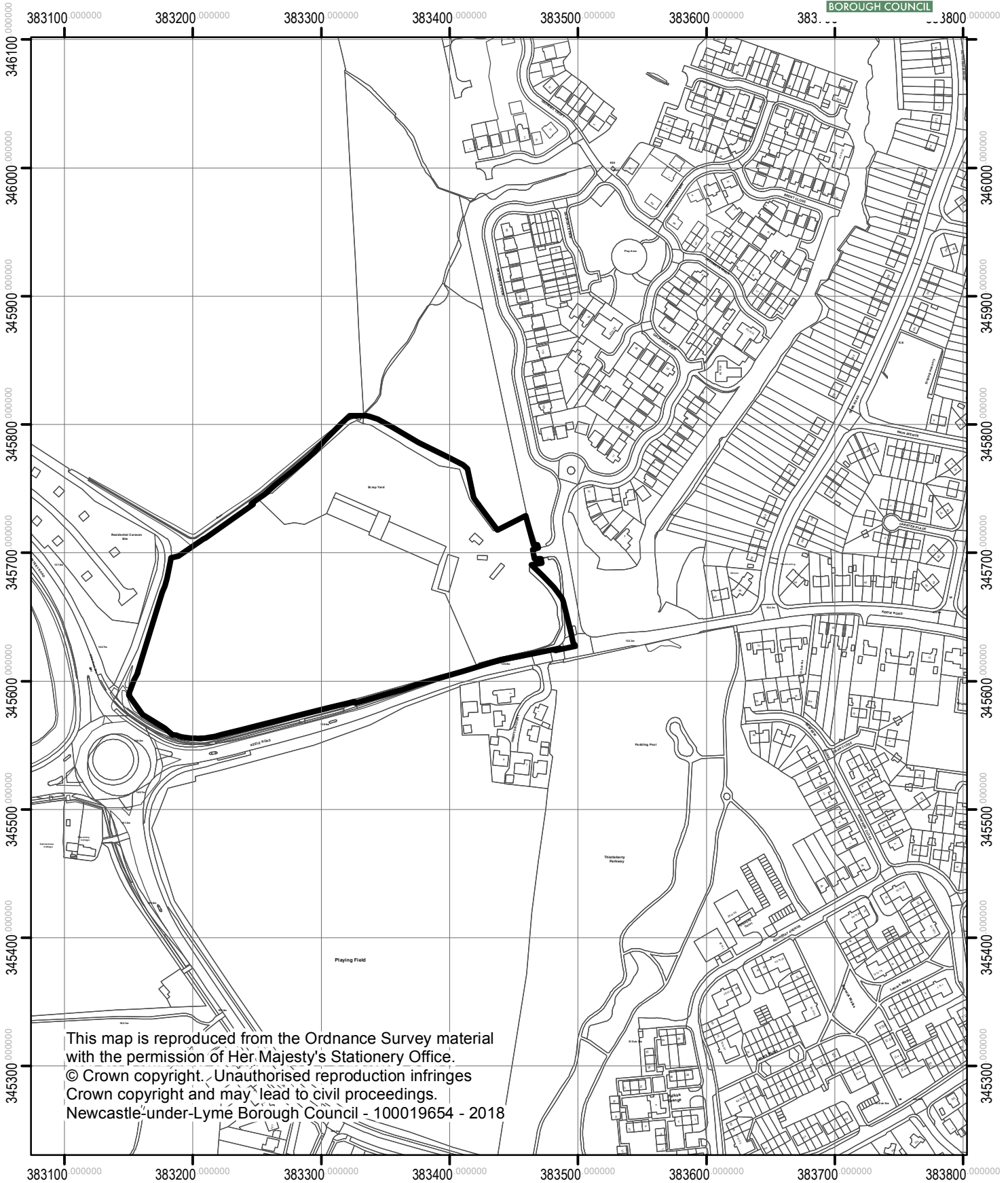
There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 8.55 pm

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**Hampton's Scrap Yard and Adjacent Field
Keele Road, Newcastle-under-Lyme, ST5 5AA**

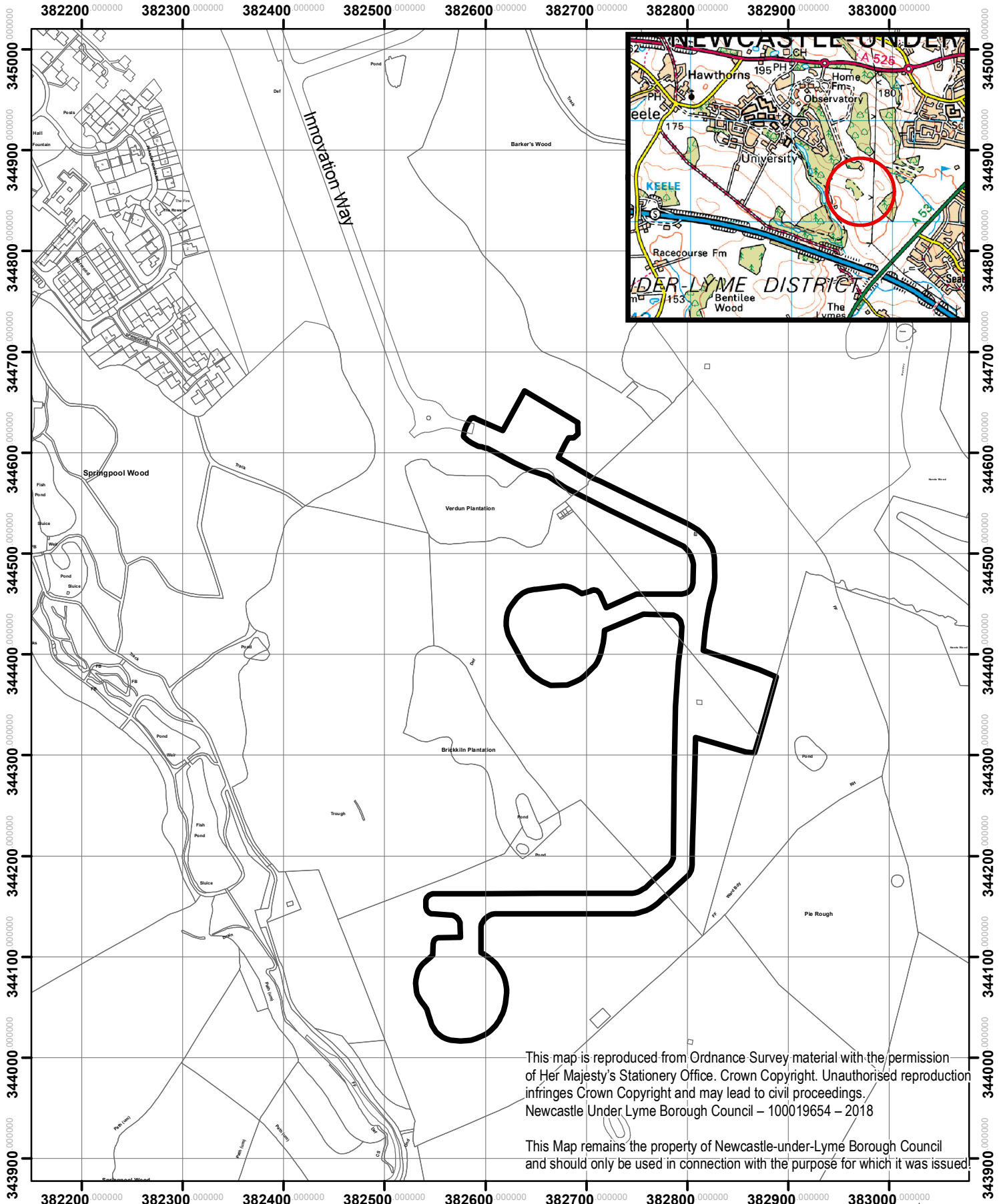


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Land Adjacent To Springpool Wood, South Of Phase 3 And West Of Newcastle Golf Course, Keele University.



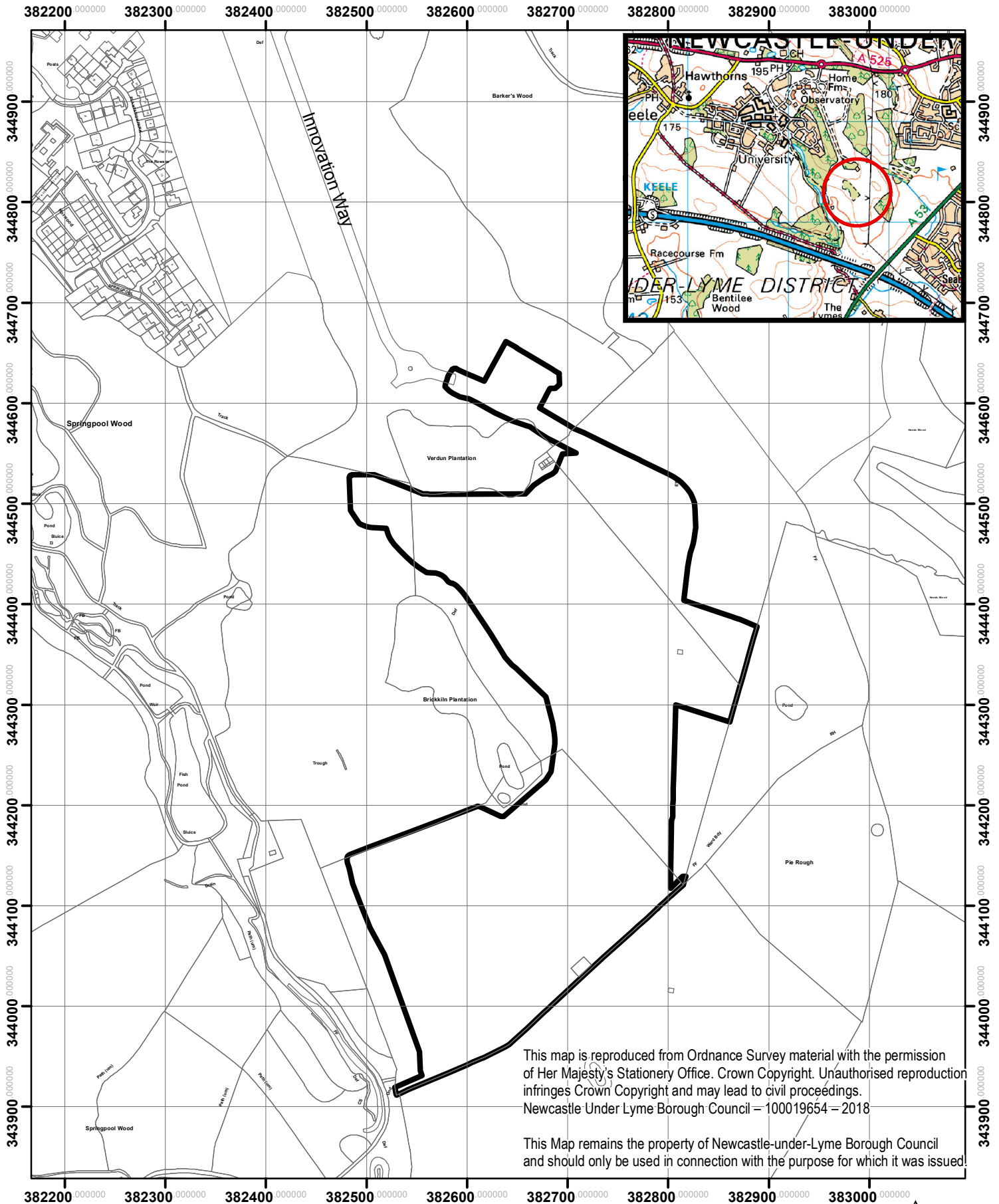
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Land Adjacent To Springpool Wood, South Of Phase 3 And West Of Newcastle Golf Course, Keele University.

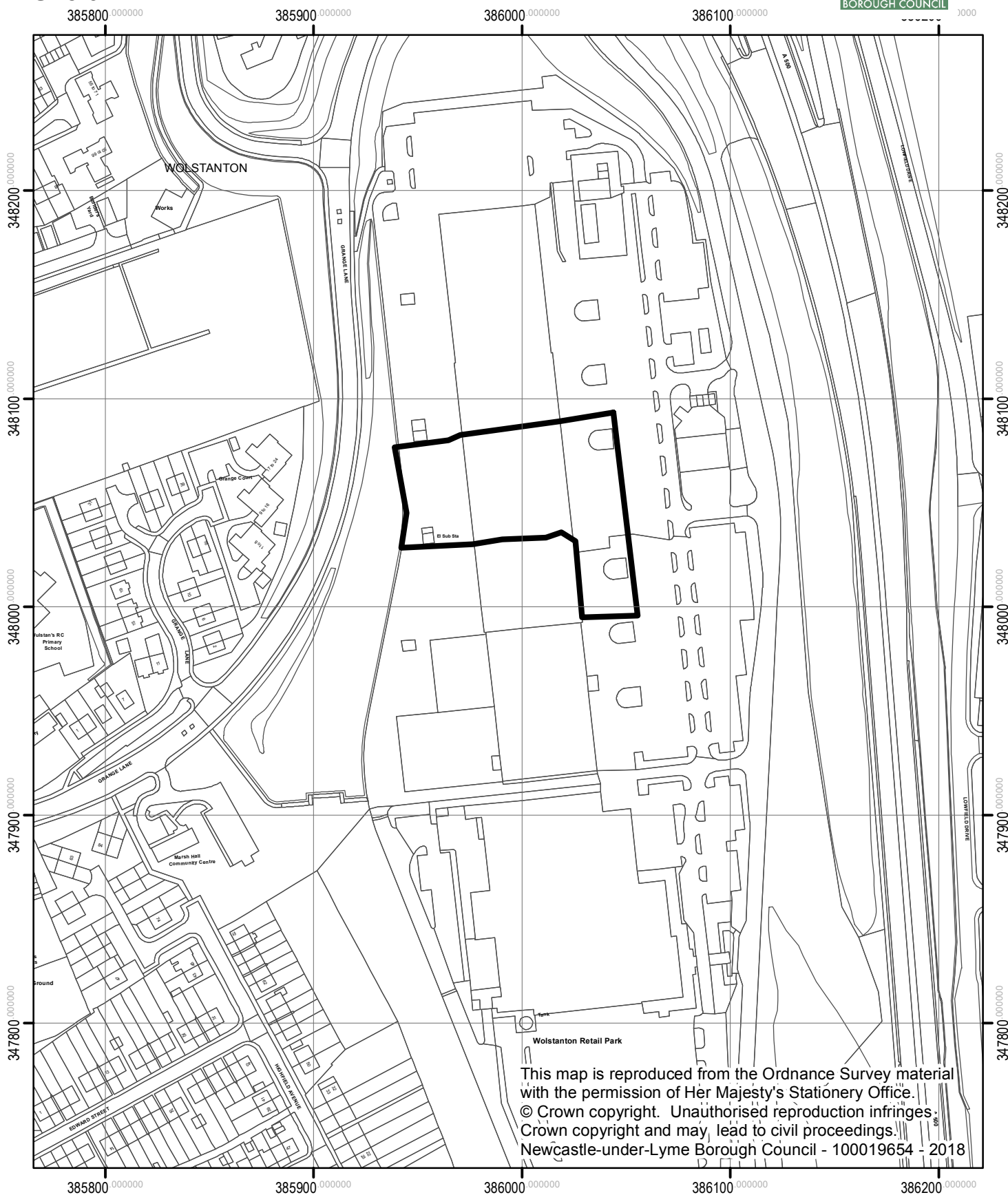


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Newcastle-under-Lyme
ST5 0AP**



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

19/00375/FUL

The application seeks a variation of condition 2 of the reserved matters approval 18/00854/REM (residential development comprising 50 dwellings) in order to substitute the approved plans with revised plans, which change the proposed layout of plots 1 – 8.

The reserved matters approval. 18/00854/REM, approved details relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 50 dwellings which followed the granting of an outline planning permission in December 2017 for a residential development of up to 50 dwellings (16/00902/DEEM4). Details of access from the highway network were approved as part of the outline consent, but the reserved matters approval included accesses from certain plots directly onto Deans Lane.

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

The 13 week period for the determination of this application expires on the 14th August 2019.

RECOMMENDATIONS

Subject to

(1) the receipt and consideration of further Highway Authority comments; and (2) the applicant's agreement being obtained to any of the following that are pre-commencement conditions, or failing that agreement further consideration :

PERMIT subject to conditions relating to the following:

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

Reason for Recommendation

The proposed reconfiguration of plots 1-8 would not result in a development that would raise any significant concerns given the scheme permitted under 18/00854/REM and it is still considered continues to accord with policies of the development plan and the guidance and requirements of the NPPF subject to conditions to reflect this new layout.

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

The applicant has submitted amended and additional information during the consideration of the application to address concerns and the proposed development is still considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The application seeks a variation of condition 2 of the reserved matters approval, granted on the 29th January 2019. The changes sought are to the layout of plots 1-8 of the approved scheme due to coal mining legacy issues on the site and the location of mine shafts.

1.2 The reserved matters approval. 18/00854/REM, approved details relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 50 dwellings which followed the granting of an outline planning permission in December 2017 for a residential development of up to 50 dwellings (16/00902/DEEM4). Details of access from the highway network were approved as part of the outline consent but the reserved matters approval included accesses from certain plots directly onto Deans Lane.

1.3 Whilst granting this application would create a new reserved matters approval Section 106 obligations secured at the time of the grant of the outline planning permission would still apply and the principle of the development of the site should not be revisited.

1.4 The changes to the scheme relate only to the disposition of plots 1-8 and in all other respects the scheme remains the same as the scheme granted earlier this year. The principal access to the development remains off Moss Grove. The other conditions of the reserved matters approval would need to be carried over to any new permission. On this basis the key issues for consideration are limited to:-

- Is the proposal still acceptable in terms of its design and impact on the form and character of the area?
- Would there be any material adverse impact on residential amenity? and
- Are the proposed access arrangements, parking provision and pedestrian connectivity works still acceptable in highway safety terms?

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

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

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

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

2.4 The layout of the scheme remains fundamentally the same as was previously granted but the layout of plots 1-8, which are primarily on the Deans Lane frontage, have been revised. The revised layout in terms of its design and form is considered minor in the context of the wider scheme and the changes will still ensure an attractive active frontage onto Deans Lane. Therefore subject to the conditions which were secured on the previous reserved matters permission the revised scheme is still in accordance with design principles set out in the Council's Urban Design Guidance SPD and the NPPF.

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

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

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

3.3 The change to the layout of plots 1-8 are primarily on the Deans Lane frontage and are minor in nature. They therefore maintain acceptable separation distances between proposed plots within the development. Plot 8 on the corner of Deans Lane and Moss Grove would be closer to the existing bungalows on Moss Grove, notably no. 4 & 5 Moss Grove. Notwithstanding this the properties would be separated by a road and the Council's SPG indicates that where principal windows front a highway the separation distances do not need to apply. On this basis no significant loss of residential amenity would be caused to existing occupiers and future occupiers of plot 8 would have a reasonable standard of privacy, and the scheme as a whole is still considered to be in accordance with the guidance and requirements of the NPPF.

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

4.1 The revised layout of plots 1-8 will result in the shared access drive for plots 1-3, which would be accessed off Deans Lane, being closer to the western boundary. This part of the western boundary has a substation outside of the application site and the owner's control. The level of parking provision for these plots remains the same as it was before.

4.2 The Highways Authority (HA) have raised no objections to the revised scheme but your officers have sought a plan which shows the visibility splays from the appropriate set back for the shared access drive for plots 1-3. This has now been submitted and appears to suggest that broadly acceptable visibility splays within the highway limits or land within the applicant's control, particularly in the western direction, can be achieved. However, the further views of the HA have been sought and their comments if available will be reported prior to or at the Committee. They have also been asked to comment on the location of the bin collection area for plots 1-3 which is proposed to be on the Deans Lane frontage.

4.3 Subject to the HA raising no objections, along with the conditions secured on the previous reserved matters application, the proposed development is considered unlikely to lead to significant highway safety and on street car parking implications within the development site or on neighbouring roads. The development would therefore meet the guidance and requirements of the NPPF.

APPENDIX

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

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

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

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

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

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

[Affordable Housing SPD](#) (2009)

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

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

[Relevant Planning History](#)

18/00854/REM Reserved Matters application (appearance, landscaping, layout and scale) for residential development comprising 50 dwellings associated works pursuant to outline consent
16/00902/DEEM4 Permitted

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

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

[Views of Consultees](#)

The **Highways Authority** raises no objections

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

The **Coal Authority** has no specific comments to make on this application.

Waste Management Section raise no specific objections but advise that the bin presentation area should not be used for regular storage and should be of an adequate size for the containers. They

also indicate that the Highways Authority will need to be certain that the location of the bin presentation bay does not impede access and visibility to plots 1, 2 and 3.

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

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00375/FUL>

Background papers

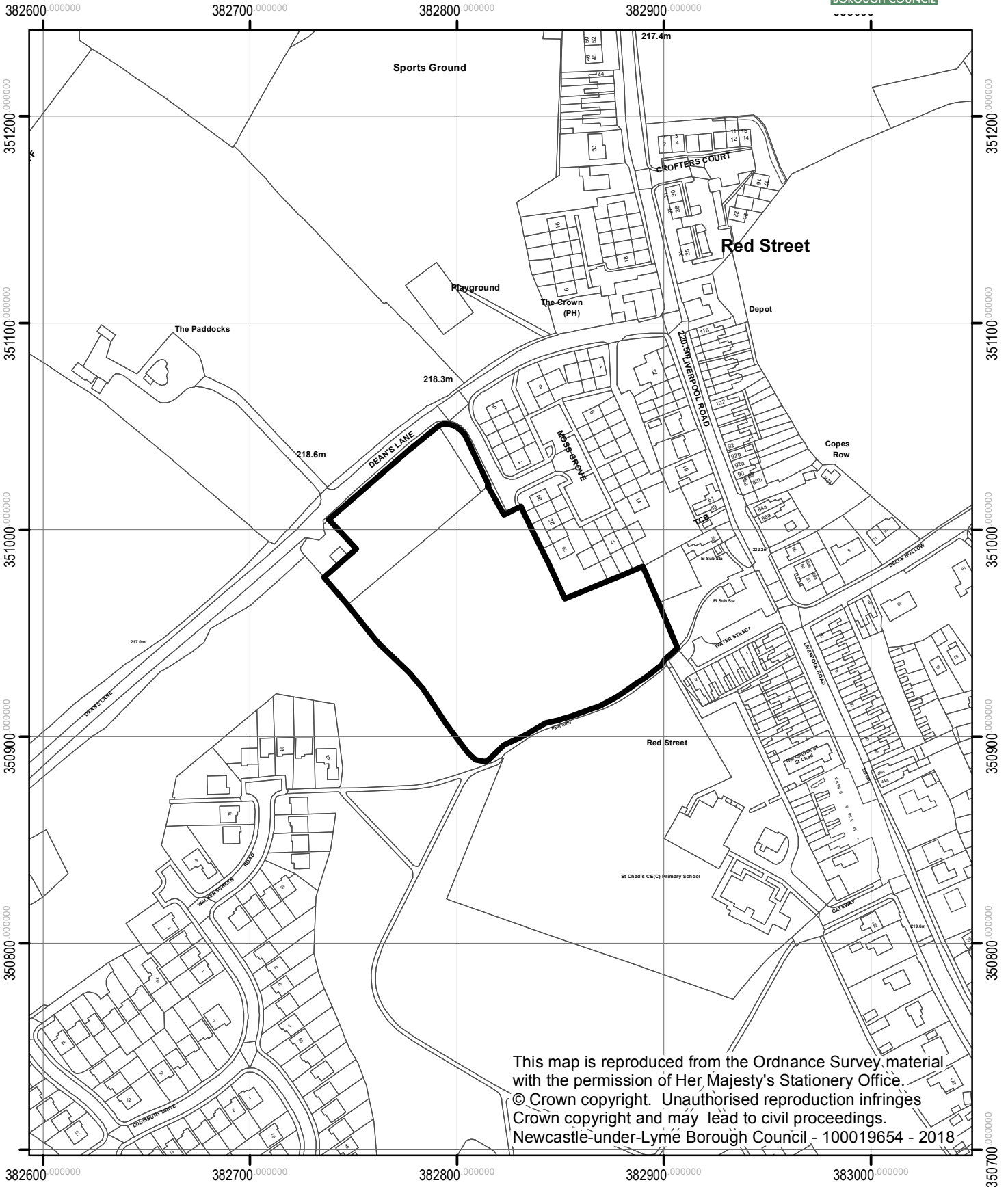
Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2019

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Land At Deans Lane
Red Street
Talke



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 Newcastle-under-Lyme Borough Council - 100019654 - 2018

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LAND EAST OF SHELTON BOULEVARD, STOKE-ON-TRENT.
STOKE-ON-TRENT REGENERATION LTD SOT/63948/OUT(NuIBC ref 348/263)

The Borough Council has been consulted by the City Council on an application for the erection of a building (B1(c), B2, B8 use) with ancillary office space, open storage, associated vehicle parking and turning spaces, landscaping, construction of three new accesses from Shelton Boulevard and all associated external and engineering works. The site measures approximately 4.96ha in area. A total gross external floorspace of 12,543m² is proposed.

The site is accessed off Shelton Boulevard.

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 17th July.

RECOMMENDATION

That the City Council be informed that the Borough Council has 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 developments may have on the A53/A500 junction at Basford Bank and**
- **the inclusion of conditions on any permission requiring the provision of electric vehicle charging infrastructure for staff and visitors as recommended by the Borough Council's Environmental Health Division to address issues relating to air quality.**

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:

- The provision of electric vehicle charging infrastructure and travel plan monitoring to address issues of air quality, and
- no objections being received from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact the developments may have on the A53/A500 junction, and the Environmental Health Division confirming that the proposal does not give rise to concerns regarding air quality.

Key Issues

The application site, which lies to the north of the existing Vodafone site, comprises an undeveloped parcel of land located within Phase 3a of the wider Etruria Valley redevelopment site which previously had outline planning permission for employment development of Class B2 and B8 uses with ancillary.

The Borough Council have been consulted over the years on a number of proposals within Etruria Valley and have objected where such proposals involve the provision of Class B1(a) office development, other than where such floorspace is ancillary to other employment uses. Such objections were based upon office floorspace being a main town centre use and that it had not been demonstrated through a sequential assessment that such office floor space could not be provided within Newcastle Town Centre. In doing so, the Borough Council concluded it had no particular interest in the proposed B2 or B8 uses on the site. The Borough Council expressed a similar view when consulted upon the draft Etruria Valley Supplementary Planning Document.

In 2018 the Borough Council were consulted on a full application for the erection of employment buildings (B1(c) light industrial, B2 general industrial, B8 storage and distribution) with ancillary office areas, associated vehicle parking, drainage infrastructure, landscaping, access and external works on this site (SOT/62288/FUL, NuLBC Ref 348/253). The application, which remains undetermined, was for speculative development. The current proposal is designed to meet the needs of a specific occupier, an offsite construction specialist in modular buildings.

The transport information submitted in support of the application indicates that the trips generated by the proposed development would not exceed the previously approved trip envelope agreed as part of the previous Phase 3 applications. The development would therefore generate traffic flows onto the highway network within previously accepted levels. It is not, therefore, anticipated that the Highway Authority or Highways England will object to the proposal but it is noted that to date their consultation responses have not been received. It is therefore considered that it would be prudent to respond in a similar manner to that previously given on application 62288/FUL.

The Borough Council's Environmental Health Division have considered the proposal in respect of issues of air quality and have concluded that subject to conditions requiring the provision of electric vehicle charging infrastructure and travel plan monitoring there is no basis upon which to object. Such matters should therefore be included in the Borough Council's response to this consultation.

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](#) (2019)

[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

The Borough Council has been consulted on the following applications which affect this site:

- SOT/56150/OUT & NuLBC Ref 348/206 - Outline application for development comprising up to 13,720m² of floorspace comprising 20% Use Classes B1 business, B2 general industrial and B8 storage and distribution. 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. The application was permitted in 2014.
- SOT/56151/OUT & NuLBC Ref 348/207 - Outline application for development comprising up to 33,950m² of floorspace comprising 20% Use Classes B1 business, B2 general industrial and B8 storage and distribution. 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. The application was permitted in 2015.
- SOT/61494/OUT Outline application for employment development of B1(c) Light Industrial, B2 General Industrial, B8 Storage and Distribution, and ancillary offices. The Borough Council, when initially consulted, 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. When re-consulted earlier this year the Borough Council has no objections to the proposed development 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. The application remains undetermined.
- SOT/62288/FUL & NuLBC Ref 348/253 - Business Park for the erection of employment buildings (B1(c) light industrial, B2 general industrial, B8 storage and distribution) with ancillary office areas, associated vehicle parking, drainage infrastructure, landscaping, access and external works. 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. The application remains undetermined.

Views of Consultees

The Borough Council's Environmental Health Division has no objections subject to conditions requiring the provision of electric vehicle charging infrastructure for staff and visitors, and to secure monitoring of the submitted Travel Plan.

Applicants Submission

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

- Design and Access Statement
- Framework Travel Plan
- Construction and Environmental Plan
- Flood Risk Assessment and Drainage Strategy
- Site Investigations
- Technical Notes relating to Traffic Generation, Site conditions, Water Quality and Coal Mining Risk Assessment.
- Arboricultural Statement

All these documents are available to view on Stoke City Council's website <https://planning.stoke.gov.uk/online-applications/plan/63948/FUL>

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

25th June 2019

CHERRY HILL WASTE, HIGH CARR FARM, CHESTERTON

CHERRY HILL WASTE

SCC REF: N.19/02/294 MW (NULBC REF 19/00489/CPO)

This is a consultation by the County Council as the relevant Planning Authority on an application for planning permission for a proposed covered building for waste storage and processing purposes.

The application site lies within Green Belt, which is also designated locally as an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The Planning Committee has the authority (within the Borough Council) to make comments upon such an application

For any comments that the Borough Council may have on this proposal to be taken into account, they have to be received by the County Council by no later than the 19th July 2019.

RECOMMENDATION

Subject to Staffordshire County Council being satisfied that there are very special circumstances that justify the granting of planning permission for inappropriate development in the Green Belt as they clearly outweigh the harm of the proposed development, including that arising from its impact on the openness of the Green Belt and includes conditions in any planning permission which secure the building being finished in a dark green colour, then the County Council be informed that the Borough Council raises NO OBJECTIONS to this planning application.

Reason for Recommendation

If the County Council are satisfied that there are very special circumstances, which justify the granting of planning permission for inappropriate development in the Green Belt as they clearly outweigh the harm to the Green Belt including its openness, then the Borough Council are satisfied that the proposed building, if finished in a dark green colour, would not have a significant and adverse impact on the landscape or visual amenity of the area when compared to the existing outdoor activities associated with the waste recycling facility which already are harmful in appearance on the landscape.

Key Issues

The planning application to be determined by the County Council is for a proposed covered building for waste storage and processing purposes.

The site lies within the Green Belt, which is designated locally as an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The Borough Council is being asked for its views on this proposal – the County Council being the Planning Authority for such an application.

The Planning Committee, at least with respect to “major developments”, is the part of the Borough Council which has the authority to decide what comments are to be put to the County Council, on the Borough Council’s behalf.

The application is supported by a ‘Waste Development Statement’ which sets out that the site is a fully licensed Waste Transfer Station that deals with waste storage and currently processes inert, biodegradable and non-inert inorganic waste in the open.

The proposal is for a new covered building for storage and processing of waste. It would have a footprint of 55.4 metres by 33.4 metres with an approximate height of 16.3 metres and would be

constructed from profile metal sheeting.

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

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

The proposed building does not meet any of the identified exceptions and would represent a large building that would harm the openness of the Green Belt. It is therefore considered to represent inappropriate development within the Green Belt and should not be approved except in very special circumstances.

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

It is understood that the preference is for these waste storage and processing activities to take place indoors and it will be the County Council as the Waste Planning Authority to decide whether very special circumstances do exist that would outweigh the harm caused to the Green Belt.

The existing waste recycling facility is operated outside and the activities generate noise and general disturbance.

The proposed building is likely to result in a reduction in noise and disturbance on the amenity of the area, however the facility is relatively isolated from residential properties. The building would contain the activities within the building and this would control the existing activities, which currently harm the appearance of the landscape.

The size and height of the proposal is likely to result in the building being seen from longer distance views within the area but the topography of the surrounding area would result in views from the wider area being limited, particularly from the south and west.

The main views would be from the north but views from public vantage points would be interrupted by the A500 and other industrial and commercial areas. There is also natural screening from trees which are located adjacent to the northern boundary and the A500.

It is considered that if the proposed building is finished in an appropriate colour it would reduce its impact on the landscape and the visual amenity of the area. In this instance your officer considers that the building should be coloured a dark green which would sit against the backdrop of the landscape when viewed from the north.

The overall improvement in the appearance of the site, and the reduction in noise, could amount to very special circumstances that would warrant the granting of planning permission and for these reasons it is considered that the Borough Council should raise no objections to the proposed development.

APPENDIX

Policies and Proposals in the approved development plan relevant to this matter: -

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality

Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026

Policy 1.1 General principles
Policy 1.2 Make better use of waste associated with non-waste related development
Policy 3.1 General requirements for new and enhanced facilities
Policy 4.1 Sustainable design
Policy 4.2 Protection of environmental quality

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

Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Consideration
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

None relevant

Views of consultees

It is the responsibility of the County Council to carry out consultations on this application.

Applicants' submission

The application documents are available to view on the Staffordshire County Council Planning web page www.staffordshire.gov.uk/planning. 'Find a current application', enter the County Council reference number N.14/06 and click on the 'documents' tab.

Background Papers

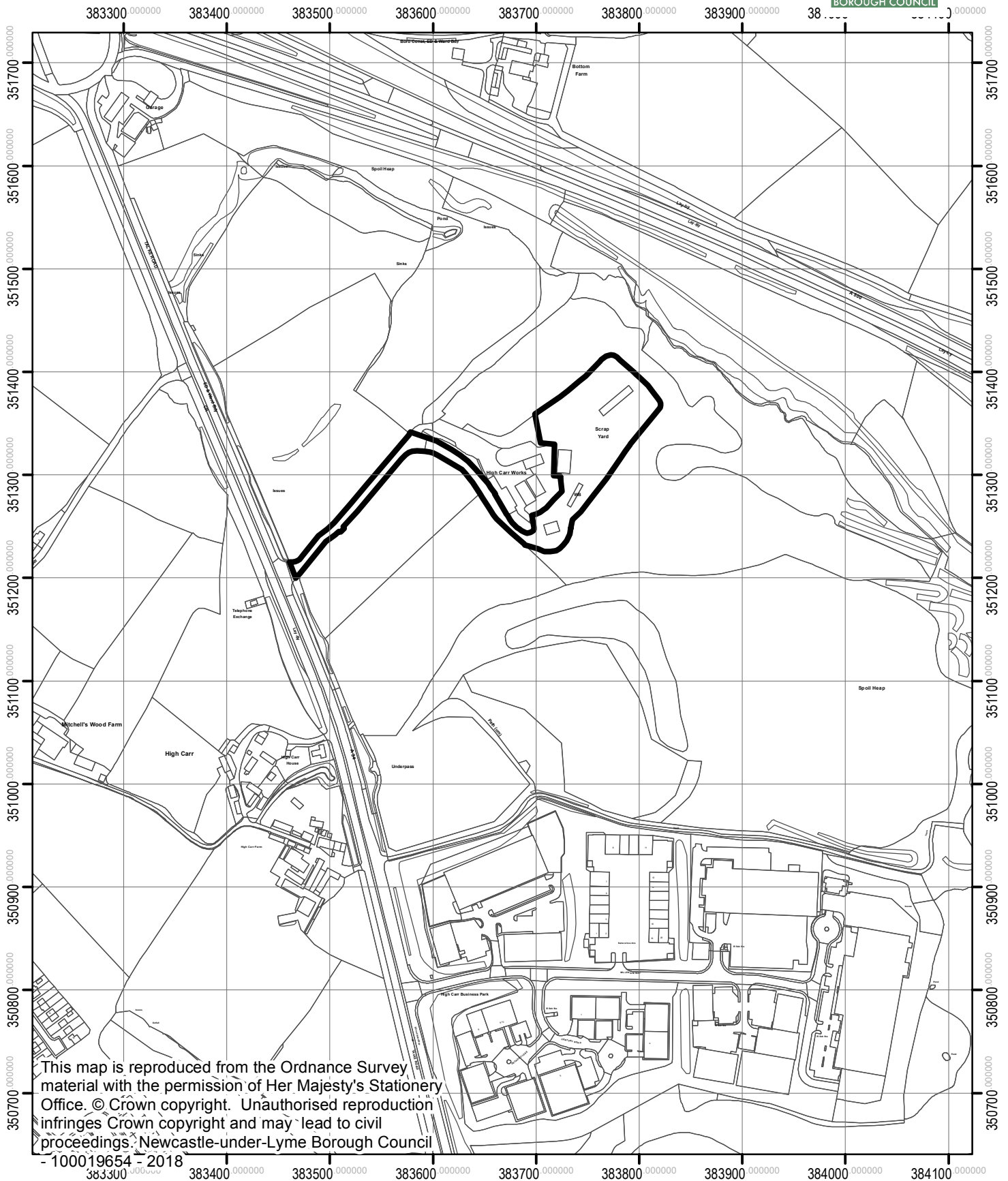
Planning file
Planning Documents referred to

Date report prepared

1st July 2019

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**Cherry Hill Waste
High Carr Farm
Chesterton**



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ROSEDENE, MOSS LANE, MADELEY
MR ROY WILD

19/00347/OUT

The application is for outline planning permission for the demolition of an existing bungalow and the construction of two pairs of 3 bedroom semi-detached houses and one 3 bedroom detached house (5 dwellings in total).

Details of the access and layout have been submitted for approval at this stage with all other matters of detail (scale, appearance and landscaping) reserved for subsequent approval.

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

The development has been called in to the Planning Committee for determination, by two Councillors, due to concerns of overdevelopment in a residential area.

The 8 week period for the determination of this application expires on the 29th June 2019. In anticipation of the committee meeting an extension of time to the 26th July has been agreed by the applicant.

RECOMMENDATION

PERMIT subject to the following conditions relating to:-

- 1. Approval of details of the scale, appearance, and landscaping as reserved matters.**
- 2. Time limit/Plans.**
- 3. Prior approval of soft and hard landscaping shall include tree planting to mitigate the loss of trees from the site.**
- 4. Provision of access, parking and turning areas provided to serve the development in accordance with the submitted layout plan prior to occupation.**
- 5. Agreement and implementation of:-**
 - a) Surfacing materials for parking and turning areas**
 - b) Means of surface water drainage for the parking and turning areas**
- 6. Prior to occupation. The existing access on Moss 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 crossing reinstated as footway.**
- 7. No development shall take place, including any works of demolition until a Construction Management Plan has been submitted to, and approved in writing. The approved details fully implemented on commencement.**
- 8. Restrictions on hours of construction.**
- 9. Provision of an electric vehicle charging point for each dwelling.**
- 10. Surface water drainage scheme.**
- 11. Foul and surface water shall be drained on separate systems.**

Reason for Recommendation

The proposal involves development of a site which, largely, does not fall within the Framework definition of previously developed land and as such it does not fully accord with local and national policy. The proposed development does provide a number of benefits, however. It would boost housing supply within the Borough through the provision of 4 new homes within the village development boundary of Madeley, which is considered to represent a sustainable location for new development. The proposed development is also considered to be an effective use of land and would provide modest economic benefits arising during construction and as a consequence of the occupation of the dwellings.

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 pre-application discussions and no amendments have been considered necessary during the determination period.

Key Issues

Outline planning permission is sought for the demolition of an existing bungalow (Rosemere) and the construction of two pairs of 3 bedroom semi-detached houses and one 3 bedroom detached house. Access and layout are submitted for approval at this stage with all other matters of detail (scale, appearance and landscaping) reserved for subsequent approval. The site lies within the village of Madeley as defined on the Proposals Map of the Local Development Framework.

The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Will the development have an acceptable impact to the character and appearance of the area?
3. What is the impact to trees and is it acceptable?
4. Can acceptable living conditions be provided?
5. What is the impact to highway safety and is it acceptable?
6. The planning balance

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

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

Saved Newcastle Local Plan (NLP) policy H1 supports new housing within village envelopes such as Madeley. ASP6 of the Core Spatial Strategy (CSS) advises that, by 2026, there will be a maximum of 900 net additional dwellings of high design quality located primarily on sustainable brownfield land within the village envelopes of key rural service centres which also includes Madeley.

The National Planning Policy Framework (the 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.

Paragraph 117 of 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.

(Para 11(d))

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

Whilst the site is not entirely previously developed land (as defined in the Framework), such policies in all other respects are supportive of housing development in this location.

It is, however, important to note the Planning Inspector's conclusions in a number of recent appeal decisions in respect of housing developments beyond village envelopes. In such appeals only limited weight has been given to NLP Policy H1 and CSS ASP6 in as far as they define the village envelopes (Policy H1 and ASP6) and limit the number of additional dwellings in key rural service centres (Policy ASP6). Such Inspectors have further concluded that paragraph 11(d) of the Framework is engaged.

The limit on the number of additional dwellings as set out policy ASP6 applies to housing developments, such as this, that are located within defined village envelopes as well as those beyond such boundaries. In that the 900 dwelling limit is not consistent with the Framework which seeks to boost the supply of housing it is, however, of no consequence whether that figure would be exceeded. Even though the village envelopes referred to in ASP6 have to be considered to be out of date, the remainder of the policy (i.e. the requirement for development to be of high design quality and to be primarily located on previously developed land) is not inconsistent with the Framework. Accordingly it remains appropriate to consider whether the development complies with such aspects of ASP6, and Framework paragraph 11(d) should not be considered to be engaged.

2. Will the development have an acceptable impact to the character and appearance of the area?

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.

As indicated above, policy ASP6 of the CSS indicates that additional dwellings in the rural area should be of high design quality. Policy CSP1 seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The site lies within an established residential area at the corner of Morningside (road) and Moss Lane. Rosedene (the property subject to proposed demolition) is a detached dormer bungalow with a large garden. A line of closed boarded fencing with trees behind runs around the boundary of the property adjacent to the highway verge.

The character of the area comprises of a mixture of detached/semi-detached and terraced single and two storey housing of varying architectural styles. A row of bungalows along Morningside faces the site. Elsewhere the character is predominantly two storey dwellings. There is a high degree of garden frontage greenery in the immediate vicinity as a noticeable local characteristic of the visual appearance of the area.

As only layout and access details are applied for at this stage a complete assessment of the visual appearance impact cannot be made. However owing to plot size the number of units applied for on the site (which is 5) and the layout, which does form part of this application, will not appear inappropriate in the context of existing surrounding properties subject to the agreement of reserved matters. There is no reason to conclude that development with an

acceptable visual appearance including landscaping provision cannot be achieved for the number of units proposed and as such does not comply with ASP6 and CSP1 of the CSS.

3. What is the impact to trees and is it acceptable?

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

There is a line of boundary trees within the applicant's garden area which will need to be removed. The trees are not of a high amenity level considered individually and the Landscape Development Section does not object to their removal. However, collectively the trees do provide a pleasant green visual aspect alongside the highway verge. In that regard the Landscape Development Section advises that tree planting should be included in any landscaping scheme to be agreed upon given the location of the site against a prominent road junction. Therefore subject to the agreement of a well thought out landscaping scheme with tree planting the development is acceptable in respect of its impact to trees.

4. Can acceptable living conditions be provided?

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

5. What is the impact on 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. The Framework also indicates, at paragraph 106, that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. This is in line with the Ministerial Statement of March 2015 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. Such a policy is, however, of limited weight as it is not in fully consistent with the Framework given it reference to maximum parking levels.

A new vehicular access is proposed off Moss Lane to serve two of the proposed dwellings resulting in the existing access on that road serving Rosemere being made redundant. As referred to in representations received on the application, the formation of this access appears to upon the location of an existing post box. The post box is not protected, however, and there is no reason to consider that it could not be appropriately relocated if that is necessary. It does not, therefore, pose a constraint upon this proposal.

A further two new vehicular accesses are proposed off Morningside to serve the remaining three dwellings that are proposed.

There are no parking restrictions in the immediate vicinity. A total of 10 car parking spaces are indicated on the submitted layout drawing (two spaces for each of the proposed dwellings) which does achieve the maximum specified level set out in the Local Plan and is considered to be acceptable level of parking for the development as proposed.

The Highway Authority have no objections to the proposal from a highway safety perspective which includes an assessment of access provision from Morningside and Moss Lane as well as the resultant parking levels and increased traffic in the area.

Overall, therefore there are no substantive highway safety grounds to refuse the proposal.

6. Planning Balance

The proposal involves development of a site which, largely, does not fall within the Framework definition of previously developed land and as such does not fully accord with local and national policy. The proposed development does provide a number of benefits, however. It would boost housing supply within the Borough through the provision of 4 new homes within the village development boundary of Madeley, which is considered to represent a sustainable location for new development. The site is approximately 300 metres from the village centre of Madeley and it close to 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 proposed development is considered to be an effective use of land and would provide modest economic benefits arising from during construction and as a consequence of the occupation of the dwellings.

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

[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

Other Material Considerations

National Planning Policy Framework (March 2012)

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

[Planning Practice Guidance](#) (PPG) (March 2019)

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)

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

Planning History

None relevant.

Views of Consultees

Madeley Parish Council objects to the development on the grounds that it represents overdevelopment of the area.

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

1. The development shall not be occupied until access, parking and turning areas have been provided in accordance with the submitted layout plan.
2. Prior approval and implementation of the following:-
 - a) Surfacing materials for parking and turning areas
 - b) Means of surface water drainage for the parking and turning areas
3. The development shall not be occupied until the existing site access on Moss Lane, made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as footway.
4. No development shall take place, including any works of demolition until a Construction Management Plan has been submitted to, and approved in writing by the Planning Authority.

Landscape Development Section has no objections subject to the agreement of landscaping proposals. This should include tree planting to mitigate the loss of trees from the site.

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. Provision of electric vehicle charging points.

United Utilities have no objections subject to the agreement and implementation of:-

1. A surface water drainage scheme.
2. Foul and surface water shall be drained on separate systems.

Representations

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

- The position of an existing post box on Moss Lane has not been referred to by the applicant in relation to the access.
- The proposed access on Morningside is likely to result in increased obstruction on the highway owing to visitor parking on the road and aggravate existing parking problems. The arrangement will be dangerous to road safety.
- Extra traffic from the development will be detrimental to highway safety.

Applicant/agent's submission

Application forms and indicative plans have been submitted. The application documents are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00347/OUT>

Background Papers

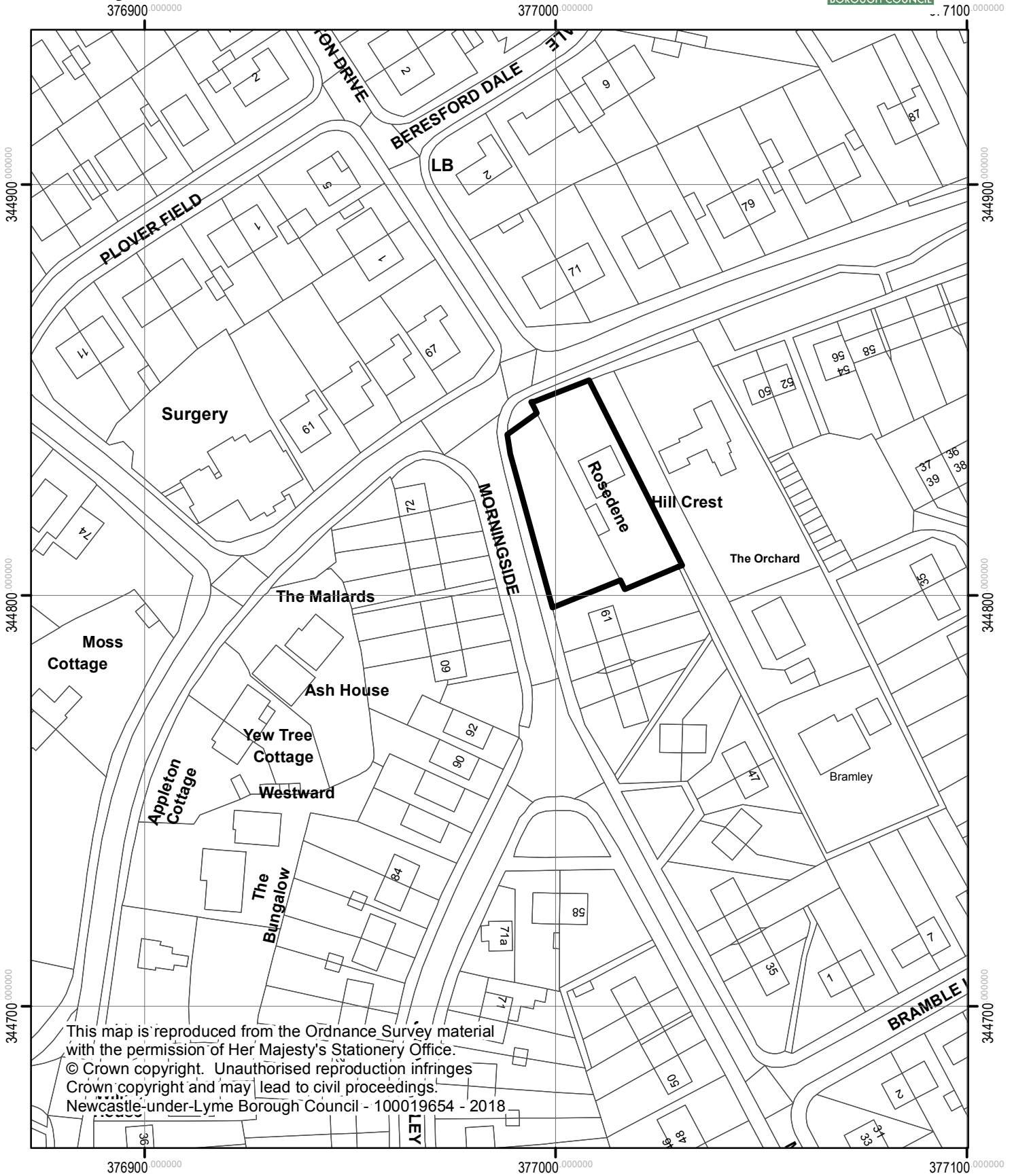
Planning File.
Planning Documents referred to.

Date Report Prepared

28th June 2019.

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Rosedene
Moss Lane
Madeley



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Newcastle-under-Lyme Borough Council - 100019654 - 2018

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**LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS
ELAN HOMES LIMITED**

19/00409/FUL

This application seeks to vary condition 2 of planning permission 18/00314/FUL which granted consent for the erection of five residential dwellings, access and associated works. Condition 2 lists the approved drawings and the variations sought seek to substitute amended plans to illustrate the removal and replacement of the hedgerow along Mucklestone Road and revised boundaries to Plots 77 and 78.

The site forms part of a wider site that was granted outline consent in September 2015 for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (Ref. 15/00202/OUT). Details of the accesses from the highway network were approved as part of the outline consent. Approval of the reserved matters for the larger part of the wider site was granted last year (Ref. 18/00315/REM).

The application site lies on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Trees within the site are the subject of Tree Preservation Order (TPO) no.147.

The 8 week period for determination of this planning application expires on 19th July 2018.

RECOMMENDATION

- A. Subject to the applicant agreeing to extend the statutory period to 19th August and entering into a planning obligation by 16th August that preserves the Council's position in respect of obligations secured prior to the grant of permission 18/00314/FUL, PERMIT the variation of condition 2 to list the revised plans and subject to the imposition of all other conditions attached to planning permission 18/00314/FUL that remain relevant at this time.**
- B. Failing completion by the date referred to in the above resolution (A) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured mechanism the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.**

Reason for Recommendation

The proposed changes would have no adverse impact on the character and appearance of the area. The previous permission was granted following the entering into of a Deed of Variation to the original Section 106 agreement for the wider site and therefore a further Deed of Variation is now required. Subject to this and the imposition of the same conditions as were imposed on 18/00314/FUL that remain relevant at this time, the proposal is considered to be acceptable.

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

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

Key Issues

This application seeks to vary Condition 2 of planning permission 18/00314/FUL which granted planning permission for the erection of five residential dwellings, access and associated works. Condition 2 lists the approved drawings and the variation sought seeks to substitute amended plans

to illustrate the removal and replacement of the hedgerow along Mucklestone Road. Minor revisions to the proposed boundaries to Plots 77 and 78 are also proposed to allow access for hedgerow maintenance. This particular change is not considered to raise any issues. The development is currently under construction.

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

- Is the removal and replacement of the boundary hedgerow acceptable in terms of its impact on the character and appearance of the area?
- Is a planning obligation required?

Is the removal and replacement of the boundary hedgerow acceptable in terms of its impact on the character and appearance of the area?

The original plans showed the retention of the majority of the hedgerow along the Mucklestone Road frontage of the site with the removal of just a small section for the creation of the access. During the construction works, the entire length of hedgerow was removed to enable construction of the new roadside footway which was an inevitable consequence of the requirement for such a footway.

The revised plans show the removal of the hedgerow and the planting of a new native hedge set back to enable the construction of the footpath. The Council's Landscape Development Section raises no objections and given that a replacement hedgerow will be planted comprising native species, it is not considered that there would be any adverse impact on the character and appearance of the area. A condition is considered necessary requiring the planting of the hedgerow in the first possible planting season and requiring the replacement of any failed plantings for a period of 5 years.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one. The original outline consent for the wider site, Ref. 15/00202/OUT, was granted following the completion of a Section 106 agreement and the most recent consent, Ref. 18/00314/FUL, was only issued after a Deed of Variation of that Section 106. Subject to the applicant entering into a further Deed of Variation, the Council's interests would be protected.

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration

[Loggerheads Neighbourhood Plan 2013-2033 \(passed referendum 10th January 2019\)](#)

Policy LNPP1: Urban Design and Environment
Policy LNPP2: Local Character & Heritage

Other Material Considerations include:

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

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

[Supplementary Planning Guidance](#)

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

Relevant Planning History

15/00202/OUT Residential development of up to 78 units including affordable housing, public open space and vehicular and pedestrian accesses - Approved 3rd Sept 2015, following completion of legal agreement 28th August 2015

16/00784/REM Application for the approval of the details for layout, internal access arrangements, scale, appearance and landscaping details relating to outline planning permission 15/00202/OUT for residential development of up to 78 units – Approved

18/00314/FUL Erection of five residential dwellings, access and associated works – Approved

18/00315/REM Reserved Matters application for layout, internal access arrangements, scale, appearance and landscaping details for 73 dwellings - Approved

Views of Consultees

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

Loggerheads Parish Council has no objections but states that a replacement mature hedge along the front of the site is critical.

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted. These documents are available to view via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00409/FUL>

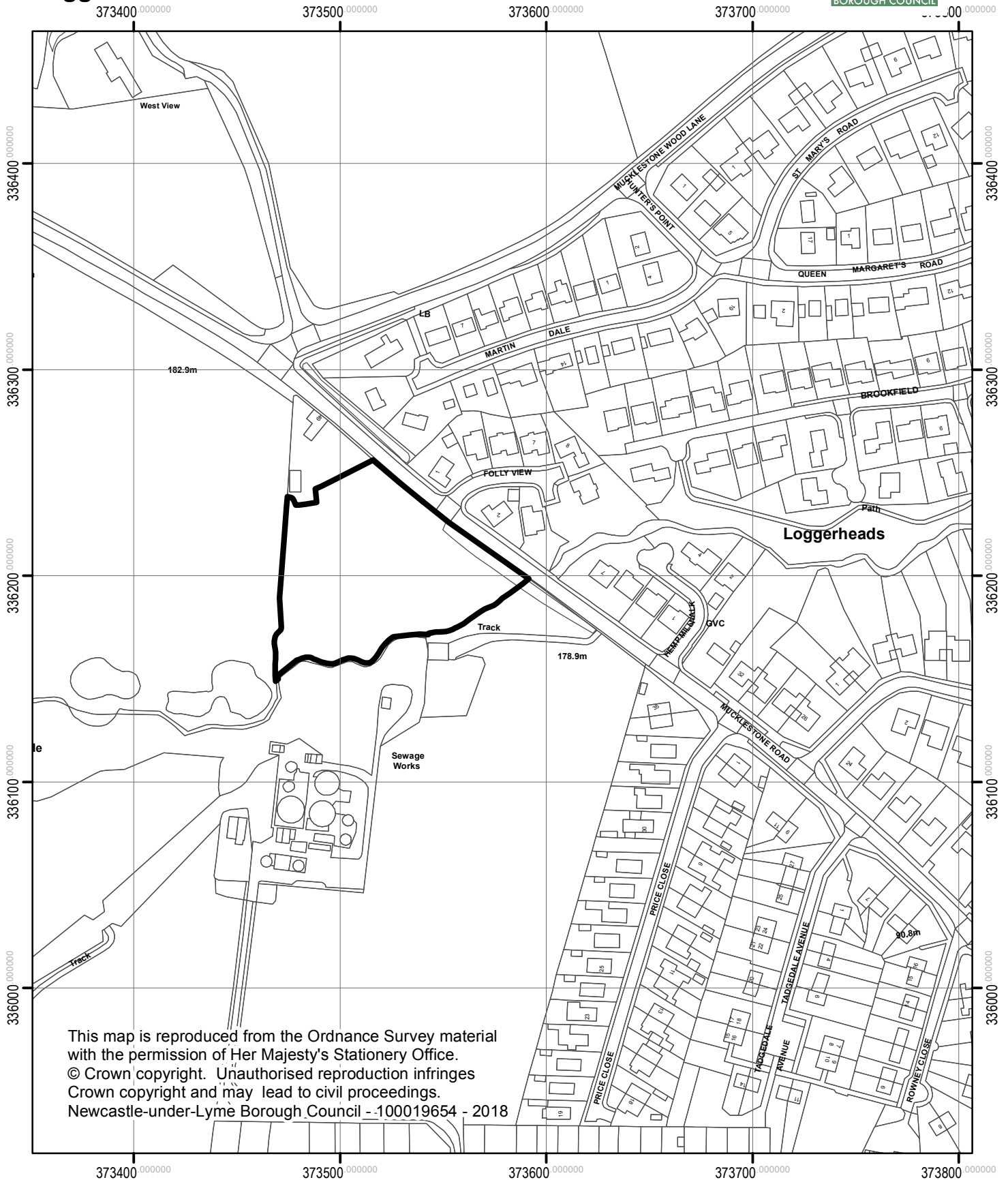
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

2nd July 2019

Land South Of Mucklestone Road Loggerheads



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 Newcastle-under-Lyme Borough Council - 100019654 - 2018

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FORMER SAINSBURY'S SITE, LIVERPOOL ROAD, NEWCASTLE
NEWCASTLE BOROUGH COUNCIL

19/00470/DEEM3

The application is for the temporary ad-hoc use of the site for the holding of events such as circuses, fairgrounds, ice rinks, etc., for up to 4 events per year, each lasting 2-4 weeks.

The site lies within the Urban Area of Newcastle. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter and the Primary Shopping Area.

The 8 week period for the determination of this application expires on 2nd August 2019.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. No buildings, structures, tents or any other feature associated with each temporary event shall be erected or placed on the site until the details have been submitted to and agreed by the Local Planning Authority,**
- 2. No temporary event shall take place on the site for a period exceeding 4 weeks and no more than 4 such events shall take place in any calendar year.**
- 3. Submission, approval and implementation of an event specific Noise and Event Management Plan prior to each temporary event commencing.**
- 4. Any further conditions as recommended by the Environmental Health Division and the Highway Authority that are considered to be reasonable and appropriate.**

Reason for Recommendation

The proposal is acceptable in principle and will bring economic benefits to the town centre. Subject to restrictions/controls, through conditions, relating to the duration and management of the of the proposed ad-hoc temporary events the proposal will not result in an unacceptable impact on amenity or highway safety.

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

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

Key Issues

The application is for the temporary ad-hoc use of the site for the holding events such as circuses, fairgrounds, ice rinks etc. The indication within the submission is that it is anticipated that the site would be used for up to four events per year, each lasting 2-4 weeks.

The site is located within Newcastle Town Centre (TC) designated as a primary shopping area as indicated on the Local Development Framework Proposals Map.

The precise nature of these events is not specified within the application submission and there are no details of any structures, tents etc. that may be brought to site in association with such events. The visual impact cannot, therefore, be fully assessed at this time. The site has, however, already been used for two temporary events in 2017 (No Fit State Circus) and 2014/15 (Winter Wonderland). Both of which required planning permission, both involved temporary structures etc. and in both cases when granting planning permission it was concluded that there would be no adverse visual impact for the temporary period they were to take place. There is no reason to consider that any events that would take place under any permission granted on this application would have an unacceptable visual impact unlike the two previously permitted events. Provided that a condition is imposed requiring

the prior approval of any building, structure, tent or other feature associated with each temporary event it is considered that the proposal does not result in any grounds for refusal on visual impact.

As such the key issues in the determination of this application are considered to be;

- The principle of the development
- The impact on the amenity of the area, and
- The impact on highways safety.

The principle of the development

The proposed use of the land would take place for temporary periods over an unspecified number of years. The site is cleared and is not, at present, contributing to the vitality and viability of the TC. The permitted temporary uses that have taken place on the site already will have had a positive benefit to the TC bringing in people who may not otherwise have visited and who may have used the TC car parks and visited other businesses within the ring road. There is no reason to consider that further temporary uses as proposed will not result in similar benefits.

The site has been identified as a key development site within the TC which the Newcastle Town Centre Supplementary Planning Document (TCSPP) indicates could add to the retail offer of the town centre, and could accommodate housing. The proposed temporary uses would not achieve the development potential identified in the TCSPP but it would bring some benefits until a suitable redevelopment scheme is carried out. The granting planning permission would not, even if for an unspecified number of years, prevent the redevelopment of the wider site of the former Sainsbury's store and the former Civic Offices.

In light of the above, and in recognition that the site could be put to such temporary uses for up to 28 days in any calendar year without the need for planning permission, it is concluded that the development is acceptable in principle.

The impact on the amenity of the area

Whilst the site is located within the TC it is in close proximity to noise sensitive uses including the Magistrates Court and the residential properties located on the opposite side of the Ryecroft.

The views of the Environmental Health Division have not, as yet, been received but it is noted that no objections were raised by them, subject to conditions, to the temporary uses on this site that have been the subject of previous planning applications. It is, however, understood that such uses have been the cause of complaint in relation to noise and artificial lighting. It is therefore necessary to ensure that conditions are imposed on any planning permission granted that secure suitable controls to avoid unacceptable impact on amenity.

The impact on highways safety

As discussed the site is located within the town centre and so is recognised as a highly sustainable location with good access to public car parks, transport links and residential areas.

The Highway Authority has not commented but has previously raised no objections to the applications that have been received for temporary uses on this site. There is no basis to conclude that any significant harm would be caused to highway safety.

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

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

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

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

14/00188/DEEM4	Permit	Application for prior notification of proposed demolition of former supermarket and adjacent multi storey car park
14/00657/FUL	Permit	Temporary Winter Wonderland consisting of an Ice Rink, Bar, German Market Units and Fair
17/00637/FUL	Resolution to Permit	Demolition of existing buildings and construction of a mixed use development comprising student accommodation, retail shops (Use Class A1), food & drink and leisure uses (Use Classes A3/A4/A5/D1/D2), financial and professional services (Use Class A2), car parking, landscaping, highway improvements including to Corporation Street and other associated works
17/00959/FUL	Permit	Temporary circus consisting of three big tops, box office/bar tent, cafe tent, company catering tent, toilets and showers and space for caravans and trailers.

Views of Consultees

The views of the **Environmental Health Division, Highway Authority** and **Crime Prevention Design Advisor** have been sought by 9th July. Any comments received will be reported

Representations

None received to date. Publicity period ends 12th July.

Applicant's/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/19/00470/DEEM3>

Background papers

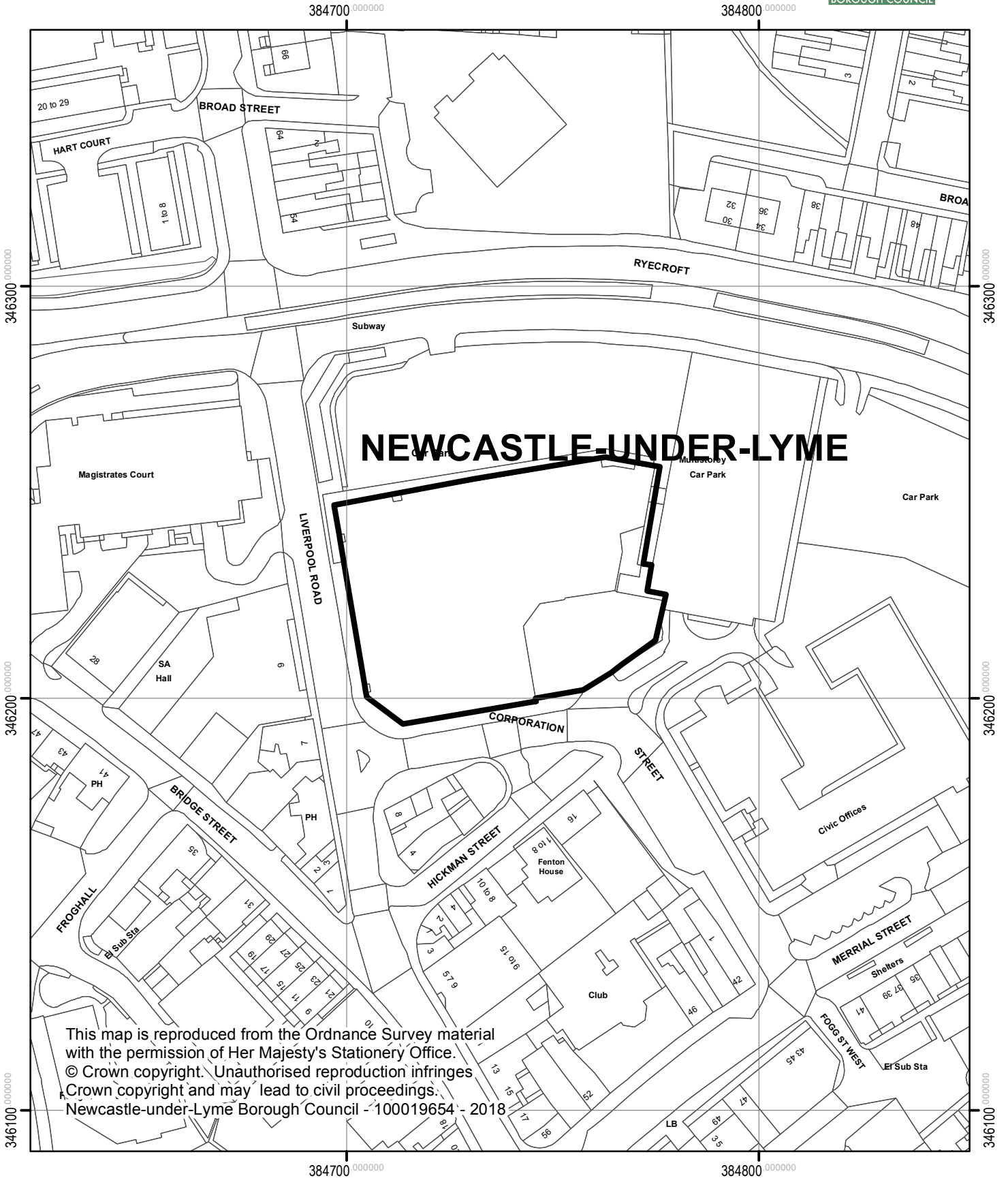
Planning files referred to

Planning Documents referred to

Date report prepared

28th June 2019

Former J Sainsbury Plc
Liverpool Road
Newcastle



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**114 MOW COP ROAD, MOW COP
MR & MRS K SPENCER**

19/00341/FUL

The Application is for full planning permission for the demolition of the existing dwelling and construction of a replacement dwelling.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expires on the 28th June 2019, however the determination period has been extended to the 19th July 2019 by agreement.

RECOMMENDATION

PERMIT subject to conditions relating to:

- i) Standard time limit**
 - ii) Approved plans**
 - iii) Materials as per approved plans and application form**
 - iv) Prior approval of finished floor level of dwelling, and finished ground levels of the garden.**
 - v) Removal of permitted development rights for extensions, outbuildings and hardstandings**
 - vi) Soft landscaping scheme to include full details of boundary treatments**
 - vii) Completion of access, parking and turning areas prior to occupation**
 - viii) Approval of details of means of surface water drainage for the parking and turning areas**
- Provision of an electric vehicle charging point for one vehicle**

Reason for Recommendation

The proposed replacement dwelling would be materially larger than the building it replaces and therefore constitutes inappropriate development in the Green Belt. However, the applicant could carry out extensions to the existing property that would result in a dwelling of a greater volume to that proposed. The proposed dwelling would have no greater impact on the openness of the Green Belt than would the existing dwelling if extended. In addition the applicants have a further fall-back position in that they could implement an extant planning permission for a larger replacement dwelling (17/00564/FUL) than is now proposed which would have a greater impact on the openness of the Green Belt. These are fall-back positions.

The existing property, due to its poor state of repair, is visually harmful and the proposal constitutes a significant improvement in the overall appearance of the site.

In light of the fall-backs and that the development will improve the appearance of the site in a significant way it is considered that very special circumstance exist that justify approval of planning permission subject to the removal of permitted development rights and conditions.

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

KEY ISSUES

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

This application follows the granting of planning permission for a replacement dwelling in 2017 (17/00564/FUL). That proposal was considered to be acceptable in respect of residential amenity and highway safety.

The dwelling as currently proposed is on the same building line as the dwelling approved, repositioned 7m to the west. Notwithstanding the new position, the relationship of the dwelling as proposed in this application to the existing surrounding dwellings is similar or better than in the approved scheme, complies with the SPG on Space about dwellings, and as such further consideration of this issue is not now required.

A larger area of hardstanding is proposed in the current application when compared to the approved scheme. On this basis it is considered that the condition recommended by the Highway Authority requiring details of the means of surface water drainage for the parking and turning area is justified, for reasons relating to more than just issues of highway safety, even though such a condition was not recommended by them in their comments on permitted scheme and was not included in the decision that was issued. The Highway Authority did not recommend restrictions on vehicles associated with the construction to be outside of the Castle Primary School arrival and departure times in commenting upon 17/00564/FUL and it is considered that it would be inconsistent to impose such a condition now given that there has been no material change in circumstances.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape restoration, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

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

The NPPF indicates in paragraph 145 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

The existing property consists of a small, partially single/partially two storey cottage and a lean to ‘garage’ at the rear of the remaining wall of a section of the original building which has been demolished / fallen down. The supporting information previously provided calculates that the existing building amounts to 171.9m³ in volume. The dwelling that is now proposed measures approximately 380m³. In light of this it can only be concluded, given the volume increase proposed, that the replacement dwelling is materially larger than the dwelling it replaces. It is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

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

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. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear

expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

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.

Saved Local Plan Policy N21 seeks to restore the character of the area's landscape and improve the quality of the landscape. Within such an area it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The existing property occupies a backland position at a higher level than existing properties that directly front onto Mow Cop Road. It is not visible in views from Mow Cop Road but given that public footpath no. 110 Kidsgrove runs by the eastern boundary of the site it can be seen from public vantage points and the dilapidated appearance of the existing building is visually harmful.

The proposed replacement dwelling is single storey and has the appearance of a bungalow. The proposed dwelling occupies a larger footprint than the existing cottage but is of a similar height. The design and appearance of the dwelling as proposed is appropriate to this village location and would enhance the appearance of the site quite considerably. The proposed bungalow will, however, be positioned on a sloping site which will result in the need for some levels alterations and to ensure that the finished levels are acceptable it is necessary to include a condition requiring their approval.

There are no significant landscape features within the site that will be removed or adversely affected by the proposed. Therefore in summary the proposed replacement dwelling, whilst larger, would be an improvement within the landscape which would comply with saved policy N21 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable in terms of such policies.

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

The NPPF sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It further indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In granting planning permission under reference 17/00564/FUL it was accepted that the existing property had full permitted development rights and that extensions, alterations and outbuildings could be carried out without planning permission. Such extensions to the existing property would have resulted in a dwelling of a greater volume to the dwelling considered and approved in application 17/00564/FUL and as such it was concluded that the dwelling in that case would have no greater impact on the openness of the Green Belt than would the existing dwelling if extended. The same fall-back position applies in this case as the dwelling now proposed is also smaller in volume when compared to the existing dwelling as enlarged through permitted development rights.

In respect of the application now under consideration there is a further fall-back position as the applicants could implement the extant planning permission 17/00564/FUL which is for a larger replacement dwelling (and which, at 429m³, would have a greater impact on the openness of the Green Belt than the dwelling currently proposed (which is approximately 380m³).

In granting planning permission under 17/00564/FUL it was accepted that the development would result in a visual improvement as a result of the replacement of a dwelling.

The fall-back position and the visual improvement arising from the development were considered to constitute the required very special circumstances and this applies in respect of the current application also.

Given the nature of the very special circumstances demonstrated it is necessary and appropriate to remove permitted development rights and notwithstanding the submission this should include the removal of permitted development rights for outbuildings as well as extensions and hardstandings.

APPENDIX

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

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

Strategic Aim 16:	To eliminate poor quality development;
Policy SP1:	Spatial Principles of Targeted Regeneration
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

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

Policy S3:	Development in the Green Belt
Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Consideration
Policy N21:	Area of Landscape Restoration

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 \(2010\)](#)

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

Relevant Planning History

In 1983 planning permission was granted for the demolition of 2 cottages and erection of a house with garage reference N12190. This permission was not implemented and is no longer extant.

In 2015 planning permission was refused for the demolition of existing dwelling and construction of a replacement dwelling (15/00393/FUL).

A subsequent application, again for the demolition of existing dwelling and construction of a replacement dwelling was refused in 2016 (16/00389/FUL) for the following reason:

- 1. The proposed development is inappropriate development in the Green Belt as the proposed building is not in the same use as the building it replaces, as its residential use has been abandoned, and the replacement building is materially larger than the existing. No material considerations of any weight exist as to clearly outweigh the harm that would be caused by such inappropriate development and accordingly the required very special circumstances do not exist. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.*

The subsequent appeal was dismissed. The Inspector, in dismissing the appeal, did not agree that the residential use of the building had been abandoned but did accept that the proposal involved inappropriate development as the replacement dwelling at double the volume of that which it was replacing was materially larger than the existing.

Following the appeal a further application was submitted for a replacement dwelling which was permitted (17/00564/FUL)

Views of Consultees

The **Environmental Health Division** requests the following conditions:

- Restrictions to permitted hours of work during construction
- Electric vehicle charging point.

The **Highway Authority** raises no objections subject to conditions securing details of means of surface water drainage for the parking and turning areas and restrictions on vehicles associated with the construction at Castle Primary School arrival and departure times during term times.

The County Council's **Rights of Way Officer** advises that the submitted plans do not recognise the existence of Public Footpath No 110 Kidsgrove which runs next to the eastern boundary of the development site. It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. If there is a private right to use with vehicles then the fact that the route is a public highway takes precedence and needs to be stressed in any planning permission.

United Utilities has no objections.

Kidsgrove Town Council and **Cheshire East Council (adjoining LPA)** have not responded to the consultation by the due date and as such it is assumed that they have no comments.

Representations

One representation has been received raising concerns about surface water run-off from the house and parking area, and the issue of loss of privacy as a result of the changed position of the dwelling.

Applicant/agent's submission

Application forms and plans have been submitted along with a Planning/Design and Access Statement. These documents are available via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00341/FUL>

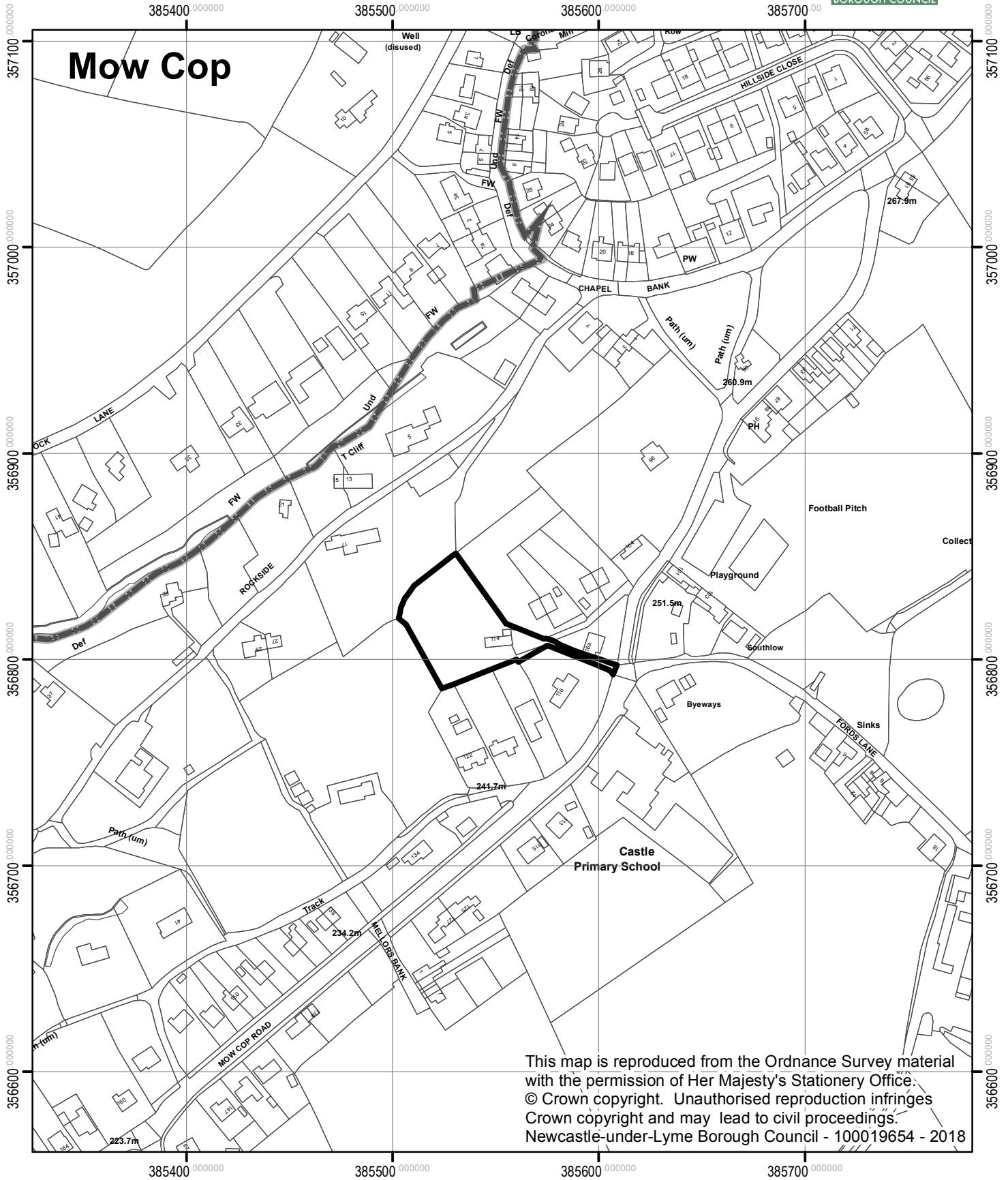
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th June 2019

114 Mow Cop Road
Mow Cop



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THISTLEBERRY HOTEL, THISTLEBERRY AVENUE, NEWCATSLE-UNDER-LYME

STAR PUBS AND BARS

19/00358/FUL

The application is for the installation of a new metal framed pergola across the front elevation of the building together with the provision of extended beer garden seating areas.

The building is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The application has been called in to the Planning Committee for determination, by two Councillors, due to resident concerns about:

- Noise levels as there are residential properties close by.
- Lack of parking as the application proposal would generate more demand and would result in the reduction of parking spaces.
-

The statutory 8 week period for the determination of this application expires on the 2nd August 2019.

RECOMMENDATION

Permit, subject to conditions relating to:

- 1. Time limit condition**
- 2. Development to be carried out in accordance with the approved plans and submitted details**
- 3. Hours of construction**
- 4. Noise management plan**
- 5. Restriction on hours of use of external seating area**
- 6. Restriction on the use of external speakers**

Reason for Recommendation

The application has demonstrated that the proposed development would not have a significant harmful impact on the residential amenity or quality of life of neighbouring residents, subject to conditions and appropriate mitigation measures, nor result in highway safety concerns. The proposal is therefore compliant with the guidance and requirements of the National Planning Policy Framework.

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

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

Key Issues

Full planning permission is sought for the installation of a new metal framed pergola across the front elevation of the building together with the provision of extended beer garden seating areas. The building is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The determination of the application should consider the following key issues;

- Is the design and the impact upon the character and appearance of the area acceptable?
- Would there be any adverse impact on residential amenity?
- Are there any implications for parking and highway safety?

Acceptable design and impact upon the character of the area and street scene

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes on to detail that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

The application seeks permission for the installation of a new metal framed pergola across the front elevation of the building together with improvements to the existing and proposed beer garden areas which would include new fencing, timber box planters and timber posts to support decorative lighting together with the partial cladding of the south (side) elevation of the building.

The cladding proposed on the south (side) elevation of the building would cover an area of approximately 38 square meters. Whilst the materials would be a contrast to those used on the existing building, they are not considered to be harmful to its overall appearance, nor would they harm to character of the wider locality.

The proposed pergola would feature 8 metal posts spaced across the front elevation of the building to support a retractable lean-to roof structure. The pergola would have a maximum height of 3.6m. The scale and design of the pergola is considered to appear commensurate to the main building and suited to the buildings function as a public house without harming the appearance of the area.

Within the proposed new beer garden area to the south of the main building, 8 timber posts would be installed to a height of 2.6m with festoon style string lights spread between the posts. The introduction of these posts is considered to have minimal impact on the visual amenities of the area and the appearance of the main building. New timber box planters would also be installed along the southern boundary of the site, adjacent to Thistleberry Avenue, which would then continue along the frontage of the building. An area of new 1.8m high timber fencing and gate is also proposed to be installed on this elevation of the building, to the rear of the new beer garden area. Again these additions are not considered to be harmful to the appearance of the area.

The existing building is not considered to be of any particular architectural merit, and as such the alterations and improvements proposed could be considered to enhance the overall appearance of the building. Therefore in light of the above it is considered that the cumulative impact of the alterations proposed would be acceptable, and would not detract from the appearance of the building or the character of the wider area. As such the development is considered to be in accordance with Policy CSP1 of the CSS, as well as the provisions of the NPPF.

Would the development cause an unacceptable off of amenity to neighbouring properties?

Paragraph 180 of the National Planning Policy Framework seeks to ensure that new development is appropriate for its location. It details that development should mitigate and reduce to a minimum potential adverse impacts resulting from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life.

The application site currently benefits from two external seating areas, one at the front of the building and one on the north side, adjacent to Keele Road. The application proposes to remove the seating on the north side of the building and instead increase the seating provision at the front of the building and create a new beer garden area on the south side, adjacent to Thistleberry Avenue.

The application is supported by a Noise Impact Assessment (NIA). The NIA includes an assessment of calculated noise levels for both the existing and proposed external seating area from outside the nearest dwellings. The report concludes that the proposed development would result in increased noise levels for the dwellings along Thistleberry Avenue and therefore there is the potential for some noise associated impacts as a result of the proposed expanded seating area. The report goes on to recommend a number of mitigation measures to minimise the harm to neighbouring properties.

The Environmental Health Department (EHD) has raised no objections to the application subject to a number of conditions. They note that the NIA submitted has demonstrated that some control measures are necessary to adequately address potential noise impacts in the later evening/night-time period. Also due to the proximity of the development to neighbouring residential properties it is recommended that no speakers are used within the external beer garden seating areas and that a time restriction is put in place which limits the hours that the external beer garden seating area can be used.

With regards to conditions, a noise management plan should be submitted to the local authority prior to the commencement of any development. This plan should identify all noise sources associated with the use of the external beer garden area and the mitigation measures that will be applied to prevent or minimise the impact of the noise on nearby residents. Further conditions would restrict the use of the external seating area to smoking only after 21:30 hours, with no beverages or food to be consumed within this area beyond this time and restrict the use of loud speak amplification systems within the area at all times.

The EHD also acknowledges that the installation of the bound gravel surface within the new external seating area could result in disturbance to neighbouring residents and as such a condition should be attached to any permission to restrict the hours of construction.

Objections have been received from nearby residential properties, stating that the proposed development would result in increased noise levels to the detriment of the occupants. Whilst the submitted NIA does accept that there would be an increase in noise levels, it is considered that appropriate mitigation measures can be secured through appropriately worded conditions to ensure that the development would not raise any significant impacts for the residential amenity of neighbouring properties.

The nearest residential properties to the proposed new beer garden area are No. 2 Thistleberry Avenue, sited approximately 12m from the proposed development, and No's 8 and 10 Thistleberry Avenue, sited approximately 11.5m from the proposed development. It is accepted that given the siting of the proposed new beer garden area adjacent to Thistleberry Avenue and the proximity of nearby residential properties that the proposal would result in some increase in noise levels experienced in this location, and this is something that has been demonstrated within the NIA.

However, it is considered that the use of appropriate mitigation measures and a noise management scheme as requested by the EHD, which would be secured via a condition before any development commences, would ensure that the development would not have a severe impact on the residential amenity of neighbouring properties.

It should also be noted that this licensed premises will be subject to the requirements and provisions of the Licensing Act 2003 and the Environmental Protection Act 1990, amongst other forms of legislation covering statutory noise and licensing issues. These pieces of relevant legislation, in addition to the control measures imposed within planning conditions, would suitably address any issues in relation to breaches of licenses conditions and statutory nuisance from noise.

Therefore having considered the above matters, the proposal is unlikely to have a significant harmful impact to the residential amenity levels and quality of life of neighbouring properties subject to the conditions advised. As such the proposal is in accordance with the guidance and provisions of the NPPF.

Are there any implications for parking and highway safety.

There are currently four parking spaces situated forward of the main entrance to the pub, two disabled and two standard spaces. As the alterations would result in the external seating area to the front of the building increasing from 3m in depth to 5.1m, the proposal would result in the loss of these four spaces and these spaces would not be provided elsewhere on the site. This would leave the site with 18 parking spaces.

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. Whilst it is noted that Policy T16 of the Local Plan is not consistent with the Framework in that it seeks to apply maximum parking standards, it notes that for a public house and licensed bars, 1 parking space per 6m² should be provided. The policy goes on to detail that where standards are per m², they apply to the gross floor area of a building. Therefore the increase in spaces externally within the proposed beer garden would not require any increase in parking provision in accordance with the details of policy T16.

Paragraph 109 of the NPPF 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 on the road network would be severe.

It is accepted that four spaces would be lost to the proposed development and whilst the view of the Highway Authority have not been received, it is considered that the likely increase in demand for parking arising from the proposal would not result in the creation/exacerbation of existing on-street parking issues contrary to Policy T16 of the local plan. Furthermore any resultant impacts on the surrounding highway network are not considered to be severe and as such the proposal is considered to be acceptable.

APPENDIX

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

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

Strategic Aim 16: To eliminate poor quality development;

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Policy CSP1: Design Quality

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

Policy T16: Development, general parking requirements

Other material considerations include:

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

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

[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

NNB00527 – Licensed premises – Approved

NNB02158 - The erection of licensed premises, as described in your application dated 12th February, 1954 – Approved

16/00997/FUL – Installation of two new ramps – Approved

16/01083/ADV - Installation of 1no. set of illuminated individual letters, replacement swing sign, 1no. fascia sign and various poster cases – Approved

View of Consultees

The **Environmental Health Department** raise no objections subject to conditions restricting the hours of work, the use of the external seating area and the use of loud speaker amplification systems. A noise management scheme should also be provided prior to the commencement of development which should specify the provisions to be made for the control of noise emanating from the site.

No response has been received from the **Highway Authority** by the due date and therefore it must be assumed that they have comments on the proposal.

Representations

Four representations have been received to date objecting to the proposal. The representations raised the following matters;

- Increased traffic and parking along Thistleberry Avenue
- Impact on amenity of nearby properties
- Litter
- Increased noise over and above that of the existing functions of the Thistleberry Pub

- Alterations would jeopardise the current good relations between the pub and local residents
- Noise Impact Assessment irrelevant as impossible to predict until beer garden is set up
- Noise pollution and detrimental impact on the local environment

Applicant/Agent's submission

The application is supported by a Design and Access Statement and a Noise Assessment. All of the application documents submitted for consideration can be viewed using the following link;

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00358/FUL>

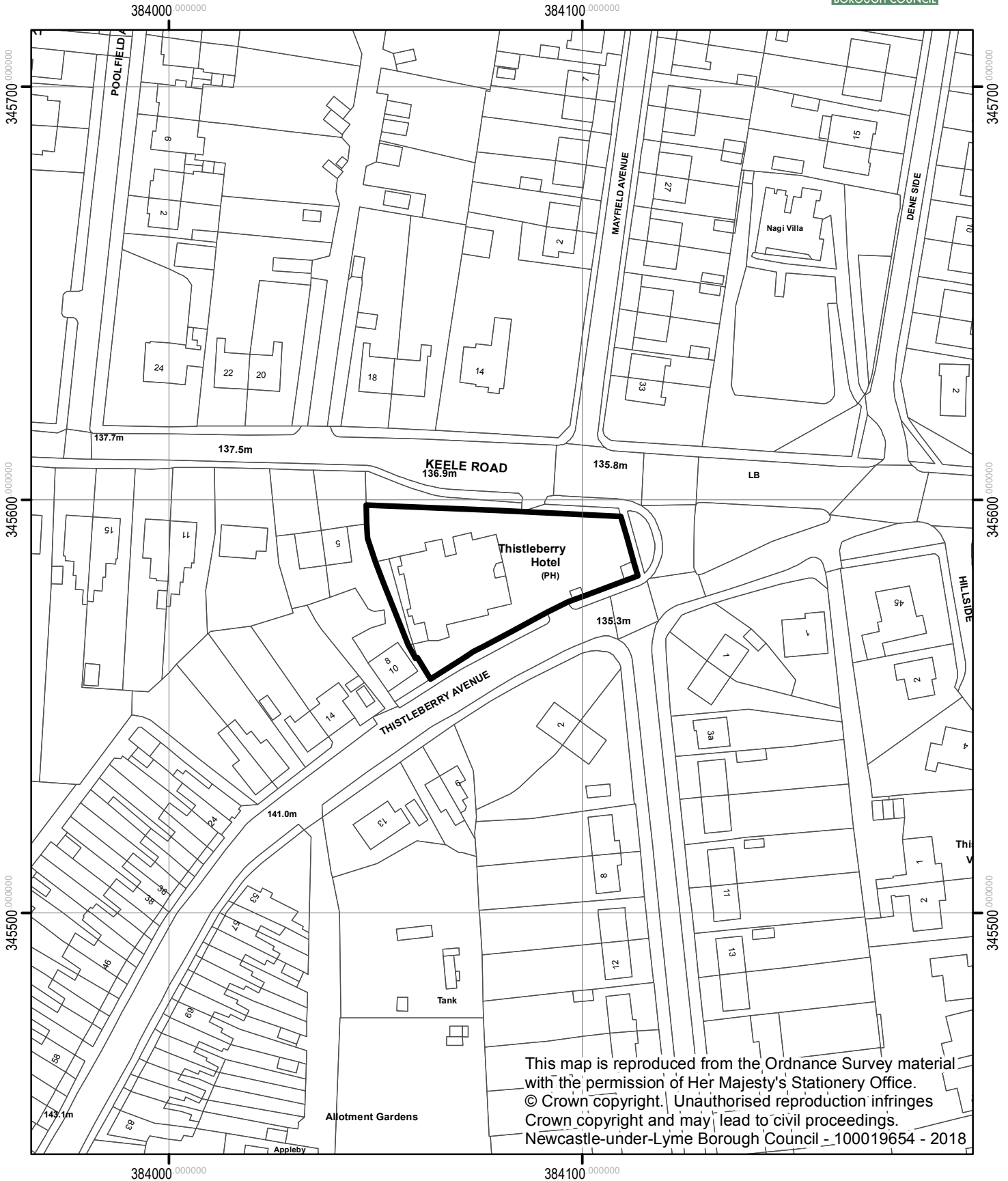
Background Papers

Planning File
Development Plan

Date report prepared

3rd July 2019

**Thistleberry Hotel
Thistleberry Avenue
Newcastle**



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CRACKLEY GATES FARM, LEYCETT LANE, SILVERDALE
MR COLIN DACEY

19/00308/FUL

The application is for full planning permission for the demolition of an existing Class B8 commercial building and the erection of detached bungalow.

The site extends to approximately 0.84 hectares and is located within the open countryside on land designated as being within the Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

Access is proposed via an existing access to a residential property off Leycett Lane.

The 8 week determination period expired on the 18th June but the applicant has agreed and extension of time to the statutory determination period to the 19th July 2019

RECOMMENDATION

PERMIT with the following conditions

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Removal of existing building and outside storage area's prior to the commencement of the construction of the dwelling**
- 4. External materials**
- 5. Boundary treatments**
- 6. Existing and proposed ground levels**
- 7. Soft landscaping, including replacement tree planting**
- 8. Tree and hedgerow protection measures**
- 9. Design measures to control internal and external noise levels**
- 10. Submission and approval of a noise assessment**
- 11. Construction and demolition hours**
- 12. Electric vehicle charging provision**
- 13. Access, car parking and turning**
- 14. Widening of existing access**
- 15. Coal Mining investigations and remediation**

Reason for Recommendation

Whilst the proposed development represents inappropriate development within the Green Belt it would not have any greater harm on the openness of the Green Belt to that which currently exists, taking into consideration the commercial building that is to be demolished, and would not conflict with the purposes of including land within the Green Belt. Any harm would be outweighed by the benefits, namely the acceptable design and the enhancement to the landscape. It is therefore considered that very special circumstances exist that justify approval of planning permission.

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

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

KEY ISSUES

The application seeks full planning permission for the demolition of an existing Class B8 (storage and distribution) building and the erection of detached bungalow at Crackley Gates Farm, which is located within the open countryside on land designated as being with the Green Belt and an area of landscape restoration.

Access is proposed via an existing access to a residential property off Leycett Lane.

The development does not raise issues of residential amenity that cannot be addressed through condition. In addition the Coal Mining legacy issues, a matter raised by the Parish Council, can be dealt with by condition. Therefore the, main issues for consideration in this application are;

- Is the proposal appropriate development within the Green Belt?
- Does the proposal comply with policies on the location of new housing?
- The design and impact on the character and appearance of the area,
- Highway matters, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the proposal appropriate development within the Green Belt?

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

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

Paragraph 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate. Exceptions include:

- g) The limited infilling or the partial or complete redevelopment of previously developed sites which would
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, whether the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application is for the replacement of an existing commercial building. The building has the appearance of a timber agricultural shed, and whilst it has fallen into a state of disrepair it is still of a substantial and permanent construction. The lawful use of the building is for storage, repair and distribution of pallets, as established by a lawful development certificate granted by the under reference 16/00624/ELD.

The commercial building is located to the south of the main dwelling of the Crackley Gates Farm (no longer in agricultural use). The proposal is to replace this existing building with a new residential dwelling with a lesser footprint than the existing building but on a different site, to the west of the main house, as shown on the submitted plans.

The proposed dwelling would therefore be located away from the commercial activities on the site on an area of land that is part residential but primarily on land for the keeping of horses i.e. an equine use.

The definition of previously developed land (PDL) is set out in annex 2 of the NPPF as being: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The land is not within a built up area and a series of appeal decisions have been cited and submitted by the applicant which demonstrates that the land should be concluded to be PDL because it is not within a built up area and the existing use is residential and equestrian. On this basis, it is accepted that the application site does represent PDL.

As indicated above, paragraph 145 of the NPPF does allow the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.

As set out, the existing building to be replaced is on a different area of land within the wider site. Therefore, the replacement dwelling (building) would be on a separate piece of land. On this basis the proposed development cannot be said to meet criterion (g) of paragraph 145 of the NPPF because whilst the site of the existing building represents PDL the proposed development would not represent the redevelopment of that site. The proposed dwelling would be located on another area of the wider site would have a greater impact on the openness of the Green Belt than the development that exist on the area of previously development land on which it is to be sited.

On this basis, it is considered that the proposed development does not meet any of the other exceptions listed in paragraph 145 and it has to be considered to represent inappropriate development within the Green Belt.

Does the proposal comply with policies on the location of new housing?

As discussed, the application site is an area of land that appears to be part residential but primarily on land for the keeping of horses i.e. an equine use. It has been concluded that it does meet the definition of PDL. The site is, however, within the open countryside.

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

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

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

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The site is not within a village envelope and the proposed dwelling would not serve an identified local need and as such is contrary to policies of the Development Plan.

Paragraph 11 of the recently published revised 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.

A series of recent appeal decisions have concluded that policies H1, SP1 and ASP6 should only be afforded limited weight and paragraph 11(d) of the Framework is engaged. Applying this to the case in hand 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 unless the application of policies in the Framework that protect areas or assets of particular importance (and listed in a footnote) provide a clear reason for refusal. This is addressed below.

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

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.

Policy CSP1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

The Urban Design Supplementary Planning Document, at R12, indicates that residential development should be designed to contribute towards improving the character and quality of the area.

The application site is also located within an area of Landscape Restoration (policy N21) which indicates that the Council will support proposals that will help to restore the character and improve the quality of the landscape.

The proposed dwelling is a bungalow which has an 'L' shape footprint that would have a similar building line to the adjacent residential property located to the east of the application site. It would have a more prominent position within the landscape than the existing commercial building to be demolished. However, that building is in a state of disrepair and the building, and its associated external storage areas, erode the quality of the landscape.

Crackley Gates Farm dwelling, which adjoins the site of the proposed dwelling, is two storey in height and whilst the proposed dwelling is a single storey bungalow it is considered to represent an appropriate scale for this rural location.

The general appearance of the proposal is traditional and can be enhanced by appropriate facing materials, fenestration and soft landscaping which can be secured by condition. Boundary treatments, hardstandings and finished ground levels will also need to be secured by condition to ensure that the proposal assimilates well with its surroundings.

A condition requiring the demolition of the existing building and removal of the existing external storage areas would improve the appearance of the landscape.

In consideration of the above it is accepted, subject to conditions, that the proposal would not further erode the character and quality of the landscape and it therefore represents an acceptable design in accordance with policy N21 of the local plan, CSP 1 of the CSS and the guidance and requirements of the NPPF.

The impact on highways safety

The application site would be served by an existing access to a residential dwelling and the proposal would also utilise this access. However, the width of the access would need to be widened.

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

The Highways Authority has raised no objections subject to conditions, which would secure appropriate and safe access arrangements.

The proposed development would not lead to significant highway or car parking implications and accords with policy T16 of the local plan and the requirements of the NPPF.

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

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whilst it has been concluded that the proposed development does not strictly adhere to criterion (g) of paragraph 145 of the NPPF, it is intended that the proposed dwelling would replace an existing commercial building, which has no visual merit within the landscape. The proposed dwelling (replacement building) would have a lesser footprint than the commercial building in question but a marginally greater height. The existing commercial building also has outside storage areas, which also have an impact on the openness.

On balance, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development, which represents previously developed land. The replacement of an unsightly building and outside storage area with a new residential dwelling, albeit on a different site, would also be an improvement on the openness and appearance of the Green Belt. . A condition that secures the demolition of the existing building and the removal of outside storage areas prior to the commencement of the proposed dwelling would ensure that the openness of the Green Belt is protected also.

The removal of permitted development rights is not considered justified with very limited capacity for large extensions and significant alterations once the proposed dwelling is constructed.

It is considered that the above represent the very special circumstances that are required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF. In light of this it is considered that the proposal is not contrary to specific policies of the NPPF and that paragraph 11(d) of the NPPF is engaged requiring consideration as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

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?

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.

The NPPF also encourages homes with accessible services which limit the need to travel, especially by car, although it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

The proposed dwelling, whilst in an unsustainable location for new housing by virtue of future occupiers having a reliance on private motor vehicles to access day to day services and amenities, would replace an existing lawful commercial building which would generate more vehicle movements on a daily basis. The number of trips which would be generated by one dwelling are likely to be modest.

Furthermore, there is a bus stop just outside of the application site and the urban area of Silverdale with its associates schools, shops, services, amenities and employment opportunities would be a short drive or cycle away.

It is accepted that a new residential dwelling would result in some encroachment into the open countryside but it is considered that the benefits of the proposed development would clearly outweigh any harm. 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, subject to the recommended conditions.

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

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

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy Framework](#) (2019)
[Planning Practice Guidance](#) (2018)

Supplementary Planning Documents/Guidance

[Space Around Dwellings SPG](#) (SAD) (July 2004)
[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)
[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

16/00624/ELD Application for a Lawful Development Certificate for existing of land for storage, repair and distribution of pallets (B8) use Permitted

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

18/00733/FUL Retention of stable block, tack room, manege and change of use of land to equestrian use Permitted

Consultation Responses

Audley Parish Council raises concerns regarding a nearby mine shaft and also that the site was a former spoil tip.

The **Highways Authority** raises no objections subject to conditions which secure the widening and completion of the existing access and parking provision.

Landscape Development Section raises no objections subject to tree protection and a replacement tree planting.

The **Environmental Health Division** has no objections to the application subject to conditions which secure appropriate design measures to minimise noise impact on future occupiers from road traffic from Leycett Lane and the neighbouring engineering works, construction and demolition hours and electric vehicle charging provision.

The **Coal Authority** raises no objections subject to conditions which secure an appropriate scheme of intrusive site investigations, submission and implementation of a scheme of remedial works.

Cadent Gas raises no objections.

Representations

No letters of representation have been received.

Applicants/agents submission

The application is supported by a detailed planning statement, bat and bird survey and a coal mining risk assessment. These documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00308/FUL>

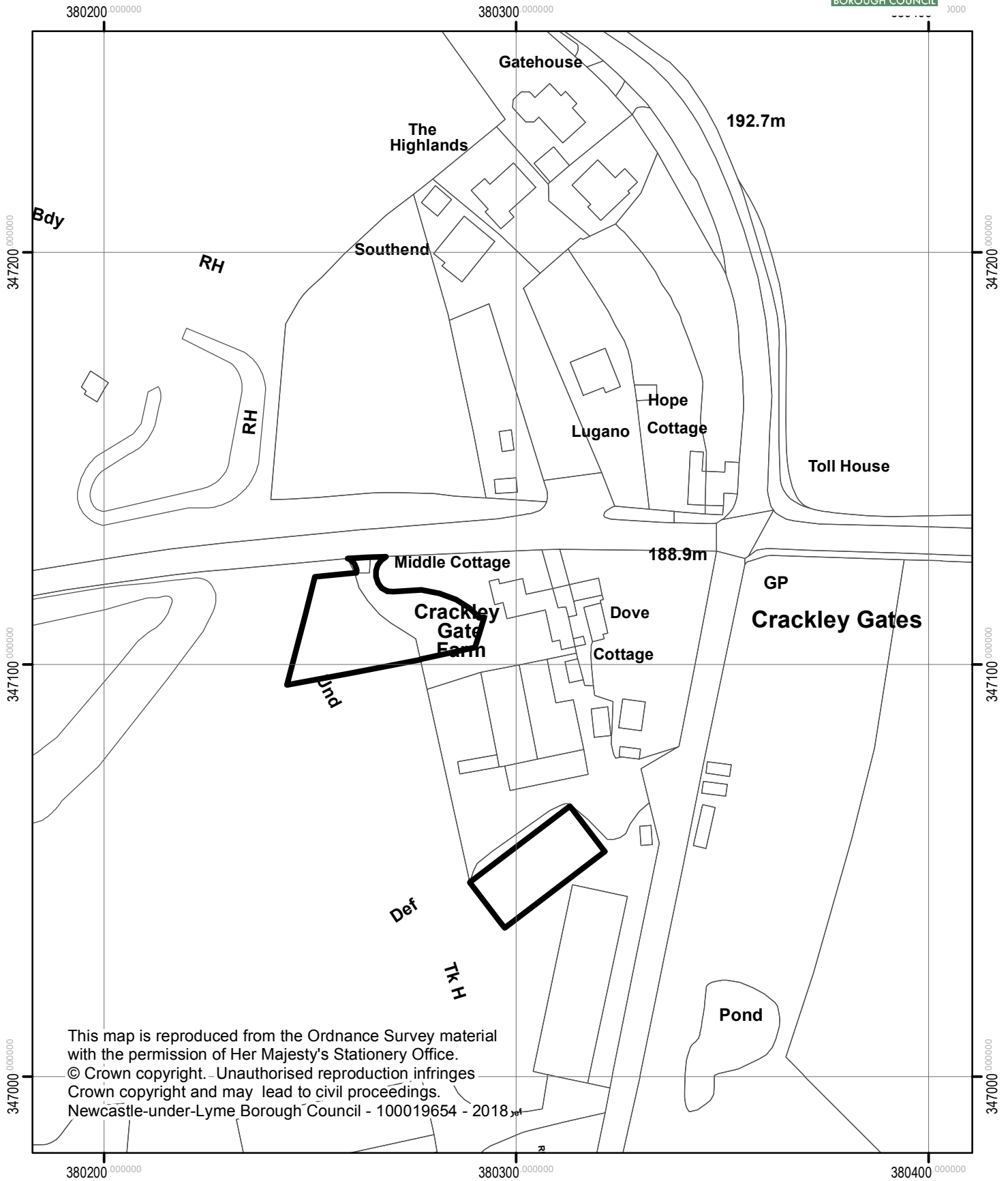
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2019

**Crackley Gates Farm, Leycett Lane
Silverdale, ST5 6AW**



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2 ROSEACRE, NEWCASTLE-UNDER-LYME

MRS JOANNA HISSEY

19/00459/FUL

The application is for a two storey side extension to form an extended lounge and first floor bedroom at No. 2 Roseacre.

The dwelling is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The application has been called in to the Planning Committee for determination, by two Councillors, due to resident concerns about the overbearing impact on the street scene and questioning whether this is a second or retrospective application as an extension has already been built and completed recently.

The statutory 8 week period for the determination of this application expires on the 5th August 2019

RECOMMENDATION

Permit, subject to conditions relating to:

- 1. Time limit conditions**
- 2. Development to be carried out in accordance with the approved plans and submitted details**
- 3. Materials**

Reason for Recommendation

The proposed extension is considered to represent a proportionate addition to the dwelling that would not have any adverse impact on the character or appearance of the original building or the surrounding area. There would also be no detrimental impact on the residential amenity of neighbouring properties. Therefore it is considered that the development would comply with Policy H18 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2016 and the guidance and requirements of the National Planning Policy Framework 2019.

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

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

Key Issues

Full planning permission is sought for a two storey side extension to enlarge the existing lounge and first floor bedroom. The dwelling is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

A single storey side extension, replacing a garage, and bay window on the front elevation have recently been constructed. Such extensions did not require planning permission.

As the proposal would extend an existing bedroom rather than create an additional bedroom, and would not reduce the existing parking provision for the dwelling the development would not result in any parking or highway safety implications. Therefore the determination of the application should consider the following key issues;

- Is the design and the impact upon the character and appearance of the area acceptable?
- Would there be any adverse impact on residential amenity?

Acceptable design and impact upon the character of the area and street scene

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes on to detail that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy H18 of the Local Plan is concerned with the design of residential extensions, and states that the form, size and location of extensions should be subordinate to the original dwelling, and that extensions should not detract from the character and appearance of the original dwelling, or from the character of the wider street scene.

The proposed two storey side extension would project 2.3m from the side (west) elevation of the dwelling and would have a maximum height of 6.8m. It would feature a gable roof with bi-fold doors serving the ground floor, and two vertical geometric style windows serving the extended first floor bedroom. Adjacent to these windows would be an area of horizontal cladding.

Given the orientation of the property, the extension would be visible from within the Roseacre street scene, although the existing mature hedgerows and trees on the north west boundary of the site would contribute to screening some of the development.

It is accepted that the styling of the gable end would be a contemporary addition to the property, but this is not considered to harm the character or appearance of the surrounding area. The extension would be set down below the main ridgeline, by a large extent, and would also be setback 0.5m behind the principal elevation of the dwelling, ensuring that the extension appears a proportionate addition to the dwelling and does not overwhelm the appearance of this modest detached dwelling.

Whilst the lack of openings on the front elevation of the two storey side extension is unusual, given the modest width and height it is not considered that this expanse of blank wall would appear an incongruous addition to the dwelling. The extension would be finished in white render and roof tiles to match the main dwelling, which has been recently renovated and refurbished.

Therefore for the reasons outlined above, the proposed two storey side and front extension would be contrary to Policy H18 of the Local Plan, Policy CSP1 of the Core Spatial Strategy as well as the provisions within the NPPF.

Impact upon residential amenity:

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space Around Dwelling) provides guidance on privacy, daylight standards and environmental considerations.

The proposed two storey side extension would enlarge an existing first floor bedroom, and given its size this bedroom would be considered to be a principal room in accordance with the council's Space Around Dwellings guidance.

This principal room would be served by the existing window on the front elevation, and the two geometric shaped windows on the side elevation of the proposed extension. These windows would have an outlook to the north west of the site, across the front garden space of No. 4 and the Roseacre highway towards No's 9 and 11 on the opposite side.

There would be a distance of approximately 24.5m between the side elevation of the extension and the front elevations of No's 9 and 11 and as such the development would not breach any of the council's space around dwellings guidance in relation to the distances between facing principal windows. Furthermore the views achieved from the windows would not look into the private rear garden space of neighbouring dwellings.

Therefore on this occasion the development is not considered to have a detrimental impact on the residential amenity of neighbouring properties and as such is considered to be acceptable.

APPENDIX

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

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

Strategic Aim 16: To eliminate poor quality development;

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Policy CSP1: Design Quality

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

Policy H18: Design of Residential Extensions, Where subject to Planning Control

Other material considerations include:

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

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

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

None considered relevant to this application

View of Consultees

None.

Representations

None received to date

Applicant/Agent's submission

All of the application documents submitted for consideration can be viewed using the following link;

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00459/FUL>

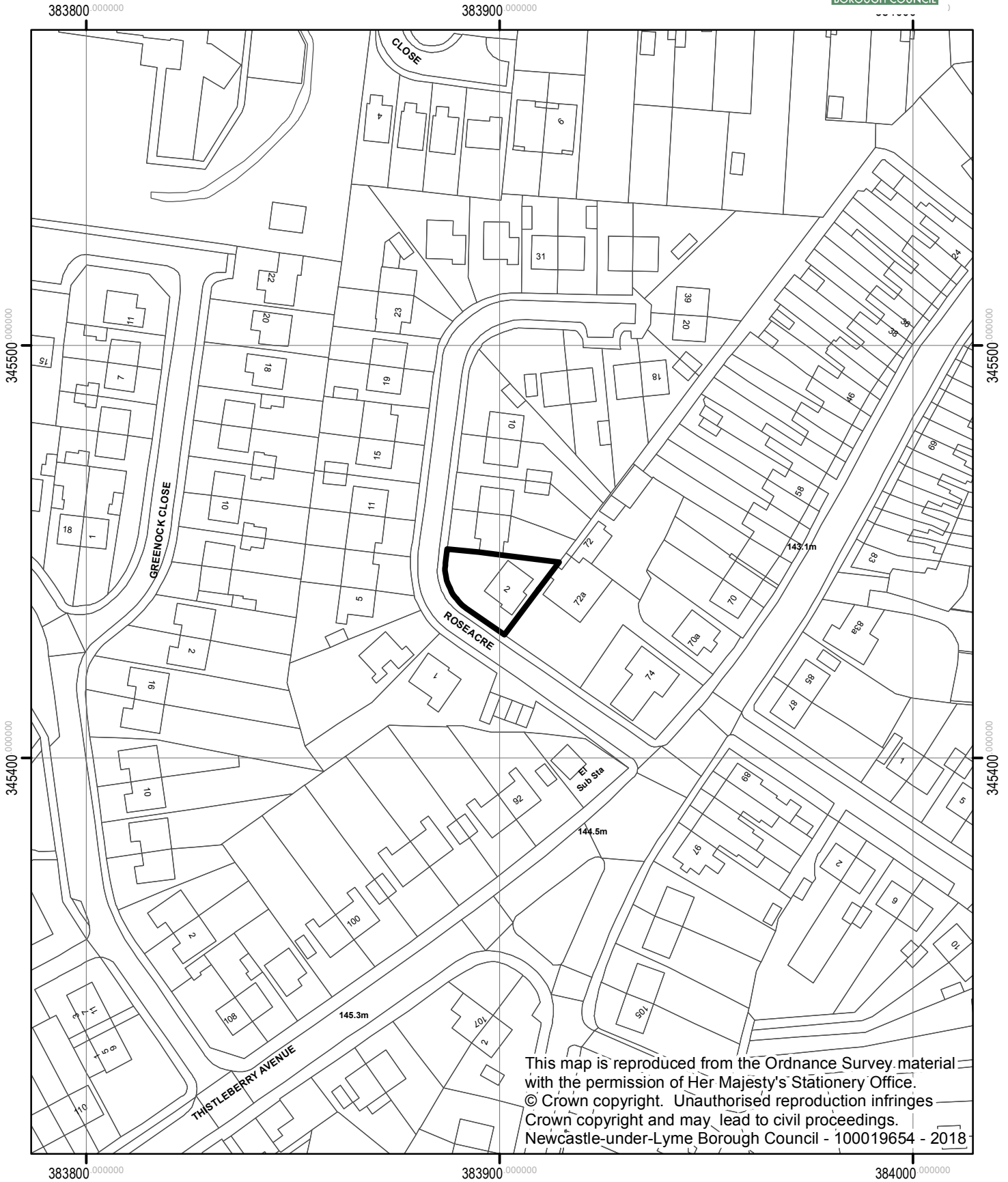
Background Papers

Planning File
Development Plan

Date report prepared

27^h June 2019

2 Roseacre
Newcastle



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**COMMUNICATIONS SITE, ROOF OF COPTHALL HOUSE, KING STREET
EE (UK) LTD AND HUTCHINSON UK LTD**

19/00385/TDET

The proposal is for new telecommunications equipment on the roof of Copthall House as an upgrade to the existing installation to facilitate 5G coverage. The equipment comprises nine equipment cabinets, twelve 2.2m high antennas mounted on raised steel pods, four pole-mounted 600mm diameter dishes on steel frames and a 600mm high cable ladder with 4 no. 3m high support poles.

The application site lies within Newcastle Town Centre and the Newcastle Conservation Area as defined on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 18th July 2019 the development will be able to proceed as proposed.

RECOMMENDATIONS

- (a) That prior approval is required, and
- (b) That such prior approval is **GRANTED**

Reason for Recommendation

Given the amount of equipment proposed which would be clearly visible within the street scene, prior approval is required. The appearance and siting of the development would not have a harmful impact upon the visual appearance of the street scene and it is not considered that there would be any adverse impact on the character and appearance of the Conservation Area. In the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network, prior approval should be granted.

KEY ISSUES

The application is for a determination as to whether prior approval is required for new telecommunications equipment on the roof of Copthall House as an upgrade to the existing installation to facilitate 5G coverage. The equipment comprises nine equipment cabinets (each measuring 770mm x 770mm x 2000mm), twelve 2.2m high antennas mounted on raised steel pods, four pole-mounted 600mm diameter dishes on steel frames and a 600mm high cable ladder with 4 no. 3m high support poles. The five existing equipment cabinets, six antennas, redundant dish and support poles are to be removed.

The majority of the equipment would be installed adjacent to King Street with four antennas and two dishes adjacent to Nelson Place roundabout.

The application site lies within Newcastle Town Centre and the Newcastle Conservation Area as defined on the Local Development Framework Proposals Map.

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted.

Is prior approval required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

Whilst there is already telecommunications equipment on the roof of Copthall House, the proposal is for a substantial amount of new equipment that would be clearly visible within the street scene. It is considered that prior approval is therefore required.

Should prior approval be granted?

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The applicant's submission states that the alternative to upgrading this site is a new standalone large 5G installation in the immediate area, and that the presence of the existing roof top equipment sets a clear precedent for telecommunications development in this location and indicates that the principle of this proposal is acceptable in terms of siting. It is stated that the National Planning Policy Framework advocates site sharing, and as such it is believed that there are no sequentially preferable locations within the defined site search area. Although it is accepted that there would be an intensification in the amount of equipment, the applicant's submission asserts that such a minor increase would not detract from the character of the area in which the proposal sits.

The site is within the Newcastle Conservation Area. Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

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

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

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

Copthall House is a modern office building that lies in a prominent position within the Town Centre Conservation Area, being adjacent to the Nelson Place roundabout and visible from a number of directions. The height of the main roof is approximately 11.5 metres above ground level although a central section of the roof measures approximately 15m in height. There is existing rooftop telecommunications equipment on the building which would be removed.

The Council's Conservation Officer raises concerns about the impact of the additional equipment on views of the building from Queen Street and Hanover Street but concludes that the proposal would cause less than substantial harm to the character and appearance of Newcastle Town Centre Conservation Area. The Council has accepted the principle of equipment on the roof of the building and the NPPF encourages the use of existing masts, buildings and other structures for new electronic communications. It is considered that on balance, the proposed development would have no significantly greater impact on the visual amenity of the building itself or the Conservation Area than the existing telecommunications installations.

In conclusion, it is considered that the siting and design is acceptable and that the proposal would meet the guidance and requirements of the NPPF.

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

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

Policy T19: Telecommunications Development – General Concerns
Policy T20: Telecommunications Development – Required Information
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

99/33/FUL	Installation of telecommunications equipment and cabinets – Orange	Approved
00/17/TDET	Prior approval for telecommunications apparatus – Dolphin Telecommunications	Approved
00/869/TDET	Prior approval for telecommunications apparatus – Orange	Approved
01/319/FUL	Installation of antenna, dishes and equipment cabinets – Hutchinson 3G UK	Approved
05/00631/TDET	Proposed T Mobile antennae and dish and associated equipment cabin on rooftop	Approved

Views of Consultees

The **Environmental Health Division** has no objections to this development as it conforms to ICNIRP Public Exposure Guidelines.

The Council's **Conservation Officer** states that the building occupies a prominent position around Nelson Place roundabout and marks the start of the Georgian suburb and planned layout of the town centre, north-east of the Ironmarket. The Conservation Area Appraisal and Management Plan (2008) identifies the building as a negative building stating that "Cophall House is a particularly obtrusive modern office block, made worse by the plethora of satellite dishes and aerials". From Ironmarket the increase in this sort of development will not be readily visible and equally as one travels south into the Conservation Area down King Street, one is more guided down the road with the trees and landscaping as the backdrop to the town centre a key part of the view. The nearer one gets to

Copthall House, the traffic lights, poles and other street furniture interfere with the views. However there are some views of the building and the roof which are extremely visible within the Conservation Area, especially from Queen Street and Hanover Street where additional equipment on the northern part of the roof would cause further harm to the appearance of the Conservation Area in this location. On this basis, the proposal is going to cause less than substantial harm to the character and appearance of Newcastle Town Centre Conservation Area.

The comments of the **Conservation Advisory Working Party** are awaited and will be reported when received.

Representations

None received

Applicant/agent's submission

The agent has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network capacity.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

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/19/00385/TDET>

Background Papers

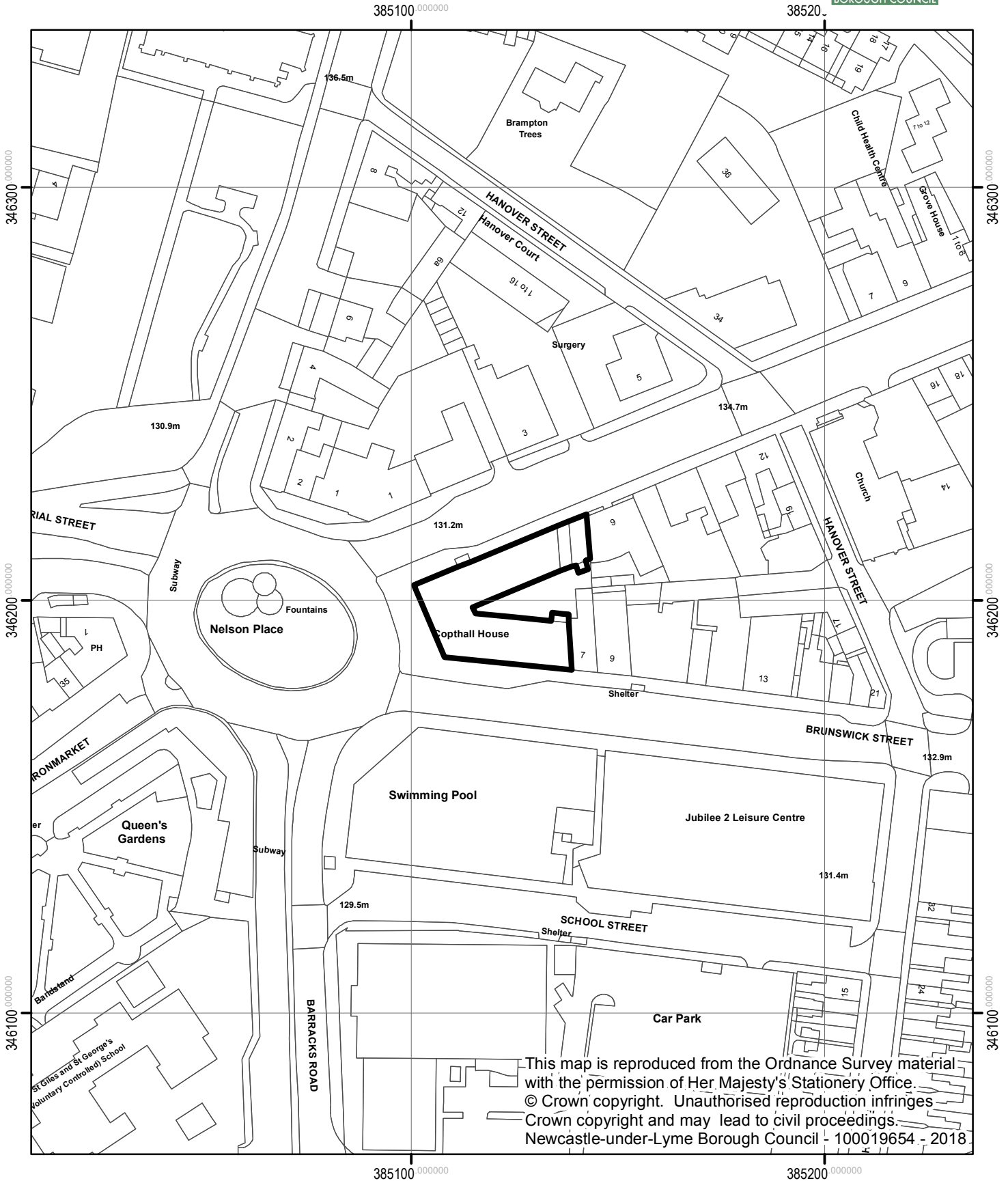
Planning File referred to
Planning Documents referred to

Date report prepared

2nd July 2019

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Copthall House
King Street / Brunswick Street
Newcastle



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APPEAL BY MRS S.THORLEY AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DWELLING AT HAZELEY PADDOCKS, MADELEY HEATH, NEWCASTLE

<u>Application Number</u>	18/00488/OUT
<u>LPA's Decision</u>	Refused under delegated powers
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	7th June 2019

The Appeal Decision

The Inspector identified the main issues in the consideration of the appeal to be;

- Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
- The effect of the proposal on the openness of the Green Belt;
- Whether the appeal site is a suitable location for a dwelling having regard to local and national planning policy; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

In dismissing the appeal the Inspector made the following key comments and observations:-

Whether Inappropriate Development in the Green Belt

- The National Planning Policy Framework (2019) (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions cited is limited infilling in villages.
- Policy S3 of the Newcastle-Under-Lyme Local Plan (Local Plan) (2003), with respect to residential development in the Green Belt, is more restrictive than the Framework and does not fully accord with it. Therefore, it is given very limited weight in the consideration of this appeal.
- The appeal site is located outside the development boundary of Madeley Heath which is a relatively compact settlement with much of the residential development located off Crewe Road and Hilwood Road, a looping road with residential roads off. Limited development fronts onto the A525 within the settlement itself. The appeal site comprises a sloping parcel of land which is located off the A525 between Keele and Madeley Heath. The appellant asserts that the site does 'feel' as though it lies within the village of Madeley Heath. However, whilst the site is bound by housing to the west and south it does not form part of a continuous ribbon of development extending out from the village. Significant gaps between the appeal site and Madeley Heath make the site feel divorced from the settlement and whilst there is development set out in a linear fashion fronting onto the highway between Madeley Heath and Keele, it is intermittent and does not feel part of either settlement.
- The Framework does not define the term 'infilling'. The appellant has suggested the term 'the infilling of a small gap in an otherwise substantially built up frontage'. In the absence of an alternative definition this is considered to be a reasonable approach. The appeal site is adjacent to the A525 and is bound by built development to the west and south. Dwellings along this section of highway do not have a consistent setback from the road, and the setbacks of No 1 Glenroyd Cottage and Boundary House, dwellings to the west and south east of the appeal site respectively, are substantially different.
- If it were accepted that dwellings with such different setbacks could form a substantially built up frontage, other buildings between No 1 Glenroyd Cottage,

including a stables to the rear of the appeal site and a garage, would also form part of this frontage. Any gap would therefore already have been filled. Conversely, if the view were taken that such different setbacks could not be considered to constitute a substantially built up frontage, there would be no gap to fill since there is no building to the other side of the appeal site with a similar frontage to the highway as No 1 Glenroyd Cottage. Either approach would lead to the same conclusion that the proposed development could not be considered to constitute infilling in this instance.

- Since it is concluded that the appeal site is not located within Madeley Heath and is therefore not in a village, and that the proposed development would not be infilling, it would not fall to be considered under Paragraph 145 of the Framework. The proposal is therefore inappropriate development in the Green Belt, and as such, conflicts with the Framework (2019).

Openness

- A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open. Although the appeal scheme is in outline and details of scale, appearance and landscaping are reserved for subsequent approval, a dwelling in this location would inevitably lead to a loss of openness since there is no building on site at present.
- Therefore, the proposal would result in a loss of openness which would harm the openness of the Green Belt, undermining the fundamental aim of keeping land permanently open and have a modest but significant adverse impact on the related Green Belt purpose to assist in safeguarding the countryside from encroachment, contrary to the relevant expectations of the Framework.

Suitability for housing

- Policy SP1 of the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-20261 seeks to direct new housing to sites within identified areas and, amongst other things, where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The appeal site is located outside any defined development boundary and is in open countryside for the purposes of applying planning policy.
- Although the appeal site is located outside the settlement of Madeley Heath, it is sufficiently close, with a footpath which runs along the A525 with street lighting, that future occupants of the proposed dwelling could choose to walk into the village to use services and facilities, including access to public transport links.
- The Framework (2019) encourages homes with accessible services which limit the need to travel, especially by car, although it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst it is acknowledged that public transport is unlikely to meet all of the needs of the future occupants, sustainable transport options would be a realistic option for some journeys. Furthermore, the number of trips which would be generated by one dwelling are likely to be modest. Thus, it is concluded that the appeal site is a suitable location having regard to Policy SP1, the requirements of which are set out above, and the Framework (2019).

Whether Very Special Circumstances Exist

- The appellant asserts that the Council is unable to demonstrate a 5 year supply of housing and that this failing weighs in favour of applications such as the appeal scheme. However, as set out above, the Council's position on this has since changed. Furthermore, as the proposal is for a single dwelling, any social benefits arising from the appeal scheme would be minimal. The proposal would provide some limited economic benefit during the construction phase and result in a slight increase in spending in the local area. However, these considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Conclusion

- The appeal proposal would be inappropriate development in the terms set out in the Framework and lead to a loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and in the wider evidence so as to amount to very special circumstances. Therefore, for all of the reasons given above the appeal should be dismissed.

Recommendation

That the appeal decision be noted.

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APPEAL BY MR EMERY OF CSTG LIMITED AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDERS YARD AND THE ERECTION OF 7 DWELLING HOUSES WITH ASSOCIATED ROAD AND LANDSCAPING AT NEW FARM, CROSS LANE, OFF ALSAGER ROAD, AUDLEY AND APPLICATION FOR A FULL AWARD OF COSTS AGAINST THE COUNCIL

<u>Application Number</u>	18/00122/FUL
<u>LPA's Decision</u>	Refused by Planning Committee 9th October 2018
<u>Appeal Decision</u>	Appeal allowed and planning permission granted
<u>Costs Decision</u>	Partial award of costs against the Council
<u>Date of Appeal Decision</u>	7th June 2019

The Appeal Decision

The Inspector identified the main issues in the consideration of the appeal to be;

- whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework, having regard to the nature of the development and its effect upon the openness of the Green Belt,
- whether the appeal site is a suitable location for the proposed dwellings having regard to local and national planning policy, and
- whether the proposal makes adequate provision for any additional need for open space and affordable housing arising from the development.

In allowing the appeal the Inspector made the following key comments and observations:-

Whether inappropriate development and effect upon openness

- Paragraph 145 of the National Planning Policy Framework (the Framework) (2019) advises that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a limited number of exceptions. The partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development is identified as an exception under this paragraph.
- Notwithstanding the representations received from third parties, the appeal site comprises a series of buildings which are used as part of builder's yard business.
- The appellant provided volume calculations of the existing buildings on the site and compared this with the proposed dwellings and their garages. There would be a reduction of 788 cubic metres which is equivalent to a 10% decrease in overall built volume as a consequence of the proposed development. When account is taken of containers on the site the reduction is even greater.
- Although the layout of the buildings would be different, given their lesser overall volume and the removal of the other paraphernalia associated with the builder's merchant business, the proposed development would not have a greater impact on the openness of the Green Belt than the existing development and is therefore not inappropriate development in the Green Belt.

Suitability for housing

- The appeal site is located outside any defined development boundary and is in open countryside for the purposes of applying planning policy.
- Policy H1 of the Local Plan seeks to direct residential development towards identified urban areas or within village envelopes and Policy SP1 of the Core Spatial Strategy (CSS) 2006-20261 sets out spatial principles of targeted regeneration and seeks to direct new housing to sites within identified areas. The appeal proposal would therefore conflict with policies H1 and SP1 in this regard.

- The Framework supports the development of brownfield land. Although CSS Policy SP1 aims to support regeneration, it is restrictive and is based upon a strategy which is undeliverable. The Policy doesn't accord with the Framework in this respect and therefore the policy is out of date. Notwithstanding this, the general aim (of the policy) to reuse previously developed land and to locate development where it provides access to services and service centres by foot, public transport and cycling generally accords with the Framework and this is afforded substantial weight.
- The appeal site is approximately 600m from the edge of Audley which offers a range of services and facilities that could meet the day-to-day requirements of future occupants of the dwellings. It is therefore accepted that facilities and services are located further in the village, approximately 1400m from the appeal site. However, there is a public footpath which runs along much of Alsager Road between the appeal site and Audley. A condition could be used to secure the provision of a new footway from the appeal site to the existing footway, as proposed by the appellant removing the need for pedestrians to cross Alsager Road which would enable future occupants to walk into the village. Whilst there is likely to be some dependence upon private car, given the proximity of the site to Audley, future occupants would be able to make sustainable transport choices.
- Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Given the range of facilities offered by Audley, it is likely that future occupants would choose to use these facilities which would help minimise travel and help enhance the vitality of Audley.
- Although the site is currently in use as a builder's merchants, a number of the buildings are in very poor condition and appeared to be underutilised at the time of my site visit. Although an intrusive investigation is required to confirm the presence and extent of contamination on the site the preliminary site investigation found that it is likely that contamination, particularly asbestos, will be present on the site, exceeding residential thresholds. The proposal would therefore make use of brownfield land which is supported by Paragraph 118 c) of the Framework which states that decisions should support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land and d) which promotes and support the development of under-utilised land and buildings. This is a matter to which substantial weight is attached.
- Thus, whilst conflict with Policies H1 and SP1 was identified, for the reasons given above, the site is a suitable location for the proposed development and would enhance the vitality of Audley

Affordable Housing and Open Space

- Planning obligations can only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development
- The appellant has provided a Development Appraisal which concludes that the appeal scheme is not viable with financial contributions for affordable housing and Public Open Space (POS). The Council advise that independent advice from the District Valuer came to a similar conclusion. Nevertheless, the appellant has submitted a planning obligation as part of the appeal which would secure provision for this matter to be reviewed in the event substantial commencement of the development does not occur within 12 months of the date of the planning permission.
- The Developer Contributions SPD (September 2007) sets out the approach the Council will take with respect to securing contributions. In relation to viability, it acknowledges that in some circumstances, an applicant may believe that what is being asked for will render a development unviable. In such circumstances, for the Council to be persuaded to reduce its requirements, the onus will be on the applicant to justify why and how special circumstances apply.
- Given the nature of the site and the time and investment likely to be required to get the development to the point where substantial commencement is achieved, the requirement to review the development appraisal would introduce unnecessary uncertainty and cost for the appellant and would therefore not pass the test of reasonableness. Moreover, the Planning Practice Guidance advises that viability

assessments should be informed by current costs and values wherever possible, nor is there any requirement set out within Policies CSP5 or CSP6 of the Spatial Strategy for applicants to review the viability of a development.

- For these reasons, therefore, the proposed development would accord with relevant local and national planning policy in respect to affordable housing and open space without the relevant obligation of the S106 Agreement.

Planning Balance and Conclusion

- The appellant is not seeking to challenge that the Council can demonstrate a 5 year supply of housing. Nevertheless, it is asserted that Paragraph 11(d) of the Framework is engaged because the policies of most importance in determining this appeal are out of date. Attention has been drawn to the appeal decision at Gravel Bank, which, as a consequence, the Council advise that conflict of the proposed development with Policy H1 and ASP6 should only be given limited weight and that paragraph 11(d) of the Framework should now be engaged. The Inspector agreed that limited weight should be given to the conflict with Policies H1 and ASP6.
- It was, however, disputed that Policy SP1 is out of date. The Council assert that Policy SP1 of the CSS was not said to be out of date by the Inspector in the Gravel Bank decision and continues to apply. However, the Gravel Bank site was predominantly a greenfield site. The Inspector concludes that Policies H1 of the NLP and ASP6 and SP1 of the CSS are out of date. In such circumstances, the Framework states that where the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- There would be environmental and economic benefit from redeveloping brownfield land. The Council assert that the provision of new housing should only be given limited weight because it is able to demonstrate a 5.45 year supply of housing. However, given the Government's objective of significantly boosting the supply of homes the proposal would deliver moderate social benefits through the provision of 7 dwellings. There would be conflict with Policies H1 and ASP6 which seek to direct new development to within development boundaries and village envelopes and Policy SP1 of the CSS which seeks to direct new housing towards identified sites. However, the village of Audley would be accessible on foot or by bicycle; there would therefore be sustainable transport opportunities. As such, the policy conflict would be minor, and the proposal would accord with the development plan as a whole.
- In the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. Therefore, the development benefits from the presumption in favour of sustainable development which points towards the grant of planning permission.
- Thus, for the reasons given above, and having regard to all matters raised, the appeal is allowed.

The Costs Decision

In allowing an award of costs against the Council in part, the Inspector made the following comments:

- The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The applicant states that the Council has prevented development which should have been permitted, having regard to an overall planning balance which weighs in favour of the proposed development. The main thrust of the applicant's case is that the Council has persisted in objecting to a scheme which, it is asserted, benefits from the presumption in favour of sustainable development.
- The Planning Practice Guidance advises that local authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include

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.

- The Council took a report to Planning Committee in August 2018 with a recommendation for approval subject to a S106 agreement to secure a review mechanism in relation to affordable housing and public open space. The decision was deferred by the Planning Committee for further information to be provided to substantiate the claim that the site is previously developed land. A subsequent report was submitted to Planning Committee in October 2018. However, between the report being published and the Committee the Council issued its Five Year Housing Land Supply Statement: 2018-2023 which set out that the Council could demonstrate a five year housing land supply. The Council subsequently refused the application on two grounds, Reason 1 relates to the suitability of the site's location and Reason 2 relates to the absence of the aforementioned planning obligation.

With respect to the first reason for refusal:-

- The main difference between the Council's stance prior to its decision was the absence of the 5 year housing land supply. However, as is accepted by the Council, following the publication of the Gravel Bank decision, published on 25 January 2019, paragraph 11(d) should now be engaged. As is set out within the appeal decision, the proposal benefits from the presumption in favour of sustainable development. This means 'granting permission unless: 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.'
- The appeal was submitted on 21 December 2018 and was confirmed as valid on 4 February 2019. The Council received the Gravel Bank decision prior to receiving the timetable for the appeal on the 4 February and, it is reasonable to conclude, had the opportunity to review the decision and consider any implications for this appeal. Indeed, the Council makes reference to the decision within its Statement of Case, but continues to defend the appeal on the basis that the adverse impacts of the development, namely 'the reliance on the use of private motor vehicles due to the site's location, would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the Framework'.
- Since the Council now accepts that the proposal benefits from the presumption in favour of development, it would be expected that its assessment of the proposal against Paragraph 11(d) would broadly similar to that contained within its officer report to the August 2018 Planning Committee. Whilst the weight the Council gave to the benefit associated with the provision of new housing changed, the Inspector is not persuaded that it warranted a different conclusion in terms of the assessment, particularly given the Government's objective of significantly boosting the supply of homes, as set out in the Framework.
- Furthermore, the Council set out within its Officer Reports that there are significant benefits of the scheme, in particular the fact that unsightly buildings and external storage areas would be removed. In its appeal Statement of Case however, the Council's position in this respect appears to have changed. It is stated that the replacement of unsightly buildings in the landscape would be a benefit but the introduction of 7 2-storey dwellings replacing single storey sheds of an agricultural appearance will have some adverse urbanising impact on the character of this part of the countryside. The report concludes that such a benefit could only, therefore, be given very limited weight. This change in position has not been clearly justified by the Council.
- The Council assert that Policy SP1 of the CSS was previously said to not be out of date by the Planning Inspectorate and continues to apply. However the Inspector had concluded that the policy was out of date. Furthermore, as set out above, the Council's position is that paragraph 11(d) should be engaged. Thus, it is concluded by the Inspector that the Council's behaviour in respect of Reason 1 has been unreasonable.

With respect to the second reason for refusal: –

- The Inspector notes that the Planning Practice Guidance sets out that local authorities are at risk of an award of costs if they require that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the National Planning Policy Framework, on planning conditions and obligations. With regards to Reason 2, the Inspector had found that the proposed development would accord with relevant local and national planning policy in respect to affordable housing and open space without the relevant obligation of the S106 Agreement. The Agreement is therefore not necessary to make the development acceptable in planning terms and does not accord within the tests set out in Paragraph 56 of the Framework.
- Notwithstanding the above, a planning obligation to address such matters would not, of itself fail to accord with the law or relevant national policy in the National Planning Policy Framework. In this respect the Inspector does not believe that the Council has acted unreasonably.

In conclusion the Inspector finds that the Council has not acted unreasonably with respect to Reason 2 but that they have acted unreasonably with respect to Reason 1. Therefore unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Your Officer's comments

Whilst there are a number of mistakes within the 2 decision letters – such as the reference to the site being a builder's merchants – and incomplete statements, these are considered to be of limited significance.

The decision with respect to the merits of the appeal is a further example of an Inspector's view on the weight to be attributed to policies within the Development Plan relating to the location of new housing. The Inspector's view in this appeal is that policy SP1 of the CSS does not accord with the Framework and is therefore out of date. Likewise he agrees with the Council's position in the Gravel Bank appeal that policies H1 and ASP6 are also out of date – a position that was accepted by the Inspector in that appeal. The Inspector also concludes that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and the development benefits from the presumption in favour of sustainable development which points towards the grant of planning permission. This appeal decision is a further material consideration to which your Officers will have regard in the determination of applications for new housing in the countryside. Whilst it might be considered to contrast with the appeal decision for The Lodge, Station Road, Onneley that was reported to the June meeting it is important to note that both Inspectors considered paragraph 11(d) of the Framework to be engaged – the different weight being given to CSS policy SP1 reflecting whether or not the Inspectors were dealing with greenfield (as in Onneley) or brownfield sites (as was the case here). The relative proximity of this site to both the edge of Audley (600m), its facilities (1400m), and the existence of a footway connecting them, and the Inspector's view that occupiers would be able to make sustainable transport choices were, it would appear, critical.

The Inspector's conclusion that a Section 106 agreement to secure a review of financial viability in the event of substantial commencement not being achieved within a period of time was not reasonable merits comment. Interestingly this did not form part of the appellant's case at all and for this reason the Council did not consider it necessary to set out its full case for such a review. It is indeed the case that national planning guidance does not expressly support a requirement for such reappraisals, and nor do policies within the development plan (which were developed prior to Developer Contributions SPD). Members will be aware that it has been the Council's common practice when accepting that a development should not be required, on grounds of a lack of financial viability, to make policy compliant contributions, to seek to secure a financial reappraisal mechanism if development is not substantially commenced within 12 months or some other period of time from the date of the planning permission. This position has in part been based upon the advice of those undertaking the appraisal that financial circumstances and thus viability can change markedly over time, and

up until now that position has been supported on appeal. At this stage your Officer does not intend to alter this approach, although the trigger for such reassessments will need to be carefully set.

The decision to grant against the Council a partial award of costs is acknowledged. The circumstances of this case – a positive recommendation being given at one point which was then followed by a negative recommendation when officers sought to take into account a new housing land supply position are unusual (and the Inspector has drawn out what he considers to be unexplained inconsistencies between the two), but the underlying message is the need for the Council to continually review and be prepared to review its position in appeal proceedings. There were particular demands upon the Planning Service at the time the appeal timetable became known, reflecting available staffing resources. Members will note that one of the recommendations given in the Annual Appeal performance report is that a proactive approach be taken by officers to appeal handling with early holding of case conferences where appropriate, the strength of the case being continually reassessed in the light of any new evidence received and the Committee taking a similar approach.

When the amount of the costs have been agreed the sum will be reported to the Committee for information.

Recommendation: That the appeal decision, the costs decision and your Officer's comments be noted

Date report prepared : 2nd July 2019

Review of the List of Local Validation Requirements

Purpose of the Report

The purpose of this report is to:

- Identify amendments that are considered necessary to the List of Local Validation Requirements taking into account any changes to statutory requirements, policies in the National Planning Policy Framework and the current Development Plan, or published guidance following the publication of the existing List in 2017.
- Seek approval to undertake consultation on the revised list

Recommendation

1. **That the Committee agrees to approve the revised list of Local Validation Requirements as set out in Appendix B to this Report for public consultation purposes**
2. **That the Committee agree to receive a further report setting out recommendations on the outcome of the consultation before adoption of a revised list of Local Validation requirements.**

1.0 BACKGROUND

- 1.1 Since 1st October 2010 the validity of planning applications received by this Council as a Local Planning Authority (LPA) has been informed by its List of Local Validation Requirements (LLVR). The LLVR sets out what information, over and above the national requirements, is necessary to accompany planning applications. The latest LLVR (attached at Appendix A) was published, following a review and consultation exercise, on 1st October 2017.
- 1.2 As set out at paragraph 44 of the National Planning Policy Framework (NPPF), unless the Council before 1st October 2019 reviews and publishes a new List or announces on its website that no changes are necessary, the information requirements set out in the current list will have no bearing on whether a planning application is valid after that date. Paragraph 44 goes on to indicate that the Local Planning Authority (LPA) should only request supporting information that is relevant, necessary and material to the application in question. The Development Management Procedure Order 2015 (as amended) states that in addition to being specified on an up-to-date List of LVRs information requested by the LPA for a particular planning application must be
 - Reasonable, having regard, in particular, to the nature and scale of the proposed development
 - About a matter which it is reasonable to think will be a material consideration in the determination of the application
- 1.2 As set out in the PPG it is expected that both the applicant and LPA should make every effort to resolve disagreements about the information needed to support a planning application to avoid disputes over the information necessary to validate an application and reduce associated delays. There is, however, a procedure in the Development Management Procedure Order to resolve any disputes that do arise. Where the LPA maintains its position that information is required in order to validate the application, and that information is not received, or the LPA doesn't respond or register the application, an

applicant may appeal to the Planning Inspectorate against non-determination of the application after the relevant time period has passed.

2.0 THE REVIEW PROCESS

2.1 Guidance on the review process for LPAs is set out in the PPG. It sets out 3 steps

Step 1 – Reviewing the existing list by identifying the drivers for each item on their existing Lists of LVRs. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Step 2 – Consulting on any proposed changes.

Step 3 – Finalising and publishing the revised local list – consultation responses should be taken into account when preparing the final revised list.

2.2 The review that has now been undertaken has only identified a small number of changes as being necessary as there has been limited change to statutory requirements, policies in the NPPF or development plan, or published guidance that explains how adopted policy should be implemented. It is important to note that it remains the Government's policy on LVRs that LPAs should take a proportionate approach to the information requested in support of planning applications. LPAs should only request supporting information that is relevant, necessary and material to the application in question.

2.3 The main changes are as follows:

- Introduction of a requirement to provide a Community Infrastructure Statement. The policy driver for this is within the Loggerheads Neighbourhood Plan which was 'made' earlier this year. It only applies to major residential developments in the Loggerheads Neighbourhood Plan area.
- Deletion of the requirement to provide a Construction Waste Management Plan as the absence of such information is not prejudicial to the proper determination of most Major development applications and as such its inclusion is not justified.

2.4 Other changes proposed relate to the NPPF to reflect that a new NPPF has been published since the last LLVR was adopted, and to ensure that the paragraphs numbers referred to are correct. In addition links have been updated where they no longer work and documents, referred to in the 'where to look for further assistance' column have been removed where such documents have been withdrawn or are out of date. .

2.5 The proposed changes are identified on the draft revised List of LVRs attached at Appendix B. To assist in the identification of the changes, the parts of the current List of LVRs that are considered should be removed are struck through by a line and amendments are highlighted in grey.

2.6 The PPG indicates that where a LPA considers that changes are necessary, the proposals should be issued to the local community including applicants and agents, for consultation. No further advice is given in the PPG. In consultations prior to 2017 a period of 6 weeks has been set aside for the consultation, but on the basis of the limited interest previously received other than from statutory and non-statutory consultees and agents, practice by other authorities and the consultation period when the LLVR was last reviewed, a consultation period of 3 weeks is considered appropriate. The following organisations and individuals will be contacted directly by letter or e-mail.

- statutory and key non-statutory consultees, including Parish Councils
- Agents who have submitted a planning application relating to Major development since the 2017 LLVR was published

Even though participation by members of the public is not expected, on the basis of past experience, to ensure that they have at least the opportunity to respond to the consultation a notice would be placed in the Sentinel

- 2.7 At the end of the consultation, the responses received to it, if any, will be assessed and a report then submitted to the Planning Committee, who will make the final decision on whether to adopt the new List.

Date Report Prepared 27th June 2019

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APPENDIX A - List of Local Validation Requirements 1st October 2017

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
1. Affordable Housing Statement	<p>NPPF - paragraphs 47,50,54, 89, 159,173,174 and 177</p> <p>CSS Policy CSP6.</p>	<p>Urban area - developments of 15 or more dwellings as designated in the CSS.</p> <p>Rural area – developments for 10 dwellings or more and which have a combined gross floorspace of more than 1,000m³.</p> <p>Proposals map to identify urban and rural area.</p> <p>Where the proposal is for affordable housing on a “rural exceptions site.”</p>	<ul style="list-style-type: none"> • Details of the numbers of residential units; • the mix of units with nos. of habitable rooms and/or bedrooms; • floor space of habitable areas; • if different levels or types of affordability or tenure are proposed for different units this should be fully explained; • details of any RSL acting as partners in the development 	<p>Affordable House SPD</p>
2. Agricultural Land Quality Assessment	<p>NPPF - paragraph 112.</p>	<p>Development involving agricultural land of Grades 1, 2 or 3a.</p>	<p>The Assessment should consider the following issues:-</p> <ul style="list-style-type: none"> • The degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved. This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification information see www.magic.gov.uk. • Natural England Technical Information Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land also 	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
2. Agricultural Land Quality Assessment (continued)			<p>contains useful background information.</p> <ul style="list-style-type: none"> If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 	
3. Air Quality Assessment	<p>NPPF – paragraphs 109, 120, 122 and 124</p> <p>CSS Policy SP1, SP3 and CSP1.</p>	<p>There are three types of development of relevance:</p> <ul style="list-style-type: none"> major development¹ that may on its own bring about new or increased air quality problems; specific types of development where impact should be understood in case they bring about an air quality problem; and small to medium sized development proposed for an area already with an existing air quality problem. 	<p>A demonstration of the likely changes in air quality or exposure to air pollutants, as a result of a proposed development (including preparation, construction, and demolition phase). Where possible these changes will be quantified, although in some instances a qualitative assessment may be sufficient (in consultation with the Environmental Protection team).</p> <p>Ultimately the planning authority has to use this information to decide the “significance” of the air quality impacts, including cumulative impacts in the locality, and</p>	<p>PPG – Air Quality and Natural Environment – Biodiversity and ecosystems</p> <p>The EU Air Quality Directive 2008</p> <p>Air Quality Management Areas explained by Defra</p> <p>The Newcastle Under Lyme Air Quality Management Areas, Action Plan and AQS</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3. Air Quality Assessment (continued)		<p>These three types are described below.</p> <p>All planning applications which involve development within the Borough (should provide the relevant information by way of an Air Quality assessment):</p> <ul style="list-style-type: none"> • Large residential development. (>100 dwellings or 10K square metres floor space) • Major¹ commercial development (e.g. superstore, commercial development). • Industrial development requiring PPC registration. • Schools and hospitals. <p>The following types of planning applications also require an assessment of air quality, following consultation with the Environmental Protection team:</p> <ul style="list-style-type: none"> • Proposals that include biomass boilers or CHP plant (there is no established criterion for the size of plant that might require assessment. Reference should be made to the Environmental Protection UK's guidance on biomass); • Smaller industrial process (those falling under PCC registration thresholds); <p>In addition, if the following planning application is within an Air Quality</p>	<p>thereby the priority given to air quality concerns in determining the application. The assessment therefore needs to provide sufficient information to allow this decision to be made.</p> <p>The proposed assessment methodology should be agreed with the LPA. If a quantitative approach is taken then this will be either a screening or detailed assessment. The basis of the assessment should be to compare the air quality following completion of the development with that expected at that time without the development.</p> <p>Applications within the AQMA will need to consider air quality, both in terms of any increase in levels and in terms of the effect of the existing levels of air quality on the residents or users of the development itself.</p> <p>A development, particularly one within the AQMA, could be designed to mitigate the impact on, and from, air quality.</p>	<p>IAQM construction dust guidance (and mitigation guidance)</p> <p>IAQM/EPUK Guidance on land use planning and development control: Planning for Air quality</p> <p>Chimney Height Approval Form Chimney Height Approval Form</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		<p>Management Area the following developments also require an air quality assessment:</p> <ul style="list-style-type: none"> • Small and medium sized residential development (1-99 dwellings and 0 - 10K square metres floor space); • Schools, hospitals and care homes. 		
4. Biodiversity survey and report	<p>NPPF – paragraphs 109, 177, 118, 119 and 192. To view click and</p> <p>LP Policies N2, N3 & N4. To view click</p>	<p>If the application includes the modification, conversion, demolition of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> • All agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick and stone construction; • All buildings with weather boarding, hanging tiles or soffit boxes that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space. • Pre-1960 detached buildings and structures within 200m of woodland and/or water; • Pre-1914 buildings within 400m of woodland and/or water; • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • All caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, 	<p>Where survey information is required, the application should be accompanied by:</p> <ul style="list-style-type: none"> • An initial ecological assessment of the site. • Impact on the ecological condition of water courses and bodies. • Full ecological report including likely impact of the proposal and mitigation measures, if required as a result of the initial assessment. <p>Reports should include reference to international statutory sites subject to The Habitats Regulations (i.e. Special Protection Areas (SPAs), Special Area of Conservation (SACs) and Ramsar sites; Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); Local Nature Reserves (LNRs) and local wildlife sites; and Regionally Important Geological Sites (RIGS); legally protected species; biodiversity habitats and species; geological and geomorphological features.</p>	<p>The Wildlife and Countryside Act 1981 (as amended)</p> <p>The Conservation (Natural Habitats etc.) Regulations 1994</p> <p>Protection of Badgers Act</p> <p>Circular 06/2005 The Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.</p> <p>PPG – Natural Environment.</p> <p>The Conservation of Habitats and Species Regulations 2010</p> <p>The UK Biodiversity Action Plan</p> <p>The Staffordshire Biodiversity Action Plan</p> <p>Guidance on Survey</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>air raid shelters, cellars and similar underground ducts and structures;</p> <ul style="list-style-type: none"> All bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p> <p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p> <p>Proposals affecting:</p> <ul style="list-style-type: none"> mature and veteran trees that are older than 100 years; trees with obvious holes, cracks or cavities, trees with a girth greater than 1m at chest height; <p>Proposals affecting former quarries and natural cliff faces and rock outcrops with crevices, caves or other fissures.</p> <p>Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be</p>	<p>If a development is likely to have an impact on an internationally or nationally designated area (Natura 2000 site, Site of Special Scientific Interest) the application should be supported by a report identifying the interest features of the site that may be affected. A full assessment of the likely effects of the development, and avoidance and or mitigation measures if applicable should be included. It is advisable for applicants to seek advice on the scope of the assessment from Natural England prior to the submission of the application in these circumstances.</p> <p>Assessment/survey information will normally be required on developments that are likely to affect protected species, locally designated sites and priority habitats and species.</p> <p>All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced and suitably licensed ecological consultant. Surveys should aim to identify the following information:</p> <ul style="list-style-type: none"> Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, 	<p>Methodology published by the Chartered Institute of Ecology and Environmental Management. To view click</p> <p>Bat Surveys Good Practice Guidelines. Bat Conservation Trust 3rd Edition 2016.</p> <p>Natural England's Experience in Bat Mitigation: Guidance for Ecologists (2013)</p> <p>Natural England's Bat Mitigation Guidelines 2006</p> <p>Natural England's Great Crested Newt Mitigation Guidelines 2001</p> <p>Natural England's Guidance on Wind turbine/farms</p> <p>BS42020:2013 Biodiversity "Code of practice for planning and development". To purchase click here</p> <p>Defra/Natural England standing advice for protected species and sites</p> <p>Natural Environment and Rural Communities Act 2010</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>present</p> <p>Where there are no existing great crested newt records: ponds within 500 m of Major development¹ proposals; ponds within 250 m of or Minor proposals; Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites. (Note: A major development¹ proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare)</p> <p>Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.</p> <p>Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.</p> <p>Proposals affecting arable, pasture, semi-natural habitats and uncultivated land.</p> <p>Proposals for wind turbines and farms.</p> <p>Proposals involving previously undeveloped, or long abandoned sites</p>	<p>including relevant plans, diagrams and schedules;</p> <ul style="list-style-type: none"> • Surveys – thorough and robust survey of the development site and any other areas likely to be affected by the proposals; • Impact assessment – clear assessment of the likely impacts of the proposal; • Mitigation strategy – to clarify how the likely impact will be addressed. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable. <p>It should be demonstrated that adverse impacts on important habitats and species have been avoided where possible and that unavoidable impacts have been fully mitigated or that, where mitigation is not possible, compensation is proposed that results in no net loss of biodiversity. Enhancements should be included in scheme where possible.</p> <p>A Water Framework Directive (WFD) risk assessment may be required where development directly affects the banks of a river or stream. If that is the case the submission must demonstrate that the waterbodies meets Good Status. (Further information on how to complete a WFD risk assessment is provided by the Environment</p>	<p>UK Post-2010 Biodiversity Framework</p> <p>Defra's The natural choice: securing the value of nature</p> <p>The EU Water Framework Directive 2000</p> <p>Joint Nature Conservation Committee advice re the Water Framework Directive</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>of over ¼ hectares and sites within designated areas (such as Sites of Biological Importance).</p> <p>Planning applications that may affect protected sites or species, habitats or species of principal importance, or significant geological/ geomorphological features require submission of survey and assessment information to show how the proposed development may affect these environmental assets.</p>	<p>Agency).</p> <p>Biodiversity Opportunity Mapping is encouraged to inform landscape-scale assessment and planning for ecological connectivity.</p> <p>Staffordshire Ecological Record</p>	
5. Coal Mining Risk Assessment	NPPF – 120 and 121	All applications for planning permission which fall within Coal Mining Referral Areas as defined by The Coal Authority and held by the Local Planning Authority other than the exemptions set out in the Coal Authority’s Exemptions List	<p>A Coal Mining Risk Assessment (CMRA) should be prepared by a suitably qualified and competent person. It should follow the Guidance for Developments provided by the Coal Authority and in particular:</p> <ul style="list-style-type: none"> • Present a desk-based review of all information on coal mining issues which are relevant to the application site • Use that information to identify and assess the risks to the proposed development from coal mining legacy, including the cumulative impact of issues • Set out appropriate mitigation measures to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influence the proposed development 	<p>Coal Authority guidance</p> <p>The Coal Authority Planning and Local Authority Liaison Department can be contacted by: Telephone: 01623 637119 (direct) Email: planningconsultation@coal.gov.uk</p> <p>PPG – Land Stability</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
5 Coal Mining Risk Assessment (continued)			<ul style="list-style-type: none"> • Demonstrate to the Local Planning Authority that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land. 	
6. Construction Waste Management Plan	<p>National Planning Policy for Waste paragraph 8</p> <p>SSJWLP Policies 1.2 and 4.1 To view click here</p>	All applications involving major development ¹	<p>Major development proposals should:</p> <ol style="list-style-type: none"> Use /Address waste as a resource; Minimise waste as far as possible; Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition; Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material; Maximise on-site management of construction, demolition and excavation waste arising during construction; Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and, Be supported by a site waste management plan. <p>Applicants are encouraged to use the waste auditing and benchmarking tools/SWMP templates developed by BRE and WRAP (examples of free templates provided if you</p>	<p>BRE Waste management tools and training and SMARTWASTE</p> <p>Site Waste Management Plans 2008</p> <p>Site Waste Management Plans: Guidance for construction contractors and clients</p> <p>PPG – Waste – determining planning applications</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
6 Construction Waste Management Plan (continued)			click here and at https://www.smartwaste.co.uk/swmp/login.jsp)	
7. Design Review	NPPF paragraphs 17, 56, 57, and 63-66. To view click here and here	All major development ¹ applications Development significantly affecting Newcastle Town Centre Development in a historically or environmentally sensitive area Development with special architectural or environmental qualities.	Full response of an independent design review panel and any further review that has been undertaken. A written statement setting out how the comments received during the design review process have been addressed within the submitted planning application.	Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD Design Council Document, Design Review –Principles and Practice (2013) PPG – Design
8. Flood Risk Assessment and Sustainable Drainage	NPPF – paragraphs 99-104 and 192 . CSS Policy CSP3.	A site-specific Flood Risk Assessment (FRA) is required for: <ul style="list-style-type: none"> • All proposals of 1 hectare or greater in Flood Zone 1; • All proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and • Where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding. 	a) A Flood Risk Assessment (FRA) must demonstrate: <ul style="list-style-type: none"> • whether any proposed development is likely to be affected by current or future flooding from any source; • that the development is safe and where possible reduces flood risk overall; • whether it will increase flood risk elsewhere; and • the measures proposed to deal with these effects and risks. • designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood 	PPG – Flood Risk and Coastal Change The Environment Agency's Flood Maps The Environment Agency's new development and flood risk standing advice RSPB and WWT Sustainable Drainage Systems – Maximising the Potential for People and Wildlife

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
8 Flood Risk Assessment and Sustainable Drainage (continued)		A Sustainable Drainage Scheme/ Strategy is required for all major development ¹ .	<p>resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.</p> <ul style="list-style-type: none"> Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than changes of use. Liaison with the Council should take place prior to undertaking such a test. Please note that such a test should be undertaken prior to a detailed FRA. <p>Where adjacent to an operational railway consideration should be given, within the FRA, to the potential to increase the risk of flooding, pollution and soil slippage on the railway.</p> <p>b) Details must also accompany all major development¹ planning applications setting out how Sustainable Urban Drainage Systems (SUDS) are proposed to be incorporated in the scheme and should clearly demonstrate that the scheme is consistent with the relevant planning policies; in addition to details of how the SUDS will be maintained and protected in the long term.</p> <p>Where adjacent to an operational railway it must be demonstrated that and SUDS carry surface water/foul waters away from the</p>	<p>The Environment Agencies Sustainable Drainage Systems (SUDS) – A Guide for Developers</p> <p>Guidance on Flood Risk Assessment for Planning Applications</p> <p>Flood Zones - Definitions</p> <p>The Floods and Water Management Act 2010 – established the Sustainable Drainage Systems Approving Bodies.</p> <p>Staffordshire County Council's Flood Risk Management Team ('the Lead Local Flood Authority' (LLFA) – Information for Planners including the SuDS Handbook and Appendices (including Appendix A – Surface Water Drainage Proforma and Appendix C – Hydraulic Model Parameters).</p> <p>The Lead Local Flood Authority Local Flood Risk Management Strategy</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
8 Flood Risk Assessment and Sustainable Drainage (continued)			<p>railway. Attenuation ponds and basins will require Network Rail review and agreement.</p> <p>The eleven minimum requirements for the content of a FRA are set out in PPG (March 2014)</p>	
9. Foul Sewage Statement	NPPF – paragraphs 109 and 120	<p>Where it is proposed that a development will be connected to the existing drainage system.</p> <p>Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer</p>	<p>Details of the existing system shown on the application drawing(s).</p> <p>Where connection to the public sewer is not proposed a full assessment of the site, its location and suitability for storing, transporting and treating sewage is required. Where connection to the mains sewer is not practical the assessment will be required to demonstrate why the development cannot connect to the public mains sewer and show that alternative means of disposal are satisfactory.</p>	<p>The EU Water Framework Directive 2000</p> <p>The National Policy Statement for Waste Water (2012)</p> <p>PPG – Water Supply, Wastewater and water quality</p>
10. Heritage Asset Statement	NPPF – paragraphs 128-141 CSS Strategic Aim 13 & Policy CSP2.	<p>All developments that have the potential to impact on a designated heritage asset (or the setting) which includes;</p> <ul style="list-style-type: none"> • proposals in or adjacent to a designated Conservation Area. • proposals directly or indirectly affecting a statutory Listed Building (Grade I, II* or II). • directly or indirectly affecting an 	<p>The statement should provide/evaluate the following:-</p> <ul style="list-style-type: none"> • A description of the significance of the heritage asset/s affected and the contribution of its setting to the significance. • The statutory list description or historic environment record. • How the proposal contributes positively 	<p>PPG – Conserving and Enhancing the Historic Environment</p> <p>Conservation Area boundaries and completed Conservation Area Appraisals and Management Plans</p>

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10 Heritage Asset Statement (continued)	LP Policies B2, B3, B4, B5, B6, B7, B9, B10, B11, B12, B13 & B14	<p>archaeological asset or scheduled ancient monument.</p> <ul style="list-style-type: none"> proposals affecting registered parks and gardens. proposals affecting buildings/structures identified on the register of locally important buildings and structures. If located within Historic Urban Character Areas 1, 2, 5, 6, 8, 11, 18 and 25 as identified in Newcastle-under-Lyme Extensive Urban Survey (2009) If located in Historic Urban Character Areas 2, 4, 6, 7, 9 and 10 of Betley as identified in the Betley Historic Character Assessment (2012) 	<p>to the special interest, character and appearance of the heritage asset.</p> <ul style="list-style-type: none"> Impact of the loss or alteration of property or feature e.g. wall, which makes a positive contribution to the special interest, character and appearance of the heritage asset. Impact of any proposed new buildings on the special interest, character and appearance of the heritage asset. Justification for demolition of all or part of the heritage asset. Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the heritage asset. Justification for the proposed use and impact on the special interest, character and appearance of the heritage asset in terms of anticipated levels of traffic, parking and other activity that would result. A schedule of works for new or restored features of architectural and historic importance. Mitigation for loss of all or part of a heritage asset such as preservation by record or relocation elsewhere. Where applications are within or adjacent to a conservation area an assessment of the impact of the development on the character and appearance of the area and an 	<p>Listed Buildings in Newcastle.</p> <p>List of scheduled ancient monuments</p> <p>Register of Locally Important Buildings and Structures in Newcastle-under-Lyme</p> <p>Historic England's website</p> <p>Staffordshire's Historic Environment Record</p> <p>Ancient Monuments and Archaeological Areas Act 1979</p> <p>The Hedgerow Regulations 1997</p> <p>The Hedgerow Regulations 1997: A Guide to the Law and Good Practice</p> <p>Staffordshire County Council's advice on Historic Buildings and Archaeology</p> <p>The Heritage Gateway</p> <p>Historic England's guide to the range of information required by them</p> <p>Historic England's Guide to the</p>

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10 Heritage Asset Statement (continued)			<p>assessment of the views into and out of the conservation area.</p> <p>Where the development has the potential to impact archaeological remains as a minimum a desk based assessment should be provided summarising the following;</p> <ul style="list-style-type: none"> • Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance. • The historic development of the site and surrounding area. • The nature and extent of the above- and below-ground remains known/ likely to be present. • The impact that the proposed development is likely to have on surviving assets. <p>Where archaeological assessments are required it may be necessary to undertake field evaluation and trench surveys, which should be carried out by a qualified professional.</p> <p>In some cases the developer may need to submit a proposed written scheme of investigation. Early consultation with Staffordshire County Council Historic Archaeologist, Historic England as well as the Borough Council's Conservation Officer is advised to determine the need for and scope of any such archaeological works.</p>	<p>range of information required by them</p> <p>Historic England's Making Changes to Heritage Assets (2016)</p> <p>Historic England's Conservation Principles</p> <p>Historic England's Good Practice Advice in Planning Note 2 - Managing Significance in Decision-taking in the Historic Environment (2015)</p> <p>Historic England's Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (2015)</p> <p>Historic England's Heritage at Risk Register</p> <p>The Chartered Institute for Archaeologists (CIfA) regulations, standards and guidelines regulations, standards and guidelines including the standards and guidance for Historic Environment Desk-Based Assessment Historic Environment Desk-</p>

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10 Heritage Asset Statement (continued)			<p>As a minimum the Historic Environment Record (HER) which is maintained by Staffordshire Council should be consulted. The County Council can produce a Historic Environment Appraisal Certificate which provides a summary of the historic environment interests, following a review of the HER and sets out recommendations.</p> <p>Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area.</p> <p>The above information can be included within the design and access statement when this is required.</p> <p>Early consultation with Historic England is required where an applicants' scheme has the potential to directly impact upon a Grade I and II* Listed Buildings, Scheduled Monuments or their settings; Grade I and II* Registered Parks and Gardens and Registered Battlefields. In the case of Grade I and II* Registered Parks and Gardens the applicant should also consult with the Garden History Society at the earliest opportunity.</p>	<p>based Assessment (December 2014 - updated January 2017)</p>

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<p>11. Land Contamination Assessment – Preliminary Risk Assessment</p>	<p>NPPF – paragraphs 109 and 120-122</p> <p>LP Policies E4, E5, E11, and H9.</p>	<p>All applications (excluding householder developments) where land contamination can reasonably be expected to be found on or adjacent to the development site (e.g. activities for which DOE industry profiles have been developed, active or closed landfill sites within 250 metres of the development site, coal seams under the development site, areas of infilled land, petrol stations, industrial land, waste sites, transport depots and yards, cleared sites, agricultural to residential conversions).</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>	<p>Where contamination is known or suspected to be present, or the proposed development is particularly sensitive, the applicant should provide sufficient information to determine whether the proposed development can proceed.</p> <p>The minimum requirement to enable validation of a planning application is a land contamination assessment that includes:</p> <ul style="list-style-type: none"> ➤ A desk study ➤ A site reconnaissance (walk over) ➤ A preliminary risk assessment that identifies the sources, pathways and receptors, including a conceptual site model. <p>Where the land contamination assessment identifies the potential for contamination to be present, a site investigation may be required to confirm the site conditions.</p> <p>Where contamination poses an unacceptable risk, developers will need to demonstrate that those risks will be successfully addressed via remediation.</p> <p>Remediation works will require verification to confirm their success.</p>	<p>The Environment Agency's Guidance on Land Contamination</p> <p>BS 10175:2011 Investigation of potentially contaminated sites. Code of practice. To purchase click here</p> <p>A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire</p> <p>Newcastle Borough Council's Contaminated Land Strategy</p> <p>Newcastle Borough Council's contaminated land web pages</p> <p>PPG – Land affected by contamination</p> <p>The EU Water Framework Directive 2000</p> <p>Environment Protection Act 1990: Part 2A contaminated Land Statutory Guidance</p>

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12. Landscape/ Visual Impact Assessment	<p>NPPF – paragraphs 58, 59 and 109</p> <p>CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4.</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21& N22.</p>	<p>Applications involving major development¹ in the rural area.</p> <p>Proposals map to identify urban and rural area.</p>	<p>Having regard to the ‘Planning for Landscape Change’, the following should be provided:</p> <ul style="list-style-type: none"> • an analysis of the existing landscape form and features, including the wider setting as appropriate. • a description of how the proposal will pay due regard to and integrate with the existing landscape. • A description of landscape improvement measures associated with the development. • drawings showing as appropriate, contours, spot heights and sections, vegetation cover and other features. • photos together with a plan showing locations and directions taken from. <p>Assessments should be based on good practice guidelines</p>	<p>Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Landscape and Visual Impact Assessment Best Practice</p> <p>Landscape Institute and Institute of Environmental Management and Assessment (3rd Edition): Guidelines for Landscape and Visual Impact Assessment. To purchase click here</p> <p>Landscape Institute Advice Note 01/11 Photography and Photomontage in Landscape Visual Assessment</p> <p>Landscape Institute’s Visual Representation of development proposals Technical Guidance Note 02/17</p> <p>PPG – Natural Environment</p>

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13. Landscape Master Plan	<p>NPPF – paragraphs 58, 59</p> <p>CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4.</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21 & N22.</p>	<p>Applications involving major development¹</p> <p>Applications (other than for householder development) in or adjacent to the Green Heritage Network and in the rural area.</p> <p>Proposals map to identify Green Heritage Network and rural areas.</p>	<p>Development proposals meeting the criteria in the previous column will be required to be supported by a Landscape Masterplan which must be fully integrated with proposals for ecological enhancement.</p> <p>Schemes should include landscaping zones and schedule of likely species and proposals for the long term management and maintenance of such areas. Where contamination is found developers will need to demonstrate in the Land Contamination Assessment that unacceptable risk from it will be successfully addressed through remediation without undue environmental impact during and following development.</p>	<p>Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p>
14. Lighting Assessment	<p>NPPF – paragraph 56, 57, 58, 64 and 125</p>	<p>Proposals that involve the provision of any external lighting that are:</p> <ul style="list-style-type: none"> • in the vicinity of residential property, a public highway, a listed building or a conservation area, sensitive wildlife habitats • within the open countryside 	<p>The following information is required to demonstrate that the right light, in the right place and provided at the right time is achieved.</p> <ul style="list-style-type: none"> • Layout plan • Light spillage • Hours of illumination • Light levels • Column heights • Specification and colour of fixture and fittings • Means of shielding 	<p>PPG – light pollution and design</p> <p>DCLG archived guidance Lighting in the Countryside – towards good practice</p> <p>www.abacuslighting.com/ for general advice about sports pitch lighting</p> <p>BS EN 12193:2007 “Light and Lighting. Sports Lighting”. To purchase click here</p>

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14 Lighting Assessment (continued)				<p>Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (2012)</p> <p>Royal Commission on Environment Pollution report Artificial light in the Environment</p> <p>Institute of Lighting Professionals Lighting against Crime</p>
15. Mineral Safeguarding Statement	<p>NPPF – paragraph 144</p> <p>MLP Policy 3</p>	<p>Where development is proposed within Mineral Safeguarding Areas or on or near to mineral infrastructure sites where the development would constrain the existing or future mineral operations other than the exemptions set out at Appendix 6 of the MLP.</p> <p>The Policies and Proposals Map to identify the minerals safeguarding areas</p>	<p>The statement, which shall be prepared by a specialist, shall demonstrate the implications of the proposals on:</p> <p>a) Permitted mineral reserves of mineral site allocations;</p> <p>b) Mineral resources in mineral safeguarded areas; and</p> <p>c) Mineral infrastructure sites.</p>	<p>PPG - minerals safeguarding</p>
16. Noise and Vibration Assessment	<p>NPPF – paragraph 123</p> <p>CSS Policy SP3.</p>	<p>All applications involving wind turbines.</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive development(s),</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive locations.</p>	<p>Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with the Borough Council's Environmental Health Division on 01782 742571 at an early stage in the design and planning process to establish whether a Noise and Vibration Appraisal is required to be submitted alongside the planning application.</p>	<p>Noise Policy Statement for England (March 2010)</p> <p>WHO Guidelines for Community Exposure (For external recreation and night time LAMax levels)</p> <p>WHO Night Noise Guidelines for Europe 2009</p>

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16 Noise and Vibration Assessment (continued).		All applications that introduce or expose noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.	<p>Guidance, procedures, recommendations and information to assist in the completion of a suitable noise and/or vibration survey and assessment may be found in the policies and guidance set out in the adjacent column. Additional technical information in support of proposed noise surveys will be available from the Environmental Health Division.</p> <p>Change of use applications which propose noise sensitive uses adjacent to sources of noise or for uses that would in themselves be a noise source adjacent to noise sensitive uses such as houses, hospitals and schools should include sound insulation and associated ventilation arrangements/measures in a supporting statement.</p>	<p>BS 4142: 2014 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. To purchase click here</p> <p>BS8233: 2014 Sound Insulation and Noise Reduction for Buildings: Code of Practice. To purchase click here</p> <p>BS5228 – 1:2009 +A1:2014– Noise and vibration control on construction and open sites. Noise. To purchase click here</p> <p>BS5228-2:2009 = A1:2014 Noise and vibration control on construction and open sites. Vibration. To purchase click here</p> <p>BS6472-1:2008 Guide to the evaluation of human exposure to vibration in buildings. Vibration sources other than blasting. To purchase click here</p> <p>PPG –Noise</p>

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17. Open Space Assessment	<p>NPPF – paragraphs 73, 74 and 77</p> <p>CSS Policy CSP5.</p> <p>LP Policy C4.</p>	<p>Any development affecting existing areas of open space, sport/recreational facilities.</p> <p>Any development involving 10 or more dwellings.</p>	<p>If the development affects existing areas of open space or sport/recreational facilities and the Council has not got a robust and up-to-date assessment it must be demonstrated through an independent assessment that the land or buildings are surplus to local requirements.</p> <p>Plans must be provided showing any areas of existing or proposed open space within or adjoining the application site and any access links, equipment, facilities, landscaping to be provided on open space areas.</p> <p>Where open space facilities are proposed to be provided on-site or in-kind you must define them in the application and provide a statement to accompany the planning application setting out:</p> <ul style="list-style-type: none"> • A maintenance specification for the works • how the facility will be initially installed and subsequently maintained to the submitted specification for at least 10 years <p>Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, you will be expected to make a financial contribution through a Planning Obligation.</p>	<p>Sport England's Active Places and Active Places Power</p> <p>Sport England's planning for sport – aims and objectives</p> <p>Sport England's role in assessing and commenting on planning applications</p> <p>Sport England's playing fields policy</p> <p>North Staffordshire's Green Space Audit and Green Space Strategy (2009)</p> <p>Green Infrastructure and Open Space Strategies (2017)</p> <p>PPG – Open space, sports and recreation facilities, public rights of way and local green space</p>

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17. Open Space Assessment (continued)			Where open space adjoins an operational railway details of appropriate fencing should be provided to avoid trespass	
18. Parking Provision Details	<p>NPPF – paragraphs 32, 35, 39 and 40</p> <p>LP Policies H4 & T16.</p>	<p>On outline applications where layout is not reserved for subsequent approval.</p> <p>All other applications involving parking provision.</p>	<p>For outline applications when providing the mandatorily required information on use, the area or zone within the site that is to be used for parking is to be identified and the level of parking provision shall be specified.</p> <p>In all other cases details of the parking layout and access must be providing on the site/block plan.</p>	<p>Car parking: What works where originally published by English Partnerships (now Homes and Communities Agency).</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Design Council's Building for Life 12 – Section 10 Car Parking</p> <p>The Chartered Institution of Highways & Transportation and Institute of Highways Engineers Guidance Note: Residential Parking</p> <p>University of Huddersfield – Impact of Design and Layout of Car Parking on Crime and Anti-social Behaviour</p>

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19. Photographs/ Photomontages and/or Computer Generated Images and 3D models	<p>NPPF paragraphs 17, 56, 57, 64 and 128</p> <p>CSS Strategic Aim 16 & Policies ASP4, ASP6 & CSP1.</p>	<p>Photographs/photomontages are required as follows;</p> <ul style="list-style-type: none"> • for or all major development¹ • All development affecting an above ground heritage asset <p>Computer generated images and 3D models will only be required in exceptional circumstances where the scale of the development or the sensitivity of the site justify it.</p>	<p>Sufficient detail of the wider site context to demonstrate an understanding of the place and local circumstances within which the proposed development is to be located and which can help to show how large developments, or developments in sensitive locations, can be satisfactorily integrated within the street scene and good design.</p>	<p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Landscape Institute Advice Note 01/11 Photography and Photomontage in Landscape Visual Assessment</p>
20. Statement of Agricultural Need	<p>NPPF – paragraphs 28 and 112 and 120</p>	<p>All new agricultural workers dwellings.</p>	<p>An application should be accompanied by a statement demonstrating the need for the dwelling. The statement should include the following information:-</p> <ul style="list-style-type: none"> • Size of agricultural holding on which the building is to be erected. • Details of any additional rented land, these details should include the basis on which the land is rented (i.e. how long it has been rented for, including start and end contract dates and what type of contract there is for each piece of land). • Details of other buildings used, including those on the rented land (details should include the floor space of the building and what each part of the building is currently used for). • Details of the number of animals kept at the site (where relevant). • Details of those employed at the site, 	

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20 Statement of Agricultural Need (continued)			<p>and whether this is on a full or part time basis and their only source of income.</p> <ul style="list-style-type: none"> • Details of how long the unit and agricultural activity have been established for. • Demonstration of the length of time that the agricultural business has been established, that it is currently financially sound and has been profit for at least ` year. • The need cannot be meant by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. 	
21. Statement of Community Involvement	<p>NPPF – paragraphs 188 and 189</p> <p>LPA's Statement of Community Involvement</p>	All major development ¹ , major change of use application	A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.	
22. Structural Survey	LP Policies H9 & E12.	<p>Development involving the reuse of rural buildings</p> <p>All applications for the demolition of listed buildings and unlisted buildings within the Conservation Area</p>	The statement should include full details of the structural integrity of all elements of the building to be converted or demolished and outline any repairs or demolition works necessary to facilitate the conversion.	

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22 Structural Survey (continued)			<p>Where the application will lead to substantial harm to or total loss of significance the statement should seek to demonstrate;</p> <ul style="list-style-type: none"> • The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. • The nature of the heritage asset prevents all reasonable use of the site; and • No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and • Conservation through grant-funding or some form of charitable or public ownership is not possible; and • The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. <p>A marketing report where the demolition of a designated asset is proposed on economic grounds.</p>	
23. Tele-communications Developments – supplementary Information	NPPF – paragraphs 45 and 46 LP Policy T20.	All applications involving telecommunications developments	<p>Statement including:</p> <ul style="list-style-type: none"> • The area of search, • details of any consultation undertaken, • details of the proposed structure, and • technical justification and information about the proposed development. • Evidence that the applicant has explored 	Code of Practice on Mobile Network Development (2013)

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23 Tele-communications Developments – supplementary Information (continued)			<p>the possibility of erecting antennas on an existing building, mast or other structure.</p> <p>Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) taking into account existing masts or base stations and the cumulative exposure arising when operational.</p>	
24. Town Centre Uses – Evidence to accompany applications	<p>NPPF – paragraphs 23-27</p> <p>CSS Policy ASP5.</p> <p>LP Policy R12.</p>	Main town centre uses that are not in an existing centre and not in accordance with the Development Plan other than small scale rural offices or other small scale rural development.	<p>A sequential assessment for all applications for main town centre uses.</p> <p>An impact assessment for any application for retail, leisure and office development which is over 2,500sqm. Of floorspace or any threshold that is set in the Development Plan.</p>	PPG – Ensuring the vitality of town centres
25. Transport Assessment	NPPF – paragraph 32	All applications likely to generate significant traffic movements.	The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for Major proposals, the TA should illustrate accessibility to the site by all modes of	<p>DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development</p> <p>Staffordshire County Council's guidance on Transport Assessments and Travel Plans</p>

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25 Transport Assessment (continued)			<p>transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. In addition consideration should be given to the impact of increased footfall on Railway Stations.</p> <p>Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.</p>	<p>Manual for Streets</p> <p>Manual for Streets 2 PPG – Travel plans, transport assessments in decision- taking</p> <p>PPG – Transport evidence bases in plan making and decision-taking.</p>
26. Travel Plan	NPPF – paragraph 36	All applications likely to generate significant traffic movements.	Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.	<p>DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development</p> <p>Staffordshire County Council's guidance on Transport Assessments and Travel Plans</p> <p>PPG – Travel plans, transport assessments in decision- taking</p>

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27. Tree Survey/ Arboricultural Implications Assessment	NPPF – paragraph 118 LP Policies N12, N14 & B15.	<p>Any site where there are trees which are the subject of a Tree Preservation Order either on or overhanging the application site</p> <p>Any site within a Conservation Area where there are trees either on or overhanging the application site</p> <p>Any site where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees).</p>	<p>All trees to be numbered on the site plan, with details of their species, age, condition, works proposed and need for works set out on an accompanying schedule.</p> <p>A schedule to the survey must include:</p> <ul style="list-style-type: none"> • List of all trees or groups along with • A reference number • Species • Height in metres • Stem diameter in millimetres at 1.5m above ground level. • Branch spread of the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan) • Height in metres of crown clearance above ground level • Age class • Physiological condition • Preliminary management recommendations, estimated remaining contribution in years • Category Rating. <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that</p>	<p>BS5837:2012 Trees in Relation to Design, Demolition and Construction. Recommendations. To purchase click here</p> <p>Town and Country Planning (Trees) Regulations 1999</p>

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27 Tree Survey/ Arboricultural Implications Assessment (continued)			development is suitably integrated with trees and that potential conflicts are avoided.	
28. Ventilation/ Extraction and Flues	NPPF – paragraphs 109 , 120 , 123 and 124	Where ventilation or extraction equipment is to be installed, including proposals for the sale or preparation of cooked food, and commercial premises requiring dust and/or odour extraction, cooling or air handling.	<p>The submitted plans should include details of the external appearance and written details outlining the technical specification of the proposed plant. The technical specifications shall include:</p> <ul style="list-style-type: none"> • A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc.) and the position on the building. • The noise levels generated by the fan in decibels (dB) at the specified distance (i.e. 1.0m/3.0m/ etc.) • Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed. • Locations, design and appearance of external flues. • Arrangements to reduce odours to an acceptable level to safeguard existing amenity. 	<p>Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005)</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p>

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29. Waste Management Facilities Safeguarding Statement	National Planning Policy for Waste	<p>Where development is likely to unduly restrict or constrain the activities permitted at an existing waste management facility or restrict the future expansion and environmental improvement to the facility.</p> <p>The location and extent of permitted waste management facilities can be identified on Staffordshire County Council's Map Search web page</p>	<p>The statement, which shall be prepared by a specialist, shall demonstrate the implications of the proposals on:</p> <p>a) The current operations being carried out at the waste management facility (eg in terms of the impacts from noise, vibration, artificial light, dust, odour and traffic.</p> <p>b) The future expansion/environmental improvement to the waste management facility; and</p> <p>c) The capacity of the waste management facility.</p>	<p>PPG– Waste</p> <p>Defra Waste Management Plan for England December 2013</p>
30. Waste and Recycling Management	National Planning Policy for Waste	All development involving the construction/formation of new dwellings	<p>Details of the arrangements for recyclable materials and refuse storage including the following:</p> <ul style="list-style-type: none"> • Designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the development. • Collection arrangements • Vehicle tracking information to demonstrate that the collection vehicle can collect. 	PPG – Waste

¹ 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more.

List of Abbreviations

AQMA – Air Quality Management Areas

BRE – Building Research Establishment
CSS - Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026
Defra - Department for Environment, Food and Rural Affairs EIA – Environmental Impact Assessment
DfT – Department for Transport
LP - Newcastle-under-Lyme Local Plan 2011
MLP – Minerals Local Plan for Staffordshire 2015 to 2030
NPPF – National Planning Policy Framework (March 2012)
PPG – Planning Practice Guidance
RSPB – Royal Society for the Protection of Birds
SPD – Supplementary Planning Document
SSJWP – Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026
SWMP – Site Waste Management Plan
TA – Transport Assessment
WHO – World Health Organisation
WWT – World Wildlife Trust

APPENDIX B – Revised draft list of local validation requirements (with new text highlighted in grey)

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
1. Affordable Housing Statement	<p>NPPF – paragraphs 47,50,54, 89, 159,173,174 and 177 NPPF – paragraphs 61-64, 77, and 145 and Annex 2: Glossary</p> <p>CSS Policy CSP6.</p>	<p>Urban area - developments of 15 or more dwellings as designated in the CSS.</p> <p>Rural area – developments for 10 dwellings or more and which have a combined gross floorspace of more than 1,000m³</p> <p>Proposals map Local Development Framework Proposals Map to identify urban and rural area.</p> <p>Where the proposal is for affordable housing on a “rural exceptions site.”</p>	<ul style="list-style-type: none"> • Details of the numbers of residential units; • the mix of units with nos. of habitable rooms and/or bedrooms; • floor space of habitable areas; • if different levels or types of affordability or tenure are proposed for different units this should be fully explained; • details of any RSL acting as partners in the development 	<p>Affordable Housing SPD</p>
2. Agricultural Land Quality Assessment	<p>NPPF – paragraph 112.</p> <p>NPPF – paragraph 170 and Annex 2: Glossary</p>	<p>Development involving agricultural land of Grades 1, 2 or 3a.</p>	<p>The Assessment should consider the following issues:-</p> <ul style="list-style-type: none"> • The degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved. <p>This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification information see www.magic.gov.uk.</p> <ul style="list-style-type: none"> • Natural England Technical Information Note 049 - Agricultural Land 	

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2. Agricultural Land Quality Assessment (continued)			<p>Classification: protecting the best and most versatile agricultural land also contains useful background information.</p> <ul style="list-style-type: none"> If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 	
3. Air Quality Assessment	<p>NPPF – paragraphs 109, 120, 122 and 124</p> <p>NPPF – paragraphs 8, 103, 170, 180, and 181 and Annex 2:</p>	<p>There are three types of development of relevance:</p> <ul style="list-style-type: none"> major development¹ that may on its own bring about new or increased air quality problems; specific types of development where impact should be understood in case they bring about an air quality problem; and small to medium sized 	<p>A demonstration of the likely changes in air quality or exposure to air pollutants, as a result of a proposed development (including preparation, construction, and demolition phase). Where possible these changes will be quantified, although in some instances a qualitative assessment may be sufficient (in consultation with the Environmental Protection team).</p> <p>Ultimately the planning authority has to use</p>	<p>PPG – Air Quality and Natural Environment – Biodiversity and ecosystems</p> <p>Natural Environment</p> <p>The EU Air Quality Directive 2008</p> <p>Air Quality Management Areas explained by Defra</p>

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3. Air Quality Assessment (continued)	<p>Glossary</p> <p>CSS Policy SP1, SP3 and CSP1.</p>	<p>development proposed for an area already with an existing air quality problem.</p> <p>These three types are described below.</p> <p>All planning applications which involve development within the Borough (should provide the relevant information by way of an Air Quality assessment):</p> <ul style="list-style-type: none"> • Large residential development. (>100 dwellings or 10K square metres floor space) • Major¹ commercial development (e.g. superstore, commercial development). • Industrial development requiring PPC registration. • Schools and hospitals. <p>The following types of planning applications also require an assessment of air quality, following consultation with the Environmental Protection team:</p> <ul style="list-style-type: none"> • Proposals that include biomass boilers or CHP plant (there is no established criterion for the size of plant that might require assessment. Reference should be made to the Environmental Protection UK's guidance on biomass); • Smaller industrial process (those 	<p>this information to decide the “significance” of the air quality impacts, including cumulative impacts in the locality, and thereby the priority given to air quality concerns in determining the application. The assessment therefore needs to provide sufficient information to allow this decision to be made.</p> <p>The proposed assessment methodology should be agreed with the LPA. If a quantitative approach is taken then this will be either a screening or detailed assessment. The basis of the assessment should be to compare the air quality following completion of the development with that expected at that time without the development.</p> <p>Applications within the AQMA will need to consider air quality, both in terms of any increase in levels and in terms of the effect of the exiting levels of air quality on the residents or users of the development itself.</p> <p>A development, particularly one within the AQMA, could be designed to mitigate the impact on, and from, air quality.</p>	<p>The Newcastle Under Lyme Air Quality Management Areas, Action Plan and AQR</p> <p>IAQM construction dust guidance (and mitigation guidance)</p> <p>IAQM/EPUK Guidance on land use planning and development control: Planning for Air quality</p> <p>Chimney Height Approval Form Chimney Height Approval Form</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>

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Air Quality Assessment (continued)		<p>falling under PCC registration thresholds);</p> <p>In addition, if the following planning application is within an Air Quality Management Area the following developments also require an air quality assessment:</p> <ul style="list-style-type: none"> • Small and medium sized residential development (1-99 dwellings and 0 - 10K square metres floor space); • Schools, hospitals and care homes. 		
4. Biodiversity survey and report	<p>NPPF— paragraphs 109, 177, 118, 119 and 192. To view click and</p> <p>NPPF – paragraphs 8, 43, 118, 141, 149, 170-172, and 174-177 and Annex 2: Glossary</p> <p>CSS Policy CSP4.</p> <p>LP Policies N2, N3 and N4. To</p>	<p>If the application includes the modification, conversion, demolition of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> • All agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick and stone construction; • All buildings with weather boarding, hanging tiles or soffit boxes that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space. • Pre-1960 detached buildings and structures within 200m of woodland and/or water; 	<p>Where survey information is required, the application should be accompanied by:</p> <ul style="list-style-type: none"> • An initial ecological assessment of the site. • Impact on the ecological condition of water courses and bodies. • Full ecological report including likely impact of the proposal and mitigation measures, if required as a result of the initial assessment. <p>Reports should include reference to international statutory sites subject to The Habitats Regulations (i.e. Special Protection Areas (SPAs), Special Area of Conservation (SACs) and Ramsar sites; Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs);</p>	<p>The Wildlife and Countryside Act 1981 (as amended)</p> <p>The Conservation (Natural Habitats etc.) Regulations 1994</p> <p>Protection of Badgers Act</p> <p>Circular 06/2005 The Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.</p> <p>PPG – Natural Environment.</p> <p>The Conservation of Habitats and Species Regulations 2010</p>

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Biodiversity survey and report (continued)	view-click	<ul style="list-style-type: none"> • Pre-1914 buildings within 400m of woodland and/or water; • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • All caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; • All bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p> <p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p> <p>Proposals affecting:</p> <ul style="list-style-type: none"> • mature and veteran trees that are older than 100 years; • trees with obvious holes, cracks or cavities, • trees with a girth greater than 1m at chest height; <p>Proposals affecting former quarries and</p>	<p>Local Nature Reserves (LNRs) and local wildlife sites; and Regionally Important Geological Sites (RIGS); legally protected species; biodiversity habitats and species; geological and geomorphological features.</p> <p>If a development is likely to have an impact on an internationally or nationally designated area (Natura 2000 site, Site of Special Scientific Interest) the application should be supported by a report identifying the interest features of the site that may be affected. A full assessment of the likely effects of the development, and avoidance and or mitigation measures if applicable should be included. It is advisable for applicants to seek advice on the scope of the assessment from Natural England prior to the submission of the application in these circumstances.</p> <p>Assessment/survey information will normally be required on developments that are likely to affect protected species, locally designated sites and priority habitats and species.</p> <p>All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced</p>	<p>The UK Biodiversity Action Plan</p> <p>The Staffordshire Biodiversity Action Plan</p> <p>Guidance on Survey Methodology published by the Chartered Institute of Ecology and Environmental Management. To view-click</p> <p>Bat Surveys Good Practice Guidelines. Bat Conservation Trust 3rd Edition 2016.</p> <p>Natural England's Experience in Bat Mitigation: Guidance for Ecologists (2013)</p> <p>Natural England's Bat Mitigation Guidelines 2006</p> <p>Natural England and Defra's - Bats: Surveys and mitigation for development projects</p> <p>Natural England's Great Crested Newt Mitigation Guidelines 2001</p> <p>Natural England's Great Crested Newts: Surveys and mitigation for development projects</p>

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Biodiversity survey and report (continued)		<p>natural cliff faces and rock outcrops with crevices, caves or other fissures.</p> <p>Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be present</p> <p>Where there are no existing great crested newt records: ponds within 500 m of Major development¹ proposals; ponds within 250 m of or Minor proposals². Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites. (Note: A major development¹ proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare)</p> <p>Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.</p> <p>Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.</p>	<p>and suitably licensed ecological consultant. Surveys should aim to identify the following information:</p> <ul style="list-style-type: none"> • Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules; • Surveys – thorough and robust survey of the development site and any other areas likely to be affected by the proposals; • Impact assessment – clear assessment of the likely impacts of the proposal; • Mitigation strategy – to clarify how the likely impact will be addressed. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable. <p>It should be demonstrated that adverse impacts on important habitats and species have been avoided where possible and that unavoidable impacts have been fully mitigated or that, where mitigation is not possible, compensation is proposed that results in no net loss of biodiversity. Enhancements should be included in scheme where possible.</p>	<p>Natural England's Guidance on Wind turbine/farms</p> <p>Natural England's publications on renewable energy</p> <p>BS42020:2013 Biodiversity "Code of practice for planning and development". To purchase click here</p> <p>Defra/Natural England standing advice for protected species and sites</p> <p>Natural Environment and Rural Communities Act 2010</p> <p>UK Post-2010 Biodiversity Framework</p> <p>Defra's The natural choice: securing the value of nature</p> <p>The EU Water Framework Directive 2000</p> <p>Joint Nature Conservation Committee advice re the Water Framework Directive</p>

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Biodiversity survey and report (continued)		<p>Proposals affecting arable, pasture, semi-natural habitats and uncultivated land.</p> <p>Proposals for wind turbines and farms.</p> <p>Proposals involving previously undeveloped, or long abandoned sites of over ¼ hectares and sites within designated areas (such as Sites of Biological Importance).</p> <p>Planning applications that may affect protected sites or species, habitats or species of principal importance, or significant geological/ geomorphological features require submission of survey and assessment information to show how the proposed development may affect these environmental assets.</p>	<p>A Water Framework Directive (WFD) risk assessment may be required where development directly affects the banks of a river or stream. If that is the case the submission must demonstrate that the waterbodies meets Good Status. (Further information on how to complete a WFD risk assessment is provided by the Environment Agency).</p> <p>Biodiversity Opportunity Mapping is encouraged to inform landscape-scale assessment and planning for ecological connectivity.</p> <p>Staffordshire Ecological Record</p>	
5. Coal Mining Risk Assessment	<p>NPPF—120 and 121</p> <p>NPPF paragraph 178</p>	<p>All applications for planning permission which fall within Coal Mining Referral Areas as defined by The Coal Authority and held by the Local Planning Authority other than the exemptions set out in the Coal Authority's Exemptions List</p>	<p>A Coal Mining Risk Assessment (CMRA) should be prepared by a suitably qualified and competent person. It should follow the Guidance for Developments provided by the Coal Authority and in particular:</p> <ul style="list-style-type: none"> • Present a desk-based review of all information on coal mining issues which are relevant to the application site • Use that information to identify and assess the risks to the proposed 	<p>Coal Authority guidance</p> <p>The Coal Authority's Building on or within the influencing distance of mine entries</p> <p>The Coal Authority Planning and Local Authority Liaison Department can be contacted by:</p>

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Coal Mining Risk Assessment (continued)			<p>development from coal mining legacy, including the cumulative impact of issues</p> <ul style="list-style-type: none"> • Set out appropriate mitigation measures to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influence the proposed development • Demonstrate to the Local Planning Authority that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land. 	<p>Telephone: 01623 637119 (direct) Email: planningconsultation@coal.gov.uk</p> <p>PPG – Land Stability</p>
6. Community Infrastructure Statement	LNP Policy LNPS1	Developments for 10 dwellings or more or the site area exceeds 0.5 hectares within the LNP area	A Statement should be provided which demonstrates that existing infrastructure (meeting and activity space, medical facilities, open space, highway infrastructure including footways) is adequate to accommodate the new development or the development, subject to viability considerations, will provide or support new community infrastructure	
Construction Waste Management Plan	National Planning Policy for Waste paragraph 8	All applications involving major development [†]	Major development proposals should: <ul style="list-style-type: none"> i. Use /Address waste as a resource; ii. Minimise waste as far as possible; iii. Demonstrate the use of sustainable design and construction techniques, i.e.: 	BRE Waste management tools and training – and SMARTWASTE Site Waste Management Plans

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Construction Waste Management Plan (continued)	SSJWLP Policies 1.2 and 4.1 To view click here		<p>resource efficiency in terms of sourcing of materials, construction methods, and demolition;</p> <p>iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;</p> <p>v. Maximise on-site management of construction, demolition and excavation</p> <p>waste arising during construction;</p> <p>vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,</p> <p>vii. Be supported by a site waste management plan.</p> <p>Applicants are encouraged to use the waste auditing and benchmarking tools/SWMP templates developed by BRE and WRAP (examples of free templates provided if you click here and at https://www.smartwaste.co.uk/swmp/login.jsp)</p>	<p>2008</p> <p>Site Waste Management Plans: Guidance for construction contractors and clients</p> <p>PPG – Waste – determining planning applications</p>
7. Design Review	NPPF paragraphs 17, 56, 57, and 63-66. To view click here and here	<p>All major development¹ applications</p> <p>Development significantly affecting Newcastle Town Centre</p> <p>Development in a historically or</p>	Full response of an independent design review panel and any further review that has been undertaken. A written statement setting out how the comments received during the design review process have been addressed within the submitted	<p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Design Council Document, Design Review –Principles and Practice (2013)</p>

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Design Review (continued)	<p>NPPF paragraphs 28, 71, 72, 83, 95, 102, 110, 118, 122, 124-132, 150, and 153, and Annex 2: Glossary</p> <p>CSS Strategic Aim 16, Policy ASP4, ASP6 and CSP1.</p> <p>LNP Policy LNPG1, LNPP1 LNPE1</p>	environmentally sensitive area Development with special architectural or environmental qualities.	planning application.	PPG – Design
8. Flood Risk Assessment and Sustainable Drainage	<p>NPPF— paragraphs 99-104 and 192.</p> <p>NPPF paragraphs 34, 43, 118, and 148-165 and Annex 2: Glossary</p> <p>CSS Policy CSP3.</p>	<p>A site-specific Flood Risk Assessment (FRA) is required for:</p> <ul style="list-style-type: none"> • All proposals of 1 hectare or greater in Flood Zone 1; • All proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and • Where proposed development or a change of use to a more vulnerable 	<p>a) A Flood Risk Assessment (FRA) must demonstrate:</p> <ul style="list-style-type: none"> • whether any proposed development is likely to be affected by current or future flooding from any source; • that the development is safe and where possible reduces flood risk overall; • whether it will increase flood risk elsewhere; and • the measures proposed to deal with these effects and risks. • designs which reduce flood risk to the development and elsewhere, by 	<p>PPG – Flood Risk and Coastal Change</p> <p>The Environment Agency's Flood Maps</p> <p>The Environment Agency's new development and flood risk standing advice</p> <p>RSPB and WWT Sustainable Drainage Systems – Maximising the Potential for</p>

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Flood Risk Assessment and Sustainable Drainage (continued)		<p>class may be subject to other sources of flooding.</p> <p>A Sustainable Drainage Scheme/ Strategy is required for all major development¹.</p>	<p>incorporating sustainable drainage systems and where necessary, flood resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.</p> <ul style="list-style-type: none"> • Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than changes of use. Liaison with the Council should take place prior to undertaking such a test. Please note that such a test should be undertaken prior to a detailed FRA. <p>Where adjacent to an operational railway consideration should be given, within the FRA, to the potential to increase the risk of flooding, pollution and soil slippage on the railway.</p> <p>b) Details must also accompany all major development¹ planning applications setting out how Sustainable Urban Drainage Systems (SUDS) are proposed to be incorporated in the scheme and should clearly demonstrate that the scheme is consistent with the relevant planning policies; in addition to details of how the SUDS will be maintained and protected in</p>	<p>People and Wildlife</p> <p>The Environment Agencies Sustainable Drainage Systems (SUDS) – A Guide for Developers</p> <p>Guidance on Flood Risk Assessment for Planning Applications</p> <p>Flood Zones – Definitions</p> <p>The Floods and Water Management Act 2010 – established the Sustainable Drainage Systems Approving Bodies.</p> <p>Staffordshire County Council’s Flood Risk Management Team (‘the Lead Local Flood Authority’ (LLFA) – ‘Information for Planners including the SuDS Handbook and Appendices (including Appendix A – Surface Water Drainage Proforma and Appendix C – Hydraulic Model Parameters).</p> <p>The Lead Local Flood Authority Local Flood Risk Management</p>

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Flood Risk Assessment and Sustainable Drainage (continued)			<p>the long term.</p> <p>Where adjacent to an operational railway it must be demonstrated that and SUDS carry surface water/foul waters away from the railway. Attenuation ponds and basins will require Network Rail review and agreement.</p> <p>The eleven minimum requirements for the content of a FRA are set out in PPG. (March 2014)</p>	Strategy
9. Foul Sewage Statement	<p>NPPF— paragraphs 109 and 120</p> <p>NPPF paragraphs 8, 170, and 178-183</p>	<p>Where it is proposed that a development will be connected to the existing drainage system.</p> <p>Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer</p>	<p>Details of the existing system shown on the application drawing(s).</p> <p>Where connection to the public sewer is not proposed a full assessment of the site, its location and suitability for storing, transporting and treating sewage is required. Where connection to the mains sewer is not practical the assessment will be required to demonstrate why the development cannot connect to the public mains sewer and show that alternative means of disposal are satisfactory.</p>	<p>The EU Water Framework Directive 2000</p> <p>The National Policy Statement for Waste Water (2012)</p> <p>PPG – Water Supply, Wastewater and water quality</p>
10. Heritage Asset Statement	<p>NPPF— paragraphs 128-141</p>	<p>All developments that have the potential to impact on a designated heritage asset (or the setting) which includes;</p> <ul style="list-style-type: none"> proposals in or adjacent to a 	<p>The statement should provide/evaluate the following:-</p> <ul style="list-style-type: none"> A description of the significance of the heritage asset/s affected and the 	<p>PPG – Conserving and Enhancing the Historic Environment</p>

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Heritage Asset Statement (continued)	<p>NPPF paragraphs 184-202</p> <p>CSS Strategic Aim 13 & Policy CSP2.</p> <p>LNP Policy LNPP2</p> <p>LP Policies B2, B3, B4, B5, B6, B7, B9, B10, B11, B12, B13 & B14</p>	<p>designated Conservation Area (which can be identified by clicking here).</p> <ul style="list-style-type: none"> proposals directly or indirectly affecting a statutory Listed Building (Grade I, II* or II) (which can be identified by clicking here). directly or indirectly affecting an archaeological asset or scheduled ancient monument (which can be identified by clicking here). proposals affecting registered parks and gardens at Keele and Maer Hall Estate proposals affecting buildings/structures identified on the register of locally important buildings and structures Register of Locally Important Buildings and Structures in Newcastle-under-Lyme If located within Historic Urban Character Areas 1, 2, 5, 6, 8, 11, 18 and 25 as identified in Newcastle-under-Lyme Extensive Urban Survey (2009) Newcastle-under-Lyme Extensive Urban Survey 2009 If located in Historic Urban Character Areas 2, 4, 6, 7, 9 and 10 of Betley as identified in the Betley Historic Character Assessment (2012) Betley Historic Character Assessment 2012 	<p>contribution of its setting to the significance.</p> <ul style="list-style-type: none"> The statutory list description or historic environment record. How the proposal contributes positively to the special interest, character and appearance of the heritage asset. Impact of the loss or alteration of property or feature e.g. wall, which makes a positive contribution to the special interest, character and appearance of the heritage asset. Impact of any proposed new buildings on the special interest, character and appearance of the heritage asset. Justification for demolition of all or part of the heritage asset. Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the heritage asset. Justification for the proposed use and impact on the special interest, character and appearance of the heritage asset in terms of anticipated levels of traffic, parking and other activity that would result. A schedule of works for new or restored features of architectural and historic importance. Mitigation for loss of all or part of a heritage asset such as preservation by 	<p>Conservation Area boundaries and completed Conservation Area Appraisals and Management Plans</p> <p>Completed Conservation Area Appraisals and Management Plans</p> <p>Listed Buildings in Newcastle.</p> <p>List of scheduled ancient monuments</p> <p>Register of Locally Important Buildings and Structures in Newcastle-under-Lyme</p> <p>Keele Registered Park and Garden site description</p> <p>Maer Hall Registered Park and garden site description</p> <p>Historic England's website</p> <p>Staffordshire's Historic Environment Record Historic Environment Record</p> <p>Ancient Monuments and Archaeological Areas Act 1979</p> <p>The Hedgerow Regulations</p>

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Heritage Asset Statement (continued)			<p>record or relocation elsewhere.</p> <ul style="list-style-type: none"> Where applications are within or adjacent to a conservation area an assessment of the impact of the development on the character and appearance of the area and an assessment of the views into and out of the conservation area. <p>Where the development has the potential to impact archaeological remains as a minimum a desk based assessment should be provided summarising the following;</p> <ul style="list-style-type: none"> Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance. The historic development of the site and surrounding area. The nature and extent of the above- and below-ground remains known/ likely to be present. The impact that the proposed development is likely to have on surviving assets. <p>Where archaeological assessments are required it may be necessary to undertake field evaluation and trench surveys, which should be carried out by a qualified professional.</p>	<p>1997</p> <p>The Hedgerow Regulations 1997: A Guide to the Law and Good Practice</p> <p>Staffordshire County Council's advice on Historic Buildings and Archaeology Historic buildings, landscape and archaeology</p> <p>Staffordshire County Council's survey, assessment and guidance on Staffordshire's Historic Farmsteads</p> <p>The Heritage Gateway</p> <p>Historic England's guide to the range of information required by them</p> <p>Historic England's Guide to the range of information required by them</p> <p>Historic England's Making Changes to Heritage Assets (2016)</p> <p>Historic England's Conservation Principles Conservation Principles, Policies and Guidance</p> <p>Historic England's Good</p>

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Heritage Asset Statement (continued)			<p>In some cases the developer may need to submit a proposed written scheme of investigation. Early consultation with Staffordshire County Council Historic Archaeologist, Historic England as well as the Borough Council's Conservation Officer is advised to determine the need for and scope of any such archaeological works. As a minimum the Historic Environment Record (HER) which is maintained by Staffordshire Council should be consulted. The County Council can produce a Historic Environment Appraisal Certificate which provides a summary of the historic environment interests, following a review of the HER and sets out recommendations.</p> <p>Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area.</p> <p>The above information can be included within the design and access statement when this is required.</p> <p>Early consultation with Historic England is required where an applicants' scheme has the potential to directly impact upon a</p>	<p>Practice Advice in Planning Note 2 - Managing Significance in Decision-taking in the Historic Environment (2015)</p> <p>Historic England's Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (2015)</p> <p>Historic England's Heritage at Risk Register</p> <p>The Chartered Institute for Archaeologists (CIfA) regulations, standards and guidelines regulations, standards and guidelines including the standards and guidance for Historic Environment Desk-Based Assessment Historic Environment Desk-based Assessment (December 2014 - updated January 2017)</p>

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Heritage Asset Statement (continued)			Grade I and II* Listed Buildings, Scheduled Monuments or their settings; Grade I and II* Registered Parks and Gardens and Registered Battlefields. In the case of Grade I and II* Registered Parks and Gardens the applicant should also consult with the Garden History Society at the earliest opportunity.	
11. Land Contamination Assessment – Preliminary Risk Assessment	<p>NPPF – paragraphs 109 and 120-122</p> <p>NPPF paragraphs 178 and 179 and Annex 2: Glossary</p> <p>LP Policies E4, E5, E11, and H9.</p>	<p>All applications (excluding householder developments) where land contamination can reasonably be expected to be found on or adjacent to the development site (e.g. activities for which DOE industry profiles have been developed, active or closed landfill sites within 250 metres of the development site, coal seams under the development site, areas of infilled land, petrol stations, industrial land, waste sites, transport depots and yards, cleared sites, agricultural to residential conversions).</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>	<p>Where contamination is known or suspected to be present, or the proposed development is particularly sensitive, the applicant should provide sufficient information to determine whether the proposed development can proceed.</p> <p>The minimum requirement to enable validation of a planning application is a land contamination assessment that includes:</p> <ul style="list-style-type: none"> ➤ A desk study ➤ A site reconnaissance (walk over) ➤ A preliminary risk assessment that identifies the sources, pathways and receptors, including a conceptual site model. <p>Where the land contamination assessment identifies the potential for contamination to be present, a site investigation may be required to confirm the site conditions.</p>	<p>The Environment Agency's Guidance on Land Contamination</p> <p>BS 10175:2011 Investigation of potentially contaminated sites. Code of practice. To purchase click here</p> <p>A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire</p> <p>Newcastle Borough Council's Contaminated Land Strategy</p> <p>Newcastle Borough Council's contaminated land web pages</p> <p>PPG – Land affected by contamination</p> <p>The EU Water Framework</p>

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Land Contamination Assessment – Preliminary Risk Assessment (continued)			<p>Where contamination poses an unacceptable risk, developers will need to demonstrate that those risks will be successfully addressed via remediation.</p> <p>Remediation works will require verification to confirm their success.</p>	<p>Directive 2000</p> <p>Environment Protection Act 1990:Part 2A contaminated Land Statutory Guidance</p>
12. Landscape/ Visual Impact Assessment	<p>NPPF— paragraphs 58, 59 and 109</p> <p>NPPF paragraphs 127, 141, 149, 151, 170-172 and 180</p> <p>CSS Strategic Aim 13 and Policies ASP6, CSP1 and CSP4.</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21 and N22.</p>	<p>Applications involving major development¹ in the rural area.</p> <p>Proposals map to identify urban and rural area.</p> <p>Local Development Framework Proposals Map to identify urban and rural area.</p>	<p>Having regard to the ‘Planning for Landscape Change’, the following should be provided:</p> <ul style="list-style-type: none"> • an analysis of the existing landscape form and features, including the wider setting as appropriate. • a description of how the proposal will pay due regard to and integrate with the existing landscape. • A description of landscape improvement measures associated with the development. • drawings showing as appropriate, contours, spot heights and sections, vegetation cover and other features. • photos together with a plan showing locations and directions taken from. <p>Assessments should be based on good practice guidelines</p>	<p>Planning for Landscape Change –SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Planning for Landscape Change. SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Landscape and Visual Impact Assessment Best Practice</p> <p>Landscape Institute and Institute of Environmental Management and Assessment (3rd Edition): Guidelines for Landscape and Visual Impact Assessment. To purchase click here</p> <p>Landscape Institute Advice Note</p>

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Landscape/ Visual Impact Assessment (continued)				<p>01/11 Photography and Photomontage in Landscape Visual Assessment</p> <p>Landscape Institute's Visual Representation of development proposals Technical Guidance Note 02/17</p> <p>Landscape Institute's Technical Guidance Not 02/17 Visual representation of development proposals</p> <p>PPG – Natural Environment</p>
13.Landscape Master Plan	<p>NPPF— paragraphs 58, 59</p> <p>NPPF paragraphs 127, 141, 149, 151, 170-172 and 180</p> <p>CSS Strategic Aim 13 and</p> <p>Policies ASP6, CSP1 and CSP4.</p>	<p>Applications involving major development¹</p> <p>Applications (other than for householder development) in or adjacent to the Green Heritage Network and in the rural area.</p> <p>Proposals map to identify Green Heritage Network and rural areas.</p> <p>Local Development Framework Proposals Map to identify Green Heritage Network and rural area.</p>	<p>Development proposals meeting the criteria in the previous column will be required to be supported by a Landscape Masterplan which must be fully integrated with proposals for ecological enhancement.</p> <p>Schemes should include landscaping zones and schedule of likely species and proposals for the long term management and maintenance of such areas. Where contamination is found developers will need to demonstrate in the Land Contamination</p> <p>Assessment that unacceptable risk from it will be successfully addressed through remediation without undue environmental</p>	<p>Planning for Landscape Change –SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Planning for Landscape Change. SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p>

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Landscape Master Plan (continued)	LP Policies N14, N16, N17, N18, N19, N20, N21 and N22.		impact during and following development.	
14. Lighting Assessment	<p>NPPF— paragraph 56, 57, 58, 64 and 125</p> <p>NPPF paragraph 180</p>	<p>Proposals that involve the provision of any external lighting that are:</p> <ul style="list-style-type: none"> • in the vicinity of residential property, a public highway, a listed building or a conservation area, sensitive wildlife habitats • within the open countryside 	<p>The following information is required to demonstrate that the right light, in the right place and provided at the right time is achieved:</p> <ul style="list-style-type: none"> • Layout plan • Light spillage • Hours of illumination • Light levels • Column heights • Specification and colour of fixture and fittings • Means of shielding 	<p>PPG – light pollution and design</p> <p>DCLG archived guidance Lighting in the Countryside – towards good practice</p> <p>www.abacuslighting.com/ for general advice about sports pitch lighting</p> <p>BS EN 12193:2007 “Light and Lighting. Sports Lighting”. To purchase click here</p> <p>Institute of Lighting</p> <p>Professionals Guidance Notes for the Reduction of Obtrusive Light (2012)</p> <p>Royal Commission on Environment Pollution report Artificial light in the Environment</p> <p>Institute of Lighting Professionals</p>

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Lighting Assessment (continued)				Lighting against Crime Institute of Lighting Professionals Lighting against Crime
15. Mineral Safeguarding Statement	NPPF— paragraph 144 NPPF paragraph 204 MLP Policy 3 MLP Policy 3	Where development is proposed within Mineral Safeguarding Areas or on or near to mineral infrastructure sites where the development would constrain the existing or future mineral operations other than the exemptions set out at Appendix 6 of the MLP. MLP The Policies and Proposals Map to identify the minerals safeguarding areas The Policies and Proposals Map to identify the minerals safeguarding areas	The statement, which shall be prepared by a specialist, shall demonstrate the implications of the proposals on: a) Permitted mineral reserves of mineral site allocations; b) Mineral resources in mineral safeguarded areas; and c) Mineral infrastructure sites.	PPG - minerals safeguarding https://www.gov.uk/guidance/minerals
16. Noise and Vibration Assessment	NPPF— paragraph 123 NPPF paragraphs 170 and 180 CSS Policy SP3.	All applications involving wind turbines. All applications likely to have an impact on noise and/or vibration-sensitive development(s), All applications likely to have an impact on noise and/or vibration-sensitive locations. All applications that introduce or expose	Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with the Borough Council's Environmental Health Division on 01782 742571 at an early stage in the design and planning process to establish whether a Noise and Vibration Appraisal is required to be submitted alongside the planning application. Guidance, procedures, recommendations	Noise Policy Statement for England (March 2010) WHO Guidelines for Community Noise Exposure (For external recreational areas and night time LAMax levels) WHO Night Noise Guidelines for Europe 2009

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Noise and Vibration Assessment (continued)		noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.	<p>and information to assist in the completion of a suitable noise and/or vibration survey and assessment may be found in the policies and guidance set out in the adjacent column. Additional technical information in support of proposed noise surveys will be available from the Environmental Health Division.</p> <p>Change of use applications which propose noise sensitive uses adjacent to sources of noise or for uses that would in themselves be a noise source adjacent to noise sensitive uses such as houses, hospitals and schools should include sound insulation and associated ventilation arrangements/measures in a supporting statement.</p>	<p>BS 4142: 2014 “Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. To purchase click here</p> <p>BS8233: 2014 Sound Insulation and Noise Reduction for Buildings: Code of Practice. To purchase click here</p> <p>BS5228 – 1:2009 +A1:2014– Noise and vibration control on construction and open sites.</p> <p>Noise. To purchase click here</p> <p>BS5228-2:2009 = A1:2014 Noise and vibration control on construction and open sites. Vibration. To purchase click here</p> <p>BS6472-1:2008 Guide to the evaluation of human exposure to vibration in buildings. Vibration sources other than blasting. To purchase click here</p> <p>PPG –Noise</p>
17. Open Space Assessment	NPPF— paragraphs 73 , 74 and 77	Any development affecting existing areas of open space, sport/recreational facilities.	If the development affects existing areas of open space or sport/recreational facilities and the Council has not got a robust and	Sport England’s Active Places

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Open Space Assessment (continued)	<p>NPPF paragraphs 8, 83, 92, 96-101, and 121 and Annex 2: Glossary</p> <p>CSS Policy CSP5.</p> <p>LNP Policy LNPP3, LNPS1 and LNPS3</p> <p>LP Policy C4.</p>	<p>Any development involving 10 or more dwellings.</p> <p>Rural area – developments for 10 dwellings or more and which have a combined gross floorspace of more than 1,000m³</p>	<p>up-to-date assessment it must be demonstrated through an independent assessment that the land or buildings are surplus to local requirements.</p> <p>Plans must be provided showing any areas of existing or proposed open space within or adjoining the application site and any access links, equipment, facilities, landscaping to be provided on open space areas.</p> <p>Where open space facilities are proposed to be provided on-site or in-kind you must define them in the application and provide a statement to accompany the planning application setting out:</p> <ul style="list-style-type: none"> • A maintenance specification for the works • how the facility will be initially installed and subsequently maintained to the submitted specification for at least 10 years <p>Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, you will be expected to make a financial contribution through a Planning Obligation.</p> <p>Where open space adjoins an operational railway details of appropriate fencing should be provided to avoid trespass</p>	<p>and Active Places Power</p> <p>Sport England's planning for sport – aims and objectives</p> <p>Sport England's planning for sport</p> <p>Sport England's role in assessing and commenting on planning applications</p> <p>Sport England's role in assessing and commenting on planning applications</p> <p>Sport England's playing fields policy</p> <p>North Staffordshire's Green Space Audit and Green Space Strategy (2009)</p> <p>Green Infrastructure and Open Space Strategies (2017)</p> <p>Newcastle-under-Lyme Borough Council's Open Space and Green Infrastructure Strategies</p> <p>PPG – Open space, sports and recreation facilities, public rights of way and local green space</p>

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18. Parking Provision Details	<p>NPPE— paragraphs 32, 35, 39 and 40</p> <p>NPPE paragraphs 102 and 105-107</p> <p>LP Policies H4 and T16.</p>	<p>On outline applications where layout is not reserved for subsequent approval.</p> <p>All other applications involving parking provision.</p>	<p>For outline applications when providing the mandatorily required information on use, the area or zone within the site that is to be used for parking is to be identified and the level of parking provision shall be specified.</p> <p>In all other cases details of the parking layout and access must be providing on the site/block plan.</p>	<p>Car parking: What works where originally published by English Partnerships (now Homes and Communities Agency).</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Design Council's Building for Life 12 – Section 10 Car Parking</p> <p>The Chartered Institution of Highways & Transportation and Institute of Highways Engineers Guidance Note: Residential Parking</p> <p>The Chartered Institution of Highways and Transportation and Institute of Highways Engineers Guidance Note: residential parking</p> <p>University of Huddersfield— Impact of Design and Layout of Car Parking on Crime and Anti-social Behaviour</p> <p>University of Huddersfield – Impact of Design and Layout of Parking on Crime and Anti-social Behaviour</p>

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19. Photographs/ Photomontages and/or Computer Generated Images and 3D models	<p>NPPE paragraphs 17, 56, 57, 64 and 128</p> <p>NPPE paragraphs 8, 28, 71, 72, 83, 95, 102, 122, 124-132, 150, 153 and 184-202 and Annex 2: Glossary</p> <p>CSS Strategic Aim 16 and</p> <p>Policies ASP4, ASP6 and CSP1.</p>	<p>Photographs/photomontages are required as follows;</p> <ul style="list-style-type: none"> • for or all major development¹ • All development affecting an above ground heritage asset <p>Computer generated images and 3D models will only be required in exceptional circumstances where the scale of the development or the sensitivity of the site justify it.</p>	<p>Sufficient detail of the wider site context to demonstrate an understanding of the place and local circumstances within which the proposed development is to be located and which can help to show how large developments, or developments in sensitive locations, can be satisfactorily integrated within the street scene and aid good design.</p>	<p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Landscape Institute Advice Note 01/11 Photography and Photomontage in Landscape Visual Assessment</p>
20. Statement of Agricultural Need	<p>NPPE— paragraphs 28 and 112 and 120</p> <p>NPPE paragraphs 77-79 and 145</p>	<p>All new agricultural workers dwellings.</p>	<p>An application should be accompanied by a statement demonstrating the need for the dwelling. The statement should include the following information:-</p> <ul style="list-style-type: none"> • Size of agricultural holding on which the building is to be erected. • Details of any additional rented land, these details should include the basis on which the land is rented (i.e. how long it has been rented for, including start and end contract dates and what type of 	

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Statement of Agricultural Need (continued)			<p>contract there is for each piece of land).</p> <ul style="list-style-type: none"> • Details of other buildings used, including those on the rented land (details should include the floor space of the building and what each part of the building is currently used for). • Details of the number of animals kept at the site (where relevant). • Details of those employed at the site, and whether this is on a full or part time basis and their only source of income. • Details of how long the unit and agricultural activity have been established for. • Demonstration of the length of time that the agricultural business has been established, that it is currently financially sound and has been profit for at least ` year. • The need cannot be meant by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. 	
21. Statement of Community Involvement	<p>NPPE— paragraphs 188 and 189</p> <p>NPPE paragraphs 39 and 40</p>	All major development ¹ , major change of use application	A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the	PPG – Before submitting a planning application

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Statement of Community Involvement	LPA's Statement of Community Involvement		formulation of development proposals.	
22. Structural Survey	<p>NPPF paragraphs 146, and 193 -199</p> <p>CSS Strategic</p> <p>Aim 13 and Policy CSP2.</p> <p>LP Policies H9 & E12.</p> <p>LP Policies H9, E12, B4, B8 and B11.</p>	<p>Development involving the reuse of rural buildings</p> <p>All applications for the demolition of listed buildings and unlisted buildings within the Conservation Area</p>	<p>The statement should include full details of the structural integrity of all elements of the building to be converted or demolished and outline any repairs or demolition works necessary to facilitate the conversion.</p> <p>Where the application will lead to substantial harm to or total loss of significance the statement should seek to demonstrate;</p> <ul style="list-style-type: none"> • The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. • The nature of the heritage asset prevents all reasonable use of the site; and • No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and • Conservation through grant-funding or some form of charitable or public ownership is not possible; and • The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. 	

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Structural Survey (continued)			A marketing report where the demolition of a designated asset is proposed on economic grounds.	
23. Tele-communications Developments – supplementary Information	<p>NPPF— paragraphs 45 and 46</p> <p>NPPF paragraphs 112-116</p> <p>LP Policy T20.</p>	All applications involving telecommunications developments	<p>Statement including:</p> <ul style="list-style-type: none"> • The area of search, • details of any consultation undertaken, • details of the proposed structure, and • technical justification and information about the proposed development. • Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. <p>Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) taking into account existing masts or base stations and the cumulative exposure arising when operational.</p>	<p>Code of Practice on Mobile Network Development (2013)</p> <p>Code of Practice on Mobile Network Development in England (2016)</p>
24. Town Centre Uses – Evidence to accompany applications	<p>NPPF— paragraphs 23-27</p> <p>NPPF paragraphs</p>	Main town centre uses that are not in an existing centre and not in accordance with the Development Plan other than small scale rural offices or other small scale rural development.	<p>A sequential assessment for all applications for main town centre uses.</p> <p>An impact assessment for any application for retail, leisure and office development which is over 2,500sqm of floorspace or</p>	PPG – Ensuring the vitality of town centres

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Town Centre Uses – Evidence to accompany applications (continued)	<p>85-90 and Annex 2: Glossary</p> <p>CSS Policy ASP5.</p> <p>LNP Policy LNPE2</p> <p>LP Policy R12.</p>		any threshold that is set in the Development Plan.	
25. Transport Assessment	<p>NPPF— paragraph 32</p> <p>NPPF paragraph 111</p>	All applications likely to generate significant traffic movements.	<p>The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for Major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. In addition consideration should be given to the impact of increased footfall on Railway Stations.</p> <p>Applicants should seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for</p>	<p>DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development</p> <p>Staffordshire County Council's guidance on Transport Assessments and Travel Plans</p> <p>Staffordshire County Council's guidance on Transport Assessments and Travel Plans</p> <p>Manual for Streets</p> <p>Manual for Streets 2</p> <p>PPG – Travel plans, transport assessments in decision- taking</p>

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Transport Assessment (continued)			motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.	PPG – Transport evidence bases in plan making and decision-taking.
26. Travel Plan	NPPF— paragraph 36 NPPF paragraph 111	All applications likely to generate significant traffic movements.	Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.	DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development Staffordshire County Council's guidance on Transport Assessments and Travel Plans Staffordshire County Council's guidance on Transport Assessments and Travel Plans PPG – Travel plans, transport assessments in decision- taking
27. Tree Survey/ Arboricultural Implications Assessment	NPPF— paragraph 118 NPPF paragraphs 170 and 175, and Annex 2: Glossary LP Policies N12,	Any site where there are trees which are the subject of a Tree Preservation Order either on or overhanging the application site Any site within a Conservation Area where there are trees either on or overhanging the application site Any site where there are trees within the application site, or on land adjacent to it	All trees to be numbered on the site plan, with details of their species, age, condition, works proposed and need for works set out on an accompanying schedule. A schedule to the survey must include: <ul style="list-style-type: none"> • List of all trees or groups along with • A reference number • Species • Height in metres • Stem diameter in millimetres at 1.5m 	BS5837:2012 Trees in Relation to Design, Demolition and Construction. Recommendations. To purchase click here Town and Country Planning (Trees) Regulations 1999

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Tree Survey/ Arboricultural Implications Assessment (continued)	N14 & B15.	that could influence or be affected by the development (including street trees).	<ul style="list-style-type: none"> • above ground level. • Branch spread of the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan) • Height in metres of crown clearance above ground level • Age class • Physiological condition • Preliminary management recommendations, estimated remaining contribution in years • Category Rating. <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.</p>	
28. Ventilation/ Extraction and Flues	<p>NPPF— paragraphs 109, 120, 123 and 124</p> <p>NPPF paragraphs 8, 170 and 180</p>	Where ventilation or extraction equipment is to be installed, including proposals for the sale or preparation of cooked food, and commercial premises requiring dust and/or odour extraction, cooling or air handing.	<p>The submitted plans should include details of the external appearance and written details outlining the technical specification of the proposed plant. The technical specifications shall include:</p> <ul style="list-style-type: none"> • A schematic of the proposed ducting showing the location of all components 	<p>Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005)</p> <p>Defra guidance on Nuisance smells: how councils deal with</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Ventilation/ Extraction and Flues (continued)			<p>(fans, filters, silencers, etc.) and the position on the building.</p> <ul style="list-style-type: none"> The noise levels generated by the fan in decibels (dB) at the specified distance (i.e. 1.0m/3.0m/ etc.) Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed. Locations, design and appearance of external flues. Arrangements to reduce odours to an acceptable level to safeguard existing amenity. 	<p>complaints</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p>
29. Waste Management Facilities Safeguarding Statement	<p>National Planning Policy for Waste</p> <p>NPPW</p>	<p>Where development is likely to unduly restrict or constrain the activities permitted at an existing waste management facility or restrict the future expansion and environmental improvement to the facility.</p> <p>The location and extent of permitted waste management facilities can be identified on Staffordshire County Council's Map Search web page</p>	<p>The statement, which shall be prepared by a specialist, shall demonstrate the implications of the proposals on:</p> <ol style="list-style-type: none"> The current operations being carried out at the waste management facility (eg in terms of the impacts from noise, vibration, artificial light, dust, odour and traffic. The future expansion/environmental improvement to the waste management facility; and The capacity of the waste management facility. 	<p>PPG – Waste</p> <p>Defra Waste Management Plan for England December 2013</p>
30. Waste and Recycling Management	<p>National Planning Policy for Waste</p>	<p>All development involving the construction/formation of new dwellings</p>	<p>Details of the arrangements for recyclable materials and refuse storage including the following:</p> <ul style="list-style-type: none"> Designated areas to accommodate 	<p>PPG – Waste</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Waste and Recycling Management (continued)	NPPW		<p>sufficient recyclable materials and refuse receptacles to service the development.</p> <ul style="list-style-type: none"> • Collection arrangements • Vehicle tracking information to demonstrate that the collection vehicle can collect. 	

¹ 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more.

² 'Minor' development proposals are those for developments which do not meet the criteria for 'Major' development nor involve a Change of Use or Householder Development

List of Abbreviations

AQMA – Air Quality Management Areas

BRE – Building Research Establishment

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

Defra - Department for Environment, Food and Rural Affairs EIA – Environmental Impact Assessment

DfT – Department for Transport

LNP – Loggerheads Neighbourhood Plan 2013-2033

LP - Newcastle-under-Lyme Local Plan 2011

MLP – Minerals Local Plan for Staffordshire 2015 to 2030

NPPF – National Planning Policy Framework (March 2019)

NPPW – National Planning Policy for Waste (2014)

PPG – Planning Practice Guidance

RSPB – Royal Society for the Protection of Birds

PWMP – Project Waste Management Plan

SPD – Supplementary Planning Document

SSJWP – Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026

SWMP – Site Waste Management Plan

Development Management, Regeneration and Development Directorate, Newcastle-under-Lyme BC

Website: www.newcastle-staffs.gov.uk e-mail: planningapplications@newcastle-staffs.gov.uk Telephone: (01782) 742408

TA – Transport Assessment
WHO – World Health Organisation
WWT – World Wildlife Trust

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REPORT TO PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2018/2019

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management between 1st April 2018 and 31st March 2019. Figures for 2016/17 and 2017/18 are also provided, as are the targets set out within the 2018/19 Planning and Development Service Plan, and performance targets adopted for 2019/20.

Recommendations

- (a) That the report be received
- (b) That the Head of the Planning with the Development Management Team Manager seek to maintain performance of the Development Management team where satisfactory and improve the service provided where the level of performance may otherwise fall below targets adopted in the 2018/19 Planning and Development Service Plan
- (c) That the 'Mid-Year Development Management Performance Report 2019/20' be submitted to the Committee around November/December 2019 reporting on performance achieved for the first half of 2019/20 in relation to these targets, including the 7 indicators considered below.

Reasons

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good service to all who use the Planning Service.

1. Background:

An extensive set of indicators is collected to monitor the performance of Development Management. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area. The range of indicators included reflects the objective of providing a *balanced* end to end development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2015/16, 2016/17, and 2018/19: Contains quarterly and annual figures for the Performance Indicators applicable during 2018/19 (comparative figures for 2016/17 and 2017/18 are also shown).

This report provides a commentary on the performance achieved against the performance indicator targets as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 6th November 2018 which reported on the mid-year performance figures and gave predictions on whether the targets for 2018/19 set in the 2018/19 Planning & Development Service Plan would be likely to be achieved.

Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including those which relate to whether Major and Non-Major planning applications are being determined "in time", and any indicators failing to meet the set targets are reported by exception.

3. The performance achieved in relation to the targets for 2018/19, and the targets for 2019/20:

7 indicators, all measuring speed of performance, were included in the 2018/19 Planning and Development Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that out of these 7 performance indicators, the target set by the Council for itself has been met in 2018/19 in only 1 case.

In consultation with the Planning Portfolio holder there has been a review of the Service's targets and it has been agreed that for all of the indicators the target will remain unchanged for 2019/20.

INDICATOR Percentage of applications determined within the following timescales:-

- (1) % of 'Major' applications¹ determined 'in time'²**
- (2) % of 'Minor' applications³ determined 'in time'²**
- (3) % of 'Other' applications⁴ determined within 8 weeks**
- (4) % of 'Non-major' applications⁵ determined 'in time'²**

The Government does not set "targets" for the speed of determination of applications. Instead it has a system of designation of poorly performing planning authorities – two of the four current criteria for designation are thresholds relating to the speed of determination of Major and Non-major applications, performance below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council.

In November 2018 the Government announced a threshold on Major decisions made within the statutory determination period (13 weeks), or such extended period as has been agreed in writing with the applicant (agreed EOT), of 60% or less for the assessment period between October 2017 and September 2019. For applications for Non-Major Development a threshold of 70% or less of an authority's decisions made within the statutory determination period (8 weeks), or agreed EOT, has been set for the same period. The thresholds were not increased from the preceding period between October 2016 and September 2018 as had been anticipated.

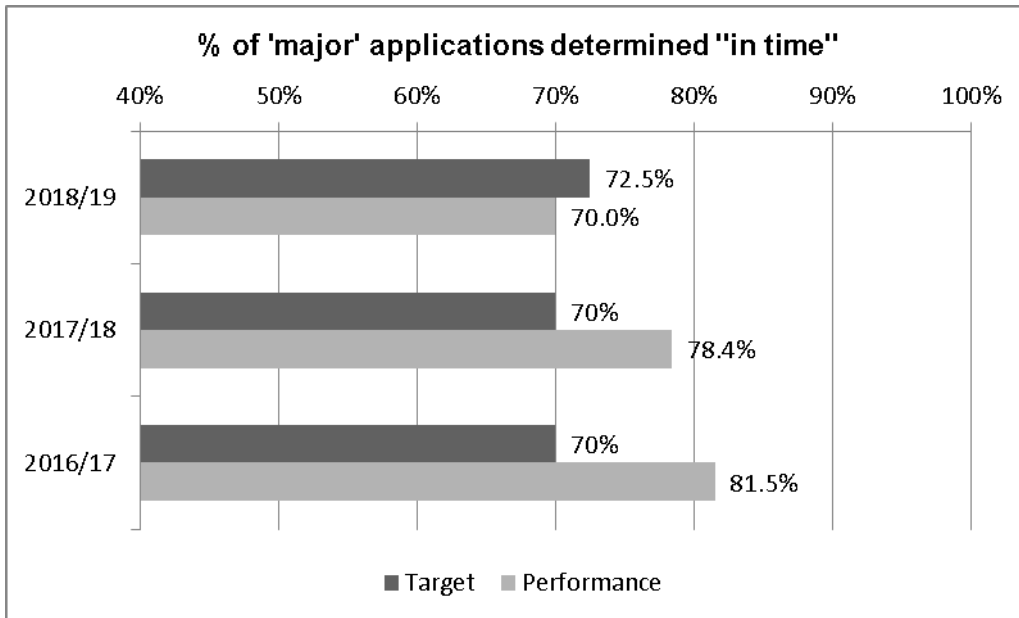
The period referred to in this report – between April 2018 and March 2019 accordingly falls within the October 2017 to September 2019 assessment period.

Members may wish to note that with respect to Majors our performance, for the two year period ending December 2018 (the latest information published by the Government) the Council are ranked 313th out of the 339 District Planning Authorities in England. In respect of Non-majors, for the same period the Council are ranked 303rd. It is anticipated that the Government will, before the meeting, publish tables regarding performance for the two year period ending March 2019 and if that is the case further information will be provided.

The other designation criteria measure the quality of decision making as demonstrated by appeal performance (again for Majors and Non-Majors) and the Council's performance in this respect is addressed in the Annual Appeals Performance Report on this agenda.

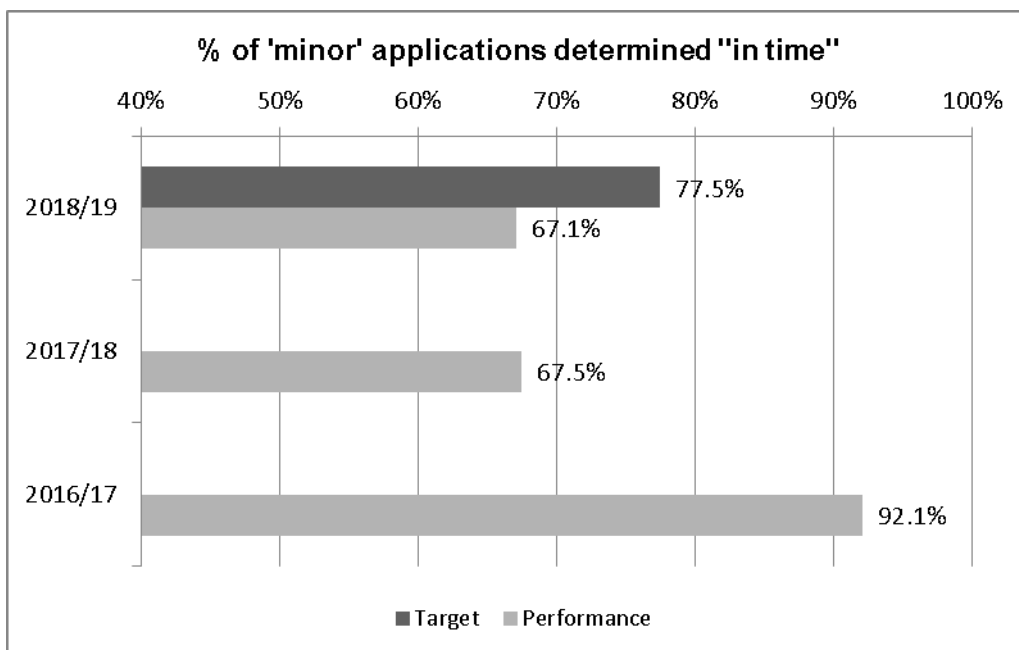
Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays in the determination of applications are sometimes quoted by various stakeholders as a symptom of a poor planning system, and the applicant's interests are not the only ones that need to be considered as well – undetermined applications and the resultant uncertainty can have a blighting effect on the proposals for adjacent properties. If an Inspector, in any subsequent appeal, was to conclude that there was not a substantive reason to justify delaying the determination of an application, or that the Council had delayed development which should clearly be permitted, then it would be likely that costs would be awarded.

(1) In dealing with 'Major' applications¹ during 2018/19 we determined 70% (21 out of 30) of such applications "in time"² against a target of 72.5%. Comparison with performance in previous years is indicated below. It can be noted that the performance in respect of the determination of such applications has dropped somewhat when compared to the previous year despite there being a decrease in number of such applications (37 determined during 2017/18).



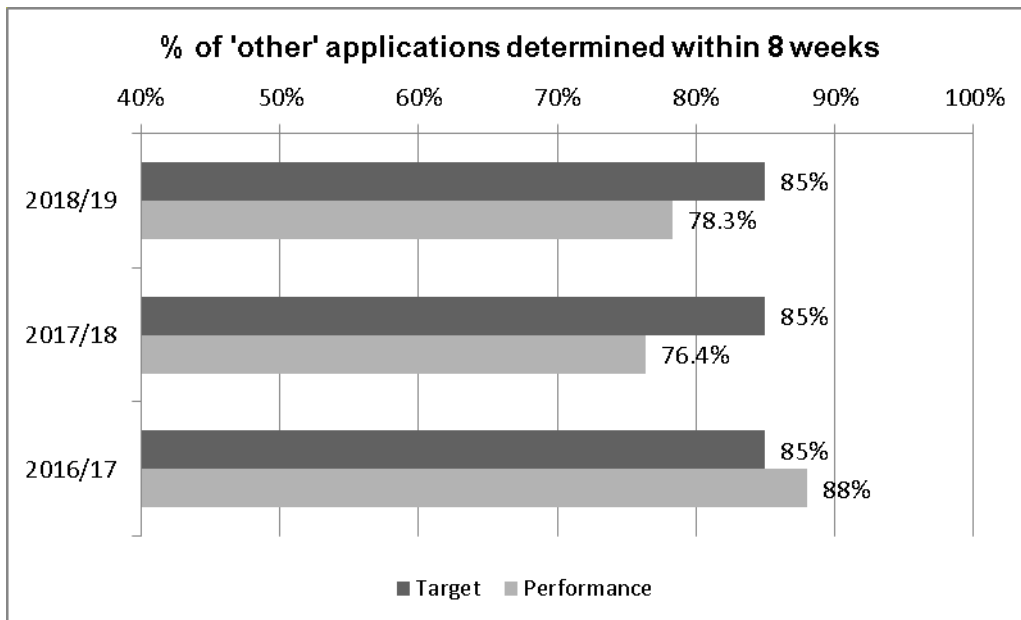
TARGET NOT ACHIEVED

(2) During 2018/19 67.1% of the 210 'Minor' applications³ were determined within 8 weeks against the 'local' target of 77.5%. Comparison with performance in previous years is indicated below. 197 minor applications were determined last year.



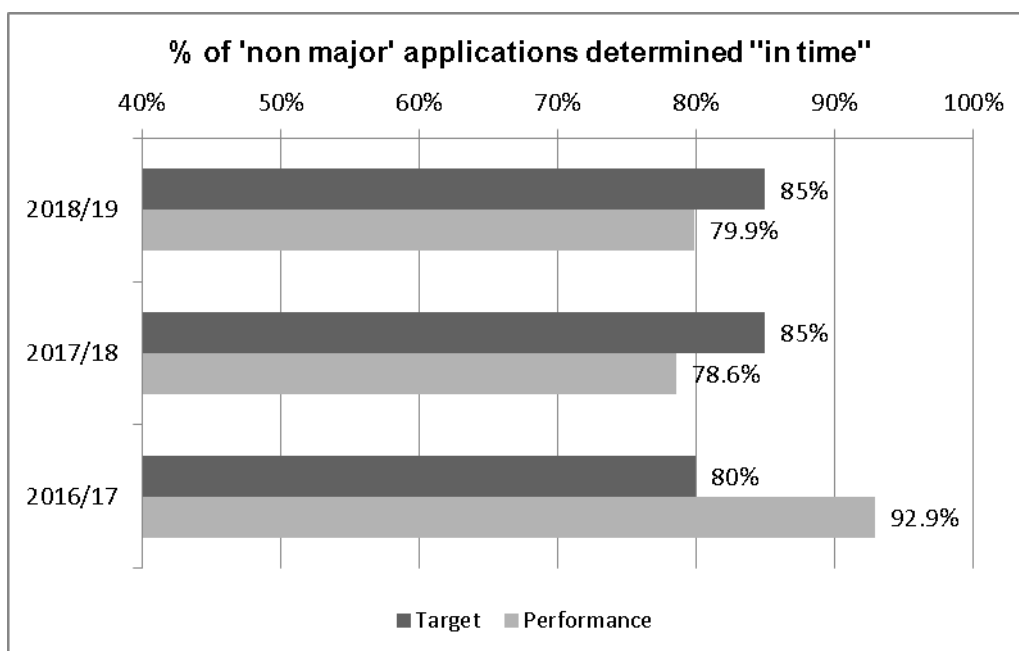
TARGET NOT ACHIEVED

(3) During 2018/19 78.3% of the 346 'Other' applications⁴ were determined within 8 weeks. 374 were determined last year. The target was 85%. Comparison with performance in previous years is indicated below and it is noted that performance showed a marginal improvement compared to last year although it should also be noted that considerably fewer 'Other' applications⁴ were determined (402 in 2017/18).



TARGET NOT ACHIEVED

(4) During 2018/19 79.9% of the 532 decisions 'non-major' applications⁵ were made 'in time'². Comparison with the performance achieved in 2017/18 is indicated below – 546 were determined in 2017/18. The 'local' target for this indicator for the year 2018/19 was 85%.



TARGET NOT ACHIEVED

In conclusion none of the four targets relating to speed of determination of applications were met.

The mid-year performance report predicted that all such targets, with the exception of that relating to 'Other' applications⁴ would be achieved. It is now apparent that such a prediction was unduly optimistic.

Performance has, no doubt, been affected by considerable periods of staff absence as well as staff vacancies at both senior planning officer and support officer levels.

A key factor that specifically impacted upon our ability to determine Minor applications³ in time² was the policy prior to the February 2019 Planning Committee of requiring contributions to public open space improvement and maintenance for Minor dwellings proposals (under 10 units). A significant number of minor applications³ were affected by this policy

requirement and whilst a model planning obligation was devised to speed up the process of securing the required contribution it still took time. This meant that in many cases multiple extensions of time (EOT) agreements had to be sought before the application was determined and this, together with the number of applications awaiting completion of obligations at any one time, created additional management difficulties. This often meant that requests for further agreements were sought on the day that the agreed EOT was due to expire and whilst applicants/agents may have confirmed their agreement if that was provided on the next day it counted against us in respect of performance. In some cases even when agreement to EOTs were sought in advance the applicant/agent was either slow to respond or didn't respond at all.

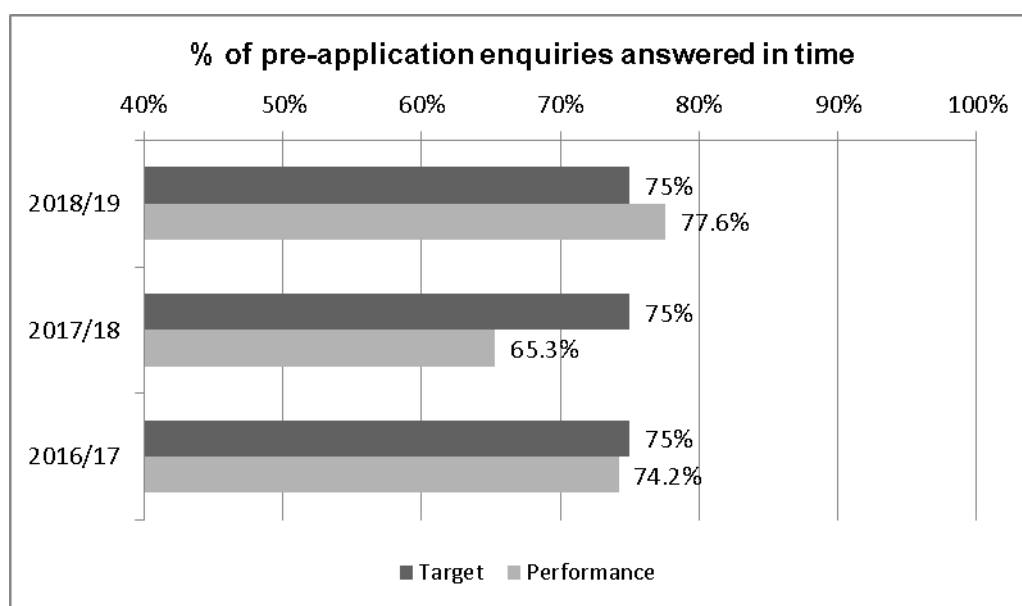
It should be noted that a further challenge to achieving the target with regard to the determination of planning applications was the introduction, on 1st October 2018, of legislation which prevents the use of pre-commencement condition without the written agreement of the applicant. The process of securing agreement for such conditions where they can't be avoided (such as in the case of tree protection measures and contaminated land conditions) is governed by legislation and cumbersome and can delay the issuing of decisions.

As the Council are no longer seeking public open space contributions this has led to a significant improvement in performance on the determination of Minor applications³ in the first two months of 2019/20 even with the requirement to obtain agreement for pre-commencement conditions referred to above. So far this year performance against 3 of the 4 targets relating to the speed of determination of planning applications is exceeding targets with performance in respect of 'Other' applications⁴ only being marginally below target and showing signs of improvement.

Whilst not achieving the 'local' target performance in respect of Major and Non-Major applications exceeded the threshold set by the Government below which designation as a poorly performing Local Planning Authority is likely.

(5) INDICATOR - Percentage of pre-application enquiries answered 'in time'

During 2018/19 77.6% of the 371 pre-application enquiries were answered 'in time'. Comparison with performance in previous years is indicated below.



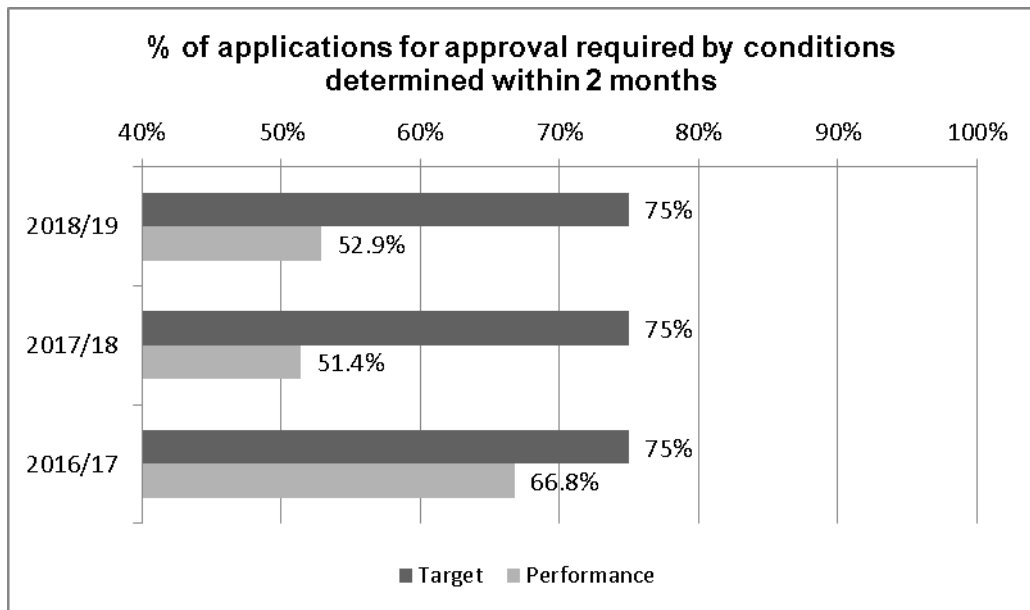
TARGET ACHIEVED

This indicator allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application enquiries the target response time is 21 calendar days, and for 'Other' pre-application enquiries the target response time is 14 calendar days. The decision as to when an enquiry has been answered can however sometimes be quite subjective, and clarification continues to be provided to officers on this aspect.

To give Members some idea of volume the Service responded to some 371 such enquiries in 2018/19, of which 26 were 'Major' pre-application enquiries; 96 were 'Minor' pre-application enquiries; and 249 were 'Other' pre-application enquiries.

(6) INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months

During 2018/19 52.9% of conditions applications (165 out of 312) were determined within 2 months against a target of 75%. Comparison with performance in previous years is indicated below. In the year 2017/18 352 such applications were determined.



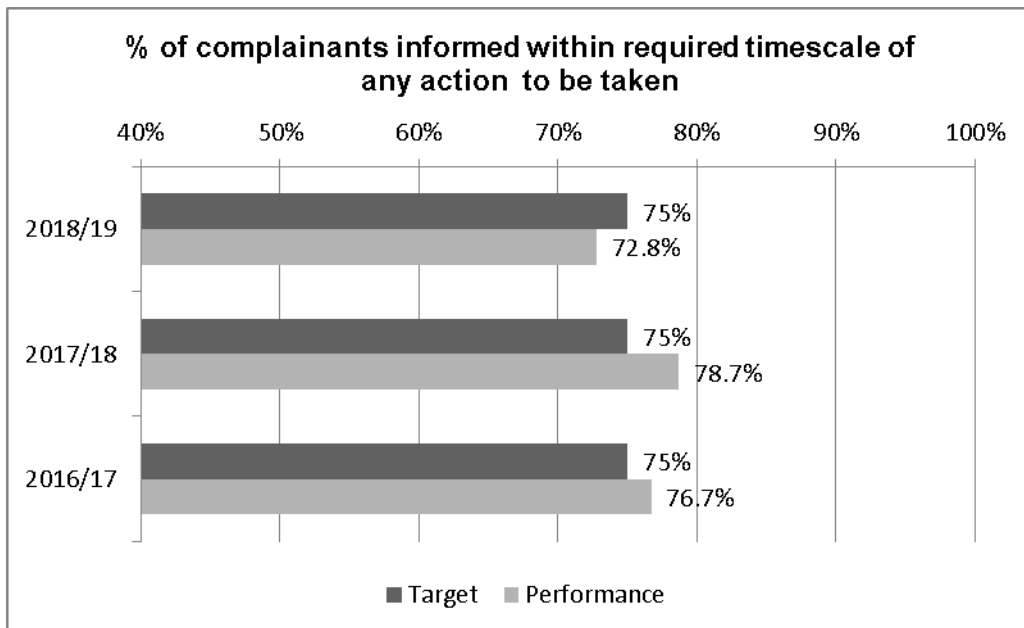
TARGET NOT ACHIEVED

The Government have previously identified that planning conditions are an area of concern as too many overly restrictive and unnecessary conditions are routinely attached to planning permissions, with little regard given to the additional costs and delays that they impose. In addition, delays in discharging conditions can mean that development is not able to be completed as quickly as it should. Guidance has been provided on the use of planning conditions and a deemed discharge procedure introduced that a developer can invoke if they do not receive a decision in time. Another measure imposed by the Government is the introduction of the requirement for the local authority to seek the agreement of the developer to pre-commencement conditions which came into force on 1st October 2018.

As with the Government, your Officer is keen to ensure that the handling of conditions application does not hinder or delay development, however, whilst continued emphasis has been placed on performance relating to the determination of conditions applications the target has not achieved. This is no doubt a reflection of the resourcing issues that the Section has faced this year, but it also should be recognised that to some extent this performance is a reflection of the inadequacy of the information submitted and the need for further time to be given to enable amendments or additional information to be provided so that the requirements of the conditions are satisfied.

(7) INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

Performance in 2018/19 was 72.8% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



TARGET NOT ACHIEVED

There was a decrease in the number of new complaints received in 2018/19 (228) compared with the number in 2017/19 (269) however this target was not achieved, having achieved it for the past three years. Notwithstanding this the shortfall was marginal and is, no doubt, a reflection on the complexity of the cases that were received in this period. A further factor affecting performance is cases where there are multiple complainants. Where the complainants aren't informed within the required period in such cases this can have a disproportionate effect on overall performance. It remains to be seen what the impact of the new member updating requirements within the Member Planning Enforcement protocol will be and this will need to be carefully monitored.

¹ 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more

² 'In time' means determined within an extended period of time beyond the normal 8/13 week target period that has been agreed, in writing, by the applicant prior to the end of the 8/13 target period/previously agreed period.

³ 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of Change of Use or Householder Development

⁴ 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

⁵ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category

Date report prepared:

14th June 2019

Source of information/background papers

- General Development Control Returns PS1 and PS2 for 2016/17 – 2018/19
- Planning Services own internal records, produced manually and from its uniForm modules.
- [Planning Performance. Criteria for designation.](#) (revised 2018)

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APPENDIX 1: 'PERFORMANCE' INDICATORS FOR DEVELOPMENT MANAGEMENT 2016/17, 2017/18 and 2018/19.

Indicator	Year	Target for year	<-----Actuals----->				Final result for the year
			April - June	July - Sept	Oct - Dec	Jan - Mar	
% of 'Major' applications determined "in time"	2018/19	72.5%	44.4%	70%	100%	88.9%	70.0%
	2017/18	70%	85.7%	50%	80%	100%	78.4%
	2016/17	70%	62.5%	85.7%	87.5%	100%	81.5%
Replaced in 2014/15 former indicator of percentage of applications determined within 13 weeks							
% of 'Minor' applications determined "in time"	2018/19	77.5%	58.7%	77.3%	70.6%	63.8%	67.1%
	2017/18		68.5%	68%	70.6%	61.9%	67.5%
	2016/17		93.8%	90.6%	92.0%	91.5%	92.1%
Replaced in 2018/19 former indicator of percentage applications determined within 8 weeks							
% of 'other' applications determined within 8 weeks	2018/19	85%	80.2%	73.7%	76.2%	84.5%	78.3%
	2017/18	85%	81.5%	79.5%	80%	63.9%	76.4%
	2016/17	85%	90.7%	90.4%	88.2%	81.5%	88%
% of "Non-Major" applications determined "in time"	2018/19	85%	77.9%	82.1%	82%	77.6%	79.9%
	2017/18	85%	81.9%	78.1%	82%	72.1%	78.6%
	2016/17	80%	94.5%	94.7%	88%	92.2%	92.9%
<i>New target for 2016/17</i>							
% of pre-application enquiries answered in time	2018/19	75%	76.5%	88.5%	72.7%	71.3%	77.6%
	2017/18	75%	63.5%	62.7%	64.4%	68.0%	65.3%
	2016/17	75%	72.6%	76.2%	71.1%	76.5%	74.2%
% of applications for approval required by conditions determined within 2 months	2018/19	75%	36.9%	49.1%	70.9%	46.0%	52.9%
	2017/18	75%	54.3%	34.8%	55.3%	57.0%	51.4%
	2016/17	75%	66.3%	65.9%	70.4%	65.9%	66.8%
% of complainants informed within required timescale of any action to be taken	2018/19	75%	76.4%	75.6%	71.1%	68.6%	72.8%
	2017/18	75%	79.2%	85.2%	73.2%	75.0%	78.7%
	2016/17	75%	78.1%	75%	83.3%	71.9%	76.7%

Target achieved for complete year

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REPORT TO THE PLANNING COMMITTEE 16th JULY 2019

ANNUAL REPORT ON PLANNING AND RELATED APPEALS 1st APRIL 2018 – 31st MARCH 2019

Introduction

1. Appeal decisions are reported upon receipt to the Planning Committee, as are decisions on the award of costs in appeal proceedings. In addition, an annual report on planning and related appeals is produced for consideration by Members, intended to identify general issues relating to the Local Planning Authority's (LPA's) appeal performance, and to encourage an approach that reflects upon and learns from such appeals. Appeal performance is considered by the Government to be the measure of the quality of the decisions of a local planning authority.

Appeal Performance

2. Well-considered decisions on planning applications are a key part of delivering an effective planning service. People should have confidence in the quality of the development decisions being made by the Authority – that all relevant considerations are being taken into account, and that the weight being given to different considerations is reasonable in the context of national and local policies. Appeals can be made both against the refusal of permission, but also against conditions attached to permissions. There are many cases where following a refusal of an application, discussions are held with an applicant and as a result the applicant decides either to no longer pursue the proposal or to submit revised proposals. In this way difficulties can be more effectively, quickly and cheaply resolved. Your officers would always seek to encourage such discussions. As advised in the National Planning Practice Guidance appeals should only be made when all else has failed.
3. An applicant has in most cases up to 6 months to lodge an appeal (from receipt of the decision notice), and given the time some appeals take to be determined, there is often a significant period of time between the LPA's original decision and the appeal decision. For householder applications, the time limit to appeal is 12 weeks and the time period for submitting an appeal where the same or substantially the same development is subject to an Enforcement Notice is just 28 days. As reported elsewhere the Planning Inspectorate are experiencing significant difficulties in progressing appeals in a timely manner and this is a further factor leading to a significant period of time between the LPA's original decision and the appeal decision.
4. Appeals can also be made within a specified time against Enforcement Notices on various specific grounds. If an appeal is lodged the Notice does not come into effect until the appeal has been determined. If no appeal is lodged the Notice comes into effect.
5. During the 12-month period from 1st April 2018 to 31st March 2019, 18 appeals against decisions by the Borough Council as the LPA were determined. A list of the appeal decisions is attached as Appendix 1. 12 were decided in the previous year 2017/18. None of the appeal decisions received during 2018/19 were as a result of the service of an Enforcement Notice.
6. The Government has a system by which it designates underperforming authorities. The measure used for assessing the quality of decisions is the percentage of decisions on applications that have been overturned at appeal, once nine months have elapsed following the end of the assessment period. The threshold for designation for both "major" and "non-major" development, above which a local planning authority is eligible for designation as an underperforming authority, is 10 per cent of an authority's total number

of decisions on applications made during the assessment period being overturned at appeal.

7. Publication of quarterly tables resumed in August 2017, when they were released as Experimental Statistics to enable local authorities to validate the information held. This followed the resolution of technical concerns relating to some aspects of the appeals data used that led to the tables being suspended in 2015. The latest versions of the tables, published on 28 February 2019 – and covering local planning authority decisions between January 2016 and December 2017 – continue to be Experimental Statistics, to enable local authorities to continue to validate the information held.
8. The latest information available at a national level relates to decisions made by the Borough Council in the 24 months ending in December 2017. In terms of decisions on Major applications some 3.0% of all of its Major decisions made between these dates were subsequently overturned on appeal (any authority having more than 10% overturned being at risk of designation). In terms of decisions on non-majors some 0.5% of all of its Non-Major decisions were subsequently overturned at appeal (again any authority having more than 10% overturned being at risk of designation). Non-Major decisions are those that relate to applications for minor developments, changes of use where the site area is less than one hectare and householder developments.
9. In terms of national ranking out of the 339 District Planning Authorities, Newcastle is in 227th position in terms of the quality of its Major decisions and 62nd position in terms of the quality of its non-major decisions.
10. Turning now to the appeal decisions received this year, in 2018/19, of the 18 appeals that were determined, 61% were dismissed and 39% were allowed. If an appeal is allowed it is in effect “lost” by the Council, although an appeal dismissal can sometimes be on a “technicality”. If an appeal is allowed, that is a judgement, normally by the Inspector appointed by the Secretary of State to determine the appeal, that the Council’s case has been found wanting.
11. The Council’s performance has varied in recent years with 42% of appeals allowed in 2017/18 and 33% allowed in 2016/17 but given the relatively low number of appeal decisions received each year, just one or two decisions can make a significant difference in the figures.
12. Given that the number of decisions received each year is relatively low (although up from 2017/18), the cumulative figure for the last 3 years has been assessed. During the 3 year period of April 2016 to March 2019, a total of 54 appeal decisions have been received. Of those 54 decisions 37% were allowed.
13. Table 1 below, looks at the different development types of the appeals decided in 2018/19. All planning and related applications, and appeals, are categorised by development type. For dwellings, a Major development is where the number of dwellings to be constructed is 10 or more. Where the number of dwellings to be constructed is not known, any residential development with a site area of more than 0.5 hectares is categorised as a Major development. For all other uses a Major development is one where the floorspace to be built is 1000 square metres or more, or where the site area is 1 hectare or more. Applications for Minor development are those which are not for Major development although within the “Other” category are domestic extensions, changes of use, advertisements, listed building consent applications and similar.

Table 1

Development Types	Number Allowed	% Allowed	Number Dismissed	% Dismissed
“Major” Appeals	0	0%	3	100%
“Minor” Appeals	7	64%	4	36%

"Other" Appeals	0	0%	4	100%
Total appeals	7	39%	11	61%

14. In recent years there has been a decrease in the number of householder appeals and this remains the case this year with just 22% of the appeals determined relating to householder developments. There has also been a marked increase in the number of appeals against "Minor" dwelling proposals over the last few years. Last year (2017/18) 67% of the appeals determined related to Minor dwellings proposals and this year, the figure is 44%. Whilst this is a decrease on last year, 8 out of the 18 appeals determined related to minor dwellings proposals which remains a significant proportion.
15. Given the relatively low number of appeals during the last 12 months and given the varied nature of those appeals, it is difficult to learn any particular lessons. During the last couple of years there have been a number of appeal decisions that have considered the sustainability or otherwise of sites in the Rural Areas of the Borough for residential development. During the last year there have been 5 more such appeal decisions. In dismissing 2 out of the 5 appeals (17/00159/OUT, Barthomley Road, Audley and 17/00605/FUL, Woodrow Way, Ashley), and supporting the LPA's judgement as to the sustainability of the sites, it was considered that the location of the sites some considerable distance away from shops, services and facilities, would place reliance on the use of a motor vehicle, contrary to the NPPF. In the case of Gravel Bank (17/00787/OUT) the Inspector considered that the site was in a sustainable location but concluded that the harm to the landscape would be sufficiently serious to carry very substantial weight against the proposal and the appeal was dismissed.
16. However in allowing appeals for residential development at a site in Butterton (18/00082/FUL) involving a conversion and at The Waggon and Horses on Nantwich Road, Audley (18/00121/OUT), the Inspector disagreed with the LPA's judgement on whether the location of the sites were suitable for housing. In relation to both schemes, although it was accepted that the developments would conflict to some extent with one of the Framework's core principles, which is to actively manage growth by making the fullest possible use of public transport, walking and cycling, and focussing significant development in locations which are or can be made sustainable, reference was made to Paragraph 84 of the Framework which recognises that rural sites may have to be found beyond existing settlements and in locations not well-served by public transport.
17. Two of the appeal decisions received in the last year relate to the issue of a financial contribution towards Public Open Space for developments of less than 10 dwellings - the Monument House, Madeley Heath case (Ref. 17/00483/FUL) and the Wade Court, Kidsgrove case (Ref. 18/00393/FUL). In both cases the Inspector considered that the contribution was a tariff style contribution and was not compliant with CIL Regulations. Both appeals were allowed without a planning obligation. At Planning Committee on 26th February 2019 Members resolved, amongst other things, to cease to apply the policy of seeking public open space contributions in such cases. An application for an award of costs was made in the Monument House case by the appellant which will be considered in more detail below.
18. Table 2 below, indicates the percentage of appeals allowed and dismissed according to whether the application was determined by your officers under delegated powers or by the Planning Committee.

Table 2

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Delegated	6	43%	8	57%
Committee	1	25%	3	75%

19. During the period 1st April 2018 to 31st March 2019 a greater proportion of appeals relating to applications determined by officers under delegated powers have been allowed (43%) than those relating to applications determined by Committee (25%), however the numbers are so few that it would be inappropriate to draw any wider conclusions.

20. With respect to the Committee decisions, Table 3 below provides information on the officer recommendation in these cases.

Table 3

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Committee decisions contrary to Officer Recommendation	1	50	1	50
Committee decisions in line with Officer recommendation	0	0	2	100

18. These four decisions were;

- McDonalds Restaurant, Dimsdale Parade West, Newcastle – recommended for approval, refused and appeal allowed
- Land off Woodrow Way, Ashley – recommended for refusal, refused and appeal dismissed
- Gravel Bank, Mucklestone Road, Loggerheads – recommended for refusal, refused and appeal dismissed
- Land adjacent to Rowley House, Moss lane, Madeley – recommended for approval, refused and appeal dismissed

As above, the numbers are so few that it would be inappropriate to draw any wider conclusions.

19. Given that the numbers are so low, the cumulative figures for the last 3 years have been assessed. Table 4 below shows the figures for the 3 year period of April 2016 to March 2019.

Table 4

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Committee decisions contrary to Officer Recommendation	6	75	2	25
Committee decisions in line with Officer recommendation	2	40	3	60

20. The numbers involved are low even for a 3 year period, but the above Table shows that for decisions by the Committee made contrary to a recommendation of approval, the Council has not been particularly successful at appeal.

Awards of Costs

21. Of particular importance in terms of the Local Planning Authority learning lessons from appeal performance, are those appeals that have resulted in an award of costs against the Council. In planning appeals the parties normally meet their own expenses and costs are only awarded when what is termed “unreasonable” behaviour is held to have occurred and the affected party has incurred unnecessary or wasted expense in the appeal proceedings. The availability of costs awards is intended to bring a greater sense of discipline to all parties involved. Table 5 below indicates the applications for costs

decided between April 2018 and March 2019, and where applicable the appellant's costs that were paid by the Borough Council.

Table 5

App No.	Address	Appeal Decision	Costs application against the LPA	Costs subsequently paid
17/00838/FUL	Monument House, Crewe Road, Madeley Heath	Allowed	Refused	-
17/01004/REM	Land adjacent to Rowley House, Moss lane, Madeley	Dismissed	Refused	-

21. Although in one of the above cases, the Council's case was found to be wanting and the appeal was allowed, it is to be noted that the Council's behaviour had not resulted in unnecessary or wasted expense being incurred at the appeal stage.

Conclusions

23. The number of appeals determined in the period April 2018 to March 2019 is relatively low. The key conclusions of this report are:-

- That it is the Council's performance now that will have a bearing on whether we are designated by the government as an underperforming authority in the future – the focus needs to both on Major and Non-Major developments
- There have been conflicting conclusions about what is or what is not a sustainable location for residential development and the Council's judgements have not been supported in all cases
- In both of the cases relating to the issue of a financial contribution towards Public Open Space for developments of less than 10 dwellings, the Inspector considered that the contribution was not compliant with national policy and guidance and on that basis, the Council has ceased to apply the policy of seeking public open space contributions in such cases
- In both of the cases where a claim for costs was made against the Council, Inspectors did not consider the criteria for an award of costs were met.

It remains your Officer's view that there are a number of steps which should be taken to further improve upon the existing situation and these are detailed below. The Committee has previously passed a number of resolutions when considering similar reports in previous years.

Recommendations:-

- 1. That the above report be noted**
- 2. That internal management procedures within the Service including the assessment of case officers' recommendations by more senior officers continue to be applied;**
- 3. That, as previously resolved, Members of the Committee, and their substitutes, draw to Case Officers' attention any concerns that they have with an application, coming to the Committee for determination, as soon as possible having received notice of the application in the weekly list, so that potential solutions to the concerns are sought with the applicant in line with the requirements of the National Planning Policy Framework;**

4. That, as previously resolved, full advantage be taken of the use of conditions in planning permissions to make developments acceptable;
5. That, as previously resolved, Members of the Committee, and their substitutes, who are disposed to move refusal of a proposal contrary to recommendation be urged to contact the Head of Planning no less than 24 hours before the Committee, with details of the reasons they are minded to give for such a refusal;
6. That, as previously resolved, when a proposal to refuse to grant planning permission is made at the Committee contrary to the officer's recommendation, advice be sought as to the most appropriate way to meet the requirement upon the LPA to work in a proactive and positive manner with applicants;
7. That, as previously resolved, the mover and seconder of a resolution of refusal contrary to officer recommendation be identified by the Chair and recorded in the Minutes and in the event of an appeal being lodged there be an expectation that those members will make themselves available as witnesses on behalf of the Council in the appeal proceedings should either the Head of Planning or the Council's solicitor or their representatives deem that appropriate; and
8. That a proactive approach be taken by officers to appeal handling with early holding of case conferences where appropriate, the strength of the case being continually reassessed in the light of any new evidence received, and that a similar approach be taken by the Committee.

Appendix 1 – Appeal Decisions 1 April 2018 – 31 March 2019

Application No.	Address	Description	LPA decision date	Decision	Appeal Decision Date
17/00159/OUT	Land North Of Tawney Cottage, Barthomley Road, Audley	Proposed demolition of indoor model car racing building and erection of a detached dwelling	12.10.17	Dismissed	11.4.18
17/00450/FUL	Land Off Mucklestone Wood Lane, Loggerheads	Erection of new 4 bedroom dwelling with double garage and improved access	20.10.17	Dismissed	22.5.18
17/00326/FUL	Moss House Farm, Eardleyend Road, Newcastle-under-Lyme	Retention of barn conversion to form two dwellings to include increase roof height, one additional window and alteration to height of 6 windows	6.10.17	Dismissed	11.6.18
17/00838/FUL	Monument House Crewe Road Madeley Heath	Conversion of ground floor of property into a two bedroom flat	25.1.18	Allowed	22.6.18
17/00992/FUL	26, Church Lane, Wolstanton	Single storey extension	5.2.18	Dismissed	11.7.18
18/00041/FUL	26, Church Lane, Wolstanton	Dropped kerb and drive	27.4.18	Dismissed	15.8.18
18/00082/FUL	Land And Buildings North Of The Haven, Butterton Road, Butterton	Proposed conversion of stable block to dwelling	29.3.18	Allowed	24.8.18
18/00121/OUT	Waggon And Horses, Nantwich Road, Audley	Erection of three dwellings	10.4.18	Allowed	28.8.18
17/00877/FUL	Brook Farm, 4 Oakwood Lane, Acton	Removal of condition 4 (removal of permitted development rights) of application 16/00485/FUL - Replacement dwelling and erection of a detached garage	3.1.18	Allowed	28.8.18
17/00856/FUL	McDonalds Restaurant, Dimsdale Parade West, Newcastle	Variation of condition 4 of planning permission 99/00330/FUL to allow revised opening hours for the main restaurant and the hours of operation of the drive-thru facility	8.12.17	Allowed	10.9.18
17/00723/FUL	32, Alderhay Lane Harriseahead	Alterations and extensions	18.4.18	Dismissed	23.10.18
17/00657/FUL	145, Oakley Cottage, Woore Road, Oakley	Erection of detached garage for storage of classic car and truck	19.12.17	Dismissed	23.10.18

		collection			
18/00220/FUL	Axair, Lowfield Drive, Stoke On Trent	Extension to existing warehouse on area of site designated as 'Expansion' space	18.5.18	Allowed	1.11.18
17/00605/FUL	Land Off Woodrow Way, Ashley	Erection of 10 dwellings and public open space	8.12.17	Dismissed	5.12.18
18/00490/FUL	Rosebank, New Road, Wrinehill	New domestic garage	17.8.18	Dismissed	13.12.18
17/00787/OUT	Gravel Bank, Mucklestone Road, Loggerheads	Residential development of up to 70 dwellings including details of access	5.1.18	Dismissed	25.1.19
18/00393/FUL	Wade Court, Market Street, Stoke-On-Trent	Change of use of existing communal area into a 1 bedroom self-contained flat	1.9.18	Allowed	13.2.19
17/01004/REM	Land Adjacent To Rowley House, Moss Lane, Madeley	Reserved matters for the erection of 42 dwellings with associated parking and landscaping	23.8.18	Dismissed	29.3.19

2019 CONSERVATION AREA APPRAISAL AND MANAGEMENT PLANS PROGRAMME

Purpose of the Report

To determine a revised programme for the preparation of a Conservation Area Appraisal and Management plans for the Conservation Areas for the Borough.

Recommendations

That the programme for the preparation of Conservation Area Appraisal and Management Plans for the Conservation Area of the Borough, as set out in Table 3 of this report, be approved.

Reasons

Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to formulate and publish proposals for the preservation and enhancement of any parts of their area which are Conservation Areas. A realistic programme for the preparation of Conservation Area Appraisals and Management Plans, therefore, needs to be in place. The planning status of these documents as supplementary planning documents would ensure that the documents can be afforded appropriate weight when determining planning applications.

1. Background

- 1.1 In February 2011, the Council undertook a review of its programme of Appraisals and Management Plans for the 20 Conservation Areas then in the Borough. 11 Conservation Areas have relatively recent Appraisals with associated Management Plans and some have Supplementary Planning Document (SPD) status to the Local Plan. An additional Conservation Area has also been designated at Watlands Park, Wolstanton, and is also subject to an Appraisal and Management Plan SPD.

2 Conservation Area Duties

- 2.1 A Conservation Area is defined in the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69, as **“an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”**. The Council as local planning authority is responsible for designating Conservation Areas and for reviewing these areas from *time to time*. Section 71 of the Act places a duty to publish proposals for the enhancement of Conservation Areas.

- 2.2 There are currently 21 Conservation Areas for which reviews will be required in the coming years. The Conservation Areas are set out below in Table 1 in order of their designation date, or their review date if applicable, and indicating if an Appraisal has been undertaken.

Table 1	Conservation Area	Designation Date and review	Appraisal in place
1	Whitmore	1971	Yes
2	Mucklestone	1977	Yes
3	Shropshire Union Canal	1984	Yes
4	Trent and Mersey Canal (Kidsgrove)	1988	Yes
5	Clayton	1992	No
6	Keele Hall	1993	No
7	Silverdale	1993	No
8	Kidsgrove (Town Centre)	1997	No
9	Wolstanton	1993	No
10	Talke	2000	No

11	Butterton	2006	Yes
12	Basford	2006 & Review 2007	Yes
13	Newcastle Town Centre	1973 & Review 2008	Yes
14	Betley	1970 & Review 2008	Yes
15	Madeley	1972 & Review 2012	Yes
16	Audley	1976 & Review 2013	Yes
17	Stubbs Walk	1993 & Review 2016	Yes
18	The Brampton	1984 & Review 2016	Yes
19	Watlands Park	2016	Yes
20	Keele (village)	1989 & Review 2018	Yes
21	Maer	1970 & Review 2019	Yes

3. **Conservation Area Appraisal and Management Plans**

- 3.1 An appraisal outlines the special character and appearance of the Conservation Area in question, defining its important architectural or historic elements or features and highlighting any positive, negative or neutral aspects within the area. This overarching character and significance of the place is unlikely to change.
- 3.2 Management Plans seek to preserve or enhance the special character and appearance of the Conservation Area and assist in managing change without compromising the quality of the historic environment. The Management Proposals indicate actions and policies and ways of managing the areas and helping to retain the special character of an area.
- 3.3 11 of the 21 Conservation Areas have Appraisals and Management Plans. 10 do not. All of the Conservation Area Appraisal and Management Plans are listed on the Council's Website. www.newcastle-staffs.gov.uk/conservation. As it is some time since the original programme was compiled and then reviewed in January 2011, a further programme for the preparation of appraisals and management plans is considered in this report. This has been drawn up by considering factors in addition to that of the date of the original designation. An approach based solely on the latter would be based upon the assumption that there is likely to have been the most change the longer ago the designation, which may well not be the case. This revised programme has also considered the size and complexity of the area, development pressure and expected level of change.
- 3.4 The appraisals of an area are quite unlikely to date because a complete historic village and town centre are unlikely to lose their overall special character. Some of course may need a refresh as Whitmore, for example was designated with an Appraisal in 1971. It is the opinion of your officers that the Appraisals should only be updated on the basis of need but where they are over 10 years old it is considered that it would be worth undertaking a full review of the existing Appraisal. To avoid certain Conservation Areas never being the subject of a further appraisal it is recommended that this criterion only apply now, not during the programme.
- 3.5 It is proposed as a first step to prepare a summary of the character and make a short statement for the 6 Conservation Areas where no appraisal exists for that Conservation Area and those 4 where it is more than 10 years old. These 10 are indicated in Table 1. This work is to ensure that the evidence base which will inform the Joint Local Plan process is up to date and accessible, in line with guidance in the National Planning Policy Framework (NPPF 2019). The intention is that these summary statements will be published on the Conservation Area pages of the website by December 2019.
- 3.6 Where there is no Conservation Area Appraisal and Management Plan, this will be undertaken as resources allow in the order indicated by the ranking set out in Table 2 below. The task of completing the Conservation Area Appraisal and Management Plans can be lengthy and taking account of resources available, it is considered that no more than one Appraisal is likely to be completed each year.

Table 2

Conservation Area	Review	Complexity	Pressure	Change	Total	Rank
Newcastle Town Centre	13	1	1	1	16	1
Keele Hall	5	12	3	2	22	2
Betley	14	2	7	8	31	3
Stubbs Walk	17	6	5	4	32	4
Madeley	15	3	8	7	33	5
Keele Village	20	7	4	3	34	6
The Brampton	19	5	6	5	35	7
Watlands Park	18	10	2	6	36	8
Whitmore	1	8	19	9	37	9
Trent & Mersey Canal (Kidsgrove)	4	13	10	11	38	10
Audley	16	4	9	10	39	11
Clayton	6	16	11	13	46	12
Mucklestone	2	11	17	19	49	13
Silverdale	7	18	13	15	53	14
Butterton	11	15	12	18	56	15
Wolstanton	9	20	16	12	57	16
Shropshire Union Canal	3	14	21	20	58	17
Talke	10	19	14	16	59	18
Basford	12	17	15	17	61	19
Maer	21	9	20	14	64	20
Kidsgrove (Town Centre)	8	21	19	21	69	21

- 3.7 Table 3 highlights the order of next reviews, based on the assessment, suggesting that either a full Appraisal is required, a summary update, if within 10 years, or no action is necessary at this time. The programme can be reviewed if capacity comes available with officers, other than the Conservation Officer, to give assistance to the process but this is considered unlikely.

Conservation Area	Programme Proposals
Newcastle Town Centre	Summary 2019
Keele Hall	Summary 2019 & Appraisal 2020
Betley	Summary 2019
Stubbs Walk	
Madeley	
Keele (Village)	
The Brampton	
Watlands Park	
Whitmore	Appraisal 2020/21
Trent and Mersey Canal (Kidsgrove)	Appraisal 2021
Audley	
Clayton	Summary 2019 & Appraisal 2022
Mucklestone	Appraisal 2023
Silverdale	Summary 2019 & Appraisal 2024
Butterton	Summary 2019 & Appraisal 2025

Wolstanton	Summary 2019 & Appraisal 2026
Shropshire Union Canal	Appraisal 2027
Talke	Summary 2019 & Appraisal 2028
Basford	Summary 2019 & Appraisal 2029
Maer	
Kidsgrove (Town Centre)	Summary 2019 & Appraisal 2030

3.8 The views of the Conservation Advisory Working Party on the above proposals are being obtained and will be reported to the Committee.

4. **Next Steps**

4.1 Should the recommendations be endorsed by the Committee steps will be taken to publish the revised programme on the Council's website along with the summary statements where required and this will be used as information for the emerging Joint Local Plan evidence base.

Date report prepared: 19th June 2019

Confirmation of Tree Preservation Order

LAND AT PINE COURT, LOGGERHEADS.

Tree Preservation Order No 201A (2019)

Town & Country Planning Act 1990

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

The Order protects a pine tree within the central courtyard of Pine Court, Loggerheads.

The Order was made to safeguard the longer term visual amenity that the tree provides following the felling of an adjacent pine tree and concern that it also was scheduled to be felled.

The Order was originally made using delegated powers on 12th November 2018 however time constraints resulted in the Order not being confirmed within the permitted time and it was remade on 13th May 2019. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 13th November 2019

RECOMMENDATION

That Tree Preservation Order No 201A (2019), land at Pine Court, Loggerheads, 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, a good example of its species 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

Two representations were received when the Order was first made. No further representations have been received in relation to the second making of the Order.

The first objector has sent several emails to the council with regard issues with the tree. She states that the residents have a problem with pine needles dropping on roofs and gutters, roots uplifting the path and needles covering gardens and pathways making it difficult for elderly residents to walk. They are also worried about problems with drains. In response to a tree status enquiry to the council in September 2018 it was confirmed that the two pine trees were not covered by a TPO. Subsequently tree surgeons were engaged to fell the trees but were stopped from felling the second pine. Residents are pleased that the

largest one has gone but the tree left standing is still causing the same issues. A branch has since dropped onto the path.

The second is the owner occupier of the nearest property to the tree on Heath Grove and objects to the constant necessary sweeping of pine cones and needles, and emptying needles from gutters 4 or five times per year, particularly in view of his age. Strong winds also leave him and his wife fearing that the tree could fall across their house. He was pleased when the first pine was removed and questions why the second should not also be felled.

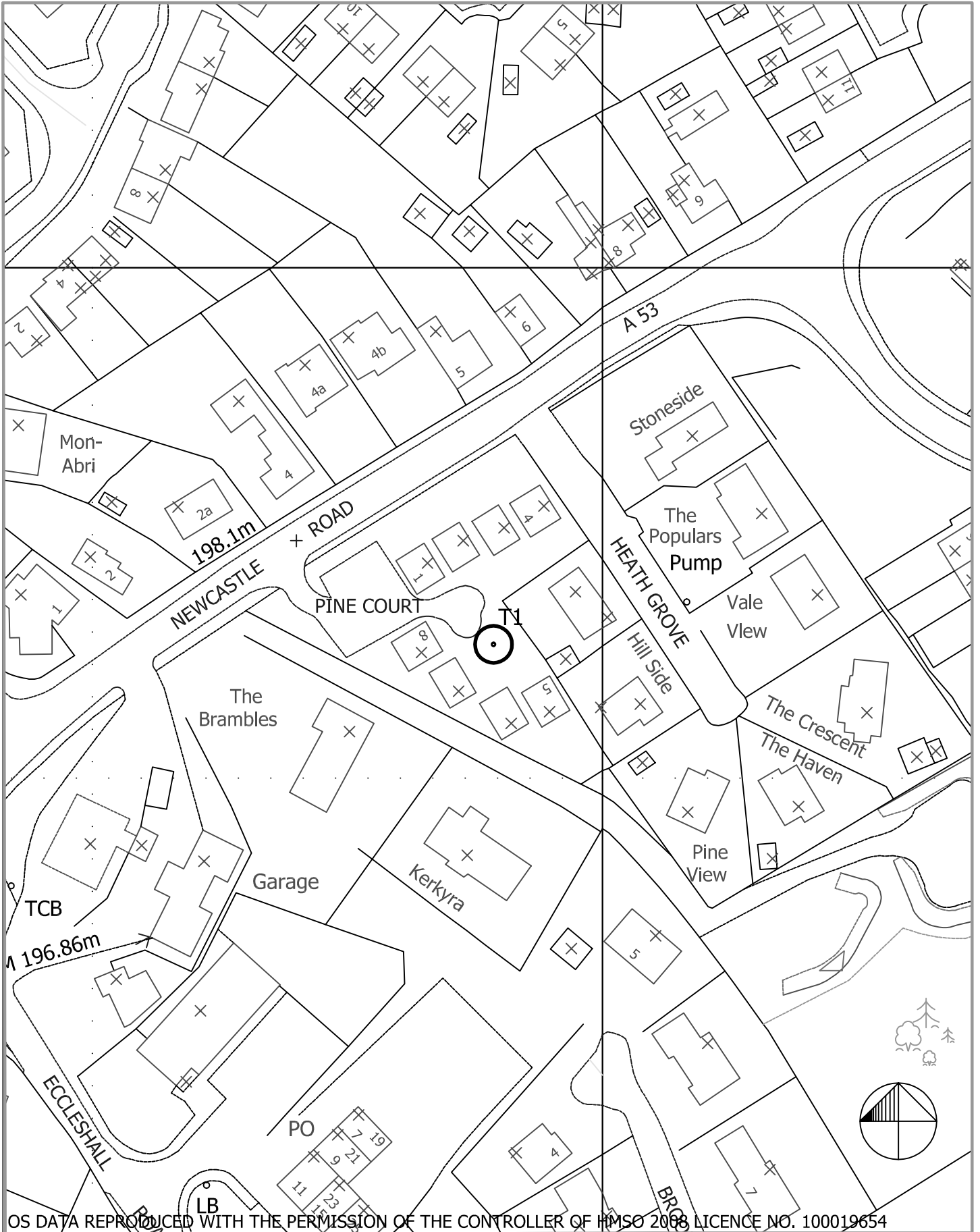
Your officers were unaware at the time of the original enquiry that the intention was to fell the trees and did not take action until it was evident that this was proposed. Your officers consider that despite the loss of the first pine tree the remaining tree is worthy of retention. The quantity of pine needles dropped and other concerns are not considered to be out of the ordinary and are consistent with similar trees of this type, and the loss of the first tree is likely to reduce these issues. With good maintenance the remaining tree can be retained and its surroundings appropriately managed.

Issues

The tree is a Scots pine, the only remaining tree in a central position within the Pine Court development in Loggerheads. It is clearly visible from Newcastle Road, Heath Grove and Pine Court. Following information received from a local resident, your officers visited the site on 12th November 2018 to find that one of two pine trees was being dismantled and that it was proposed to also remove the second tree. Your officers carried out a TPO assessment of the second tree 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 12th November 2018 and remade on 13th May 2019 in order to protect the long term well-being of the tree. 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. The loss of the adjacent pine has increased the trees visual amenity value.

Date report prepared

21 June 2019



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DAVE ADAMS,
EXECUTIVE DIRECTOR
OPERATIONAL SERVICES
CASTLE HOUSE,
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TITLE:

Land at Pine Court, Loggerheads

DESCRIPTION:

Tree Preservation Order number 201A

SCALE:

DATE:

DRAWN BY:

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DRAWING NO.

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