

Public Document Pack

Date of meeting Tuesday, 26th March, 2019
Time 7.00 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 12)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - THE BRIGHTON, SNEYD TERRACE, SILVERDALE. ASPIRE HOUSING. 18/00714/FUL** (Pages 13 - 24)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE-UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE. THE SCHOOL GOVERNORS. 19/00042/FUL** (Pages 25 - 34)
- 6 **LAND SOUTH WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF MARKET DRAYTON ROAD, LOGGERHEADS. MULLER STRATEGIC PROJECTS LIMITED. 15/00202/OUT** (Pages 35 - 38)
- 7 **LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE. TAYLOR WIMPEY. 12/00127/OUT** (Pages 39 - 44)
- 8 **APPLICATION FOR MINOR DEVELOPMENT - 26, MILEHOUSE LANE, NEWCASTLE-UNDER-LYME. MR PAUL GOLDEN. 19/00047/FUL** (Pages 45 - 52)
- 9 **APPLICATION FOR MINOR DEVELOPMENT - ASPIRE HOUSING** (Pages 53 - 68)

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

- 10 APPLICATION FOR MINOR DEVELOPMENT - 121 - 123 HIGH STREET, WOLSTANTON. RIGHT FINANCIAL PLANNING LTD (MR ABAD KHAN). 18/00467/FUL (Pages 69 - 72)
- 11 LAND ADJACENT TO SLACKEN LANE.MR STEPHEN LOWNDES. 17/00791/FUL (Pages 73 - 78)
- 12 APPLICATION FOR MINOR DEVELOPMENT - CHESTERTON COMMUNITY SPORTS COLLEGE, CASTLE STREET, CHESTERTON. CHESTERTON COMMUNITY COLLEGE. 18/00949/FUL (Pages 79 - 86)
- 13 APPLICATION FOR MINOR DEVELOPMENT - BURSLEY PRIMARY SCHOOL, BURSLEY WAY, BRADWELL. BURSLEY PRIMARY SCHOOL. 18/00990/FUL (Pages 87 - 94)
- 14 APPLICATION FOR OTHER DEVELOPMENT - 9 GENEVA DRIVE, NEWCASTLE. MR S ROYALL. 19/00031/FUL (Pages 95 - 102)
- 15 OFFICER AND MEMBER PLANNING ENFORCEMENT PROTOCOL (Pages 103 - 110)
- 16 APPLICATION FOR FINANCIAL ASSISTANCE - THE BEEHIVE, MAIN ROAD, BETLEY (Ref: 18/19004/HBG). (Pages 111 - 112)
- 17 APPEAL DECISION - GRAVEL BANK, MUCKLESTONE ROAD, LOGGERHEADS (Pages 113 - 118)
- 18 APPEAL DECISION - 1 WADE COURT, MARKET STREET, KIDSGROVE (Pages 119 - 120)
- 19 TREE PRESERVATION ORDER - LAND AT LYNN AVENUE, WALTON WAY, TALKE. TPO197 (Pages 121 - 158)
- 20 TREE PRESERVATION ORDER - NUFFIELD HOSPITAL, CLAYTON ROAD, NEWCASTLE. TPO199 (Pages 159 - 162)
- 21 URGENT BUSINESS

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

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

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

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

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

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

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

This page is intentionally left blank

PLANNING COMMITTEE

Tuesday, 26th February, 2019
Time of Commencement: 6.30 pm

Present:- Councillor Andrew Fear – in the Chair

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

Officers Becky Allen - Landscape Manager, Head of Planning and Development - Guy Benson, Nick Bromley - Senior Planning Officer, Geoff Durham - Mayor's Secretary / Member Support Officer and Trevor Vernon -Solicitor

1. APOLOGIES

Apologies were received from Councillor Bert Proctor who was substituted by Councillor Gary White.

The Chair welcomed Councillor Dymond onto the Planning Committee.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 29 January, 2019 be agreed as a correct record.

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

Proposed by Councillor Simon Tagg and seconded by Councillor Reddish.

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

- (i) The development, without suitable flood risk mitigation measures and SuDS, would lead to the potential for flooding and would not meet sustainable development objectives is therefore contrary to policy CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2018).
- (ii) In the absence of a secured planning obligation there is not an appropriate mechanism to secure a financial contribution of £18,900 towards education places and a review mechanism to allow for the possibility of changed financial circumstances should the development not proceed promptly, and, in such

circumstances, the potential provision of a policy compliant financial contribution towards public open space and education places is not achieved. The proposal would thus be contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 & IM1 of the Newcastle-under-Lyme Local Plan 2011, the Council's Open Space Strategy and the aims and objectives of the National Planning Policy Framework (2018).

- (iii) The development is overdevelopment of the site by reason of the quantum of development, its massing and scale, that would be harmful to the character and appearance of the area.

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

Proposed by Councillor Northcott and seconded by Councillor Reddish.

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

- (i) The adverse impacts of the development, namely the reliance on the use of private motor vehicles by reason of the site's location would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2018) taken as a whole and the proposal therefore represents an unsustainable development
- (ii) In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.
- (iii) The development would be detrimental to the character and form of existing development at Hill Chorlton and to the wider landscape.

6. APPLICATION FOR MAJOR DEVELOPMENT - NORTH BOUND KEELE MOTORWAY SERVICE AREA. WELCOME BREAK. 18/00537/FUL

Resolved: That the application be permitted subject to the appropriate procedure under the Town and country Planning (Consultation) (England) Direction having been undertaken and subject to the undermentioned conditions:

- (i) Standard time limit
- (ii) Approved plans
- (iii) Submission, approval and implementation of a detailed surface water drainage scheme
- (iv) Submission, approval and implementation of an Arboricultural Impact Assessment
- (v) Retention of all trees that are shown to be retained on the Landscape Concept Plan.
- (vi) Submission, approval and implementation of tree protection measures.

- (vii) Submission, approval and implementation of a Tree Protection Plan
- (viii) Submission, approval and implementation of details of the boundary treatment of the area including provision of an unclimbable secure fence is required around the lorry park area of 2.5 m in height, with also 0.5m of fence underground and other security measures including CCTV and details of the monitoring arrangements.
- (ix) Submission, approval and implementation of a detailed landscape scheme, which address recommendations of the Ecological Appraisal regarding increasing connectivity and foraging opportunities for bats. The landscaping scheme is to include provision for the planting of deterrent species, the avoidance of tall trees overhanging the fence and to be submitted at same time as the details pursuant to condition (viii)
- (x) Implement the recommendations within the Ecological Appraisal/Reptile Survey regarding biodiversity enhancements
- (xi) Submission, approval and implementation of a detailed lighting scheme
- (xii) No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been approved.**
- (xiii) Prior to first use of the HGV Parking and Amenity areas the recommendations within the Stage 1 RSA Design Team Response report should be implemented and approved.**

7. **APPLICATION FOR MAJOR DEVELOPMENT - CRACKLEY GATES FARM, LEYCETT LANE, SILVERDALE. MR DACEY. 18/00733/FUL**

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

- (i) Plans.
- (ii) No installation of external lighting without express consent of the Planning Authority.
- (iii) Details of the means of storing and disposing of wastes to be submitted within 6 weeks and implementation of the details once approved.
- (iv) No commercial use of the stables.
- (v) No burning of waste on the site.

8. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT BIRCH HOUSE ROAD, CHESTERTON. ASPIRE HOUSING. 17/01033/FUL**

Councillor Gardner spoke on this application.

Resolved: That the condition requiring affordable housing provision should

omit reference to such provision being “in perpetuity” and the condition should be worded in the following manner:

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

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

9. REQUEST FOR VARIATION TO SECTION 106 AGREEMENT - LEA COURT, NEW ROAD, MADELEY. HOUSING AND CARE 21. 08/00555/FUL

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

10. APPLICATION FOR MINOR DEVELOPMENT - BROUGHTON ARMS, NEWCASTLE ROAD, BALTERLEY. THE BROUGHTON PROPCO LTD. (MR RICHARD COLCLOUGH). 18/00846/FUL

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

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) External materials
- (iv) Construction and demolition hours
- (v) Ventilation and odour abatement
- (vi) Control of noise
- (vii) Prevention of food and grease debris entering the drainage system
- (viii) Submission and approval of external lighting
- (ix) Approval of full landscaping proposals to include boundary treatments
- (x) Submission and approval of Tree Protection measures
- (xi) Arboricultural Method Statement
- (xii) Retention of trees
- (xiii) Submission and approval of new boundary treatment to (A531) Newcastle Road
- (xiv) Access, car parking and turning
- (xv) Car park shall remain ungated

11. APPLICATION FOR MINOR DEVELOPMENT - THE OLD HALL FARM, MAIN ROAD, BETLEY. MR AND MRS MCDOWELL. 18/00927/FUL & 18/00929/FUL

Resolved: That both applications be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) External materials
- (iv) Soft landscaping proposals
- (v) Arboricultural Impact Assessment
- (vi) Storage and disposal of waste

12. **APPLICATION FOR MINOR DEVELOPMENT - 8-10 HIGH STREET, NEWCASTLE. PRACTICAL CONSTRUCTION LIMITED. 18/00774/FUL**

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

- (i) Standard Time limit for commencement of development
- (ii) Approved Plans
- (iii) Shop front details and colour specification
- (iv) Joinery details for windows, doors and roof lights
- (v) Archaeological watching brief
- (vi) Cycle Parking
- (vii) Noise survey
- (viii) Design Measures to Secure Noise Levels
- (ix) Construction hours
- (x) External lighting
- (xi) Mechanical Ventilation/Extraction
- (xii) Suitable fume extract system
- (xiii) CCTV provision

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

Resolved: That the application be deferred for:

- (i) Additional information on whether appropriate approvals with respect to rebuilding were sought by applicant, when required, during the construction process
- (ii) Members to receive in advance of the consideration of the item by the next Committee copies of the two previous appeal decisions, and the full statutory declaration, if not published

14. **APPLICATION FOR MINOR DEVELOPMENT - SITE AT LOOMER ROAD, CHESTERTON. MR HU (HHL DEVELOPMENT LTD). 18/00967/FUL**

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

- (i) Time Limit.
- (ii) Plans.
- (iii) Approved external materials.
- (iv) Detailed hard and soft landscaping provision (including tree planting).
- (v) The provision of parking and access as submitted.

- (vi) The prior approval and implementation of parking surfacing and surface water drainage provision.
- (vii) The prior approval and implementation of a construction method statement.
- (viii) Prior approval of site investigation and any remediation works to deal with contamination.
- (ix) Prior approval and implementation of internal and noise level assessment and mitigation measures.
- (x) Restriction of construction hours.

15. APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT TO A525, KEELE GOLF COURSE, KEELE ROAD, KEELE. NEWCASTLE BOROUGH COUNCIL. 19/00010/DEEM3

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

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

16. APPLICATION FOR OTHER DEVELOPMENT - LAND OFF TALKE ROAD, NORTH OF PARKHOUSE ROUNDABOUT (ADJACENT BREWERS FAYRE). NEWCASTLE BOROUGH COUNCIL. 19/00012/DEEM3

Resolved: That, subject to Public Right of Way Unit raising no objections which cannot be addressed by appropriate conditions, authority be delegated to the Head of Planning to permit the application subject to the undermentioned conditions in addition to the standard advertisement display conditions:

- (i) Approved revised plans
- (ii) Prior approval of details of the design of the bollards
- (iii) Submission, approval and implementation of a Tree Protection Plan, Arboricultural Method Statement and Schedule of Tree Works to BS5837:2012
- (iv) Any such conditions as referred to above

17. LAND AT DODDLESPOOL, BETLEY. 17/00186/207C2 - ENFORCEMENT UPDATE

Resolved: That the information provided in the report and the supplementary report be received, and that a further update report be provided to the April Planning Committee

18. 5 BOGGS COTTAGE, KEELE, 14/00036/207C3 - ENFORCEMENT UPDATE

Resolved: That the information be received and that a further update report be provided to the April Planning Committee

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

Resolved: That the information be received.

20. **OPEN ENFORCEMENT CASES**

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

21. **REPORT ON DECISION RECEIVED WITH RESPECT TO AN APPEAL AGAINST THE COUNCIL'S DECISION TO REFUSE TO GRANT PLANNING PERMISSION FOR CHANGE OF USE OF A COMMUNAL AREA INTO A ONE BEDROOM SELF CONTAINED FLAT AT 1 WADE COURT, MARKET STREET, KIDSGROVE - 18/00393/FUL AND THE SEEKING OF CONTRIBUTIONS TOWARDS PUBLIC OPEN SPACE FOR DEVELOPMENTS OF TEN UNITS AND UNDER**

This item was withdrawn from the agenda.

22. **MAKING OF THE LOGGERHEADS NEIGHBOURHOOD PLAN**

Resolved: That the decision to make the Loggerheads Neighbourhood Plan, and its status as part of the Development Plan, be noted.

23. **URGENT BUSINESS**

Members agreed to receive the next item as one of Urgent Business.

24. **THE SEEKING OF CONTRIBUTIONS TOWARDS PUBLIC OPEN SPACE FOR DEVELOPMENTS OF TEN UNITS AND UNDER**

Resolved: (i) That the Wade Court appeal decision be noted;
(ii) That the Local Planning Authority (LPA) cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other than in the circumstances expressly stated as possible in the Planning Policy Guidelines;
(iii) In the case of each of those (7) applications for 10 dwellings or less which have been determined by the Planning Committee where such a Public Open Space (POS) contribution has been sought, and the related planning obligation has not yet been secured (and thus no decision notice has been issued), a report should be brought to the Committee at the next meeting so that the Committee can reconsider the position of the LPA;
(iv) In the case of one single application for 10 dwellings or

less which has been determined by the Planning Committee where a POS contribution is being required in the event of the development not being substantially commenced and a subsequent viability appraisal demonstrating that it can be afforded, and the related planning obligation has not yet been secured (and thus no decision notice has been issued), a report should be brought to the Committee at the next meeting so that the Committee can reconsider the position of the LPA;

- (v) That in the case of those (12) applications for 10 dwellings or less which have been determined by your Officer acting under delegated powers on the basis that planning permission can be granted subject to a Unilateral Undertaking securing a public open space contribution, and that Unilateral Undertaking has not yet been received, your Officer has the authority to issue such permissions without such Unilateral Undertaking; and

- (ix) In any cases involving 10 or less dwellings where in refusing an application a reason for refusal relating to the failure to provide such a contribution has been given and an appeal has been or is now lodged, your officers have delegated authority to (a) withdraw that reason for refusal, (b) not to give any evidence in support of that reason for refusal and (c) if it were the sole reason for refusal to invite the submission of a new planning application, so as to avoid an unnecessary appeal.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 9.54 pm

THE BRIGHTON, SNEYD TERRACE,
SILVERDALE
ASPIRE HOUSING

18/00714/FUL

The application is for full planning permission for change of use and refurbishment of a former care home (C2) into apartments (C3) for over 55s independent living. 16 new one bed and 3 two bed apartments for affordable rent are proposed.

The site lies within the Silverdale Conservation Area and the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map.

The 13 week determination period for the application expires on the 12th March 2019.

RECOMMENDATIONS

A. Subject to the receipt and consideration of final independent advice as to what financial contribution if any this development could support, and a supplementary report to the Committee on this aspect, and in the absence of a viability case the applicant entering into a planning obligation to pay an appropriate financial contribution (£93,727) towards public open space enhancement at Silverdale Park by the 1st May:-

PERMIT subject to conditions relating to:

- 1. Time limit.**
- 2. Plans.**
- 3. Materials.**
- 4. Prior approval and implementation of landscaping and bin storage.**
- 5. Prior approval and implementation of tree protection details.**
- 6. Access and car parking provision implementation prior to occupation.**
- 7. Prior approval and provision of weatherproof cycle storage.**
- 8. Prior approval and implementation of revised bin storage details.**
- 9. Restriction of construction and demolition hours to be outside of 6pm and 8am Monday to Friday, not at any time on Sundays or Bank Holidays, or outside of 8am-1pm on a Saturday.**
- 10. No external lighting without prior approval.**
- 11. Agreed noise levels for internal and external areas.**
- 12. Prior approval of a scheme for the provision of at least 5 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced, but not requiring such provision to be "in perpetuity".**

B. Should the planning obligation referred to above not be secured by the 1st May that the Head of Planning be given delegated authority to refuse the application on the grounds that in the absence of such, the proposal would be contrary to policy on the enhancement of public open spaces for housing developments or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be extended.

Reason for Recommendation

The proposal involves the conversion of an existing disused building (a former residential care home) within a sustainable location where the broad principle of new and replacement housing is acceptable. There are also significant benefits to allowing additional new affordable housing to occur on the site through conversion– namely boosting local affordable housing

supply as well as the related economic and social advantages new affordable housing brings to the area where there is an established identified need. Subject to compliance with the conditions indicated above there would be no harm to visually significant trees, highway safety, the amenity of the area or the special character and appearance of Silverdale Conservation Area. However in compliance with the Council's Open Space Strategy a contribution of £93,727 towards the upgrade of public open space provision would be appropriate. The applicant has submitted financial information to substantiate their claim that such a policy compliant contribution would make the scheme unviable. An independent financial appraisal is being undertaken and the results of this appraisal are expected by the time of the Committee and a further report will be brought to members on this issues.

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

Scheme viability issues can be explored in detail to conclude if a policy compliant scheme can be insisted upon or reduced by an appropriate amount to secure delivery of the development.

Key Issues

1.0 The application property (The Brighton) is a former care home which is proposed to be converted into 16 one bedroom apartments and 3 two bed apartments.

1.1 The proposed apartments are to be let as "affordable rent" properties by Aspire. This means that future tenants will pay 80 percent of the market rate for the housing provided.

1.2 The site lies within Silverdale Conservation Area, which is part of the urban area of Newcastle as defined on the Local Development Framework Proposals Map. The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable having regard to the special character and appearance of Silverdale Conservation Area?
3. What is the impact on trees and is it acceptable?
4. What is the impact on highway safety and is it acceptable?
5. What financial contributions are appropriate (if any) in order to secure planning permission?

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

2.1 Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy CSP5 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) sets out for the period 2006 – 2026, a minimum of 4,800 net additional dwellings will be provided within the urban area of Newcastle under Lyme. Within the overall urban area figure quoted the neighbourhood of Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre) a total of 3,200 are anticipated by the policy. The site is within the urban centre of Silverdale which is recognised by the Core Strategy as a highly sustainable location for additional residential development. The site presently contains a building that was a care home.

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

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

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

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

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

2.6 The current position is that the Council considers that there is a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy requires updating). The 2018 Housing Delivery Test result for the Borough was not below the 75% figure.

2.7 The development entails conversion of an existing vacant building. Conversion of a building as a concept in itself is an inherently sustainable. In policy terms the scheme makes efficient re-use of previously developed land within a highly sustainable urban location (highlighted as such by the Core Spatial Strategy) within short walking distance of abundant local service provision within Silverdale and access to regular public transportation to the Town Centre and beyond. Regard is also paid to the social and economic benefits of allowing additional affordable housing in the area. There is therefore a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations. More detailed matters are now considered.

3.0 Is the design and appearance of the development acceptable having regard to the special character and appearance of the Silverdale Conservation area?

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

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

3.3 The Framework 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.

3.4 Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, 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.

3.5 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. Saved NLP 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 Framework and the weight to be given to them should reflect this.

3.6 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states in its policy HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

3.7 St Luke's Church a Grade II Listed building lies adjacent to the north east of the application building. The proposed changes to the building are modest and largely include alterations to existing windows and roof lights, 4 discreetly positioned dormer windows are included in the changes. The conversion works although relatively minor will give a rejuvenated appearance to the disused building and together with the detailed landscaping proposed the scheme would improve the appearance of the building and site. The proposal will not lead to any harm to the special character and appearance of the Silverdale Conservation Area.

3.8 The view is also taken is that bin storage container size and positioning amenity concerns raised by Waste Management can be overcome by an appropriately worded planning condition.

4. What is the impact on trees?

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

4.2 The Landscape Development Section advise that canopy protection during the construction development will require to be provided for the category A Oak trees which are present along the boundary of the site. Subject to the agreement of tree protection details and full landscaping proposal details they do not have any objections to the scheme.

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

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

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

5.3 The proposal provides a total of 20 car parking spaces to serve the development – an increase on the existing 9. The Highway Authority has no objections to the scheme subject to the proposed access, parking and turning areas being brought into use prior to occupation of the building and also the agreement and implementation of weatherproof cycle parking. The site is also in a very sustainable urban location close to public transportation links to the Town Centre and beyond.

5.4 There are therefore subject to planning conditions there are no highway safety objections to the scheme.

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

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

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

6.2 Saved NLP policy C4 (part of the approved development plan) supports the seeking of a public open space contribution for residential developments of more than 10 units but less than 50. Policy CSP5 of the more recent Core Spatial Strategy (also part of the development plan), indicates that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery interalia of the Urban North Staffordshire Green Space Strategy and any approved revisions or replacement strategies. There is such a replacement strategy, the Open Space Strategy that was adopted by Cabinet at its meeting on the 22nd March 2017. The development is for 19 units.

6.3 In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £4,933 per dwelling (£93,727 in total). The money would be used for improvements to Silverdale Park which is around 420 metres walking distance from the application site.

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

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

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

elements allowing for the fact that the scheme is not for family occupation, therefore reducing the values quoted within the OSS specified above.

6.7 The applicants (Aspire) have indicated that they do not expect to be able to enter into an obligation for the amount specified on financial viability grounds and in order to assess this an independent appraisal has been commissioned and its results are awaited. A further report will be given once the results of this appraisal have been received and considered.

7.0 Other matters

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

7.2 In this case, irrespective of the planning policy requirements outlined above Aspire as a Registered Social Landlord (RSL) have applied for development where all of the 19 units proposed are to be affordable (affordable rent as the product). As such the policy requirements would be more than met if the scheme were delivered, although to it would still be appropriate to ensure this by including a condition requiring at least 25% of the units to be "affordable housing" – to require this by obligation would it is understood mean that the scheme would no longer be eligible for Homes England Grant. Similarly as was decided by the Committee in the recent Birch House Road case (17/01033/FUL), given that Homes England have advised that a funding condition of their grant is that developments must be eligible for Right to Acquire, a condition which sought to secure affordable housing in perpetuity would in effect make the scheme ineligible for Homes England grant, would almost certainly prevent the development proceeding, and should not therefore be included.

7.3 Silverdale Parish Council have raised concern that the development will lead to the loss of a care home facility where there is still a potential need for that use and that the neighbouring older person's accommodation in St Luke's Close may be impacted upon by the proposal if it is granted permission. In addition they also comment that the development should not be restricted to the over 55's and other age groups be considered for the use of the building.

7.4 Whilst the concerns of the Parish Council are noted, to prevent the conversion of the building from a care home use to a form of affordable housing provision where there is an established need in the Borough would be inappropriate. The care home facility has not been in use for some time and other specialist housing needs do not, in terms of weight applied, override the benefits of the form of housing proposed.

7.5 Moreover it is not necessary as a planning requirement to restrict the development specifically for the over 55's. There is no Development Plan or Framework policy basis to support such a restriction on the development taking into account the fact that the development is for one and two bedroom flats rather than family accommodation has been factored into in calculating public open space requirements. This issue of the age restriction is largely subject to Aspire's own housing criteria policy for future tenants, and the affordable housing provided would not be any significantly less or more favourable if wider age groups were to be included in rental agreements.

7.6 As so far as the impact to the neighbouring development at St Luke's Close there is no significant impact on that arising from this development proposal. The additional parking spaces are formed within an area accessed through St. Luke's Close that would previously have been used to service the care home and would have involved the types of vehicles associated with a care home use.

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 CSP6	Affordable Housing
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open space, sport, recreation
Policy CSP10	Planning Obligations

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

Policy H1	Residential development: sustainable location and protection of the countryside
Policy H13	Supported Housing
Policy N12	Development and the Protection of Trees
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy C4	Open Space in New Housing Areas
Policy 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
Policy B15:	Trees and Landscape in Conservation Areas

Other Material Considerations

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

Supplementary Planning Documents/Guidance

[Space Around Dwellings SPG](#) (SAD) (July 2004)
[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)
[Developer contributions SPD](#) (September 2007)

Planning History

N15810	32 place social services home for the elderly	Permitted 1986
--------	---	----------------

Views of Consultees

The **Landscape Development Section** have no objections subject to the following conditions:-

1. The developer submits proposals for canopy protection during the construction phase for retained category A Oak trees in Group 6.
2. Full landscaping proposals.

A contribution by the developer for capital development/improvement of offsite open space (less the element for play areas) which would amount to £4,933 per dwelling is also requested. This will be used to improve facilities and surfacing at Silverdale Park which is around a 420m walk from the site.

Housing Strategy understand that the proposal is for Aspire's aims to convert and modernise the existing development into apartments for an over 55's Independent Living scheme.

The Newcastle Borough Council Housing Strategy acknowledges that the population of the Borough is ageing and it is projected that there will be at least 10,000 additional older persons, over the aged of 65, in 2039 compared to 2014.

This development by providing 19 units for older persons housing within the borough, all of which are affordable, will make a valuable contribution in meeting the housing need of this demographic group.

Staffordshire Police Crime Prevention Officer notes several design improvements with crime prevention in mind:-

1. Addressing the wall along Sneyd Terrace which is low and provides a negligible barrier to casual and unwanted intrusion into the grounds. In addition, the low wall provides a perfect seat, which if used for gathering could create a nuisance to the residents. Therefore consideration should be given by the applicant to add some railings along the leading edge of the wall to discourage casual intrusion and eliminate the potential seating.
2. Use of some fencing and gating could be provided close to the site entrance and that of the new path adjacent to apartment 15.
3. It would be highly desirable for new door sets within the scheme to have third party certification to one of the recognised attack resistant standards.

The **Highway Authority** have no objections subject to conditions requiring:-

1. Provision of access, parking and turning areas as submitted.
2. Details of secure weatherproof cycle parking.

Environmental Health Division have no objections subject to conditions relating to the following:-

1. Restriction of construction and demolition hours to be outside of 6pm and 8am Monday to Friday, not at any time on Sundays or Bank Holidays, or outside of 8am-1pm on a Saturday.
2. No external lighting without prior approval.
3. Agreed noise levels for internal and external areas.

Lead Local Flood Authority comments that where a site has an existing right of discharge unless a drainage strategy confirms otherwise the proposal would normally be considered to have adequate drainage provision. They do not raise any objections to the submitted scheme in giving their advice.

Conservation and Urban Design Officer has no objections to the amendments to the building and comments that the improvement of the landscaping and modernisation proposed will be an improvement to the appearance of the area. The additional roof lights and introduction of 4 dormers are discreet and will not be harmful to the church or the surrounding Conservation Area.

The **Conservation Area Working Party** has no objections to the scheme which is respectful within the Conservation Area and supports the communal use of the former laundrette. The Working Party raised questions over a landscaping scheme and bin storage as it seems inadequate for the number of units and is also some distance away from them. The Working Party would also like to ensure more information is provided for the detailing of the door surrounds to ensure a high quality and sympathetic design.

Silverdale Parish Council regrets the loss of the existing facility, which is within a setting that is special for Silverdale and Newcastle. A number of residents have raised concerns with the Parish Council regarding the availability of the apartments to a lower age range. It was resolved that it be requested that, if approved, a planning condition is put in place that ensures the facility is only occupied by the over 55s, as intended. There is also concern about the impact on the residents of the neighbouring older person's accommodation in St Luke's Close and how this scheme will affect the future of that site. The Local Planning Authority is asked to consider this aspect within this application to ensure there is no negative impact.

Waste Management object to the scheme on the information presently provided. On the basis that the dimensions of the bin store are not submitted. Or detail as to whether it will contain refuse and recycling containers.

Representations

1 letter of representation has been received raising the following concerns:-

- The lack of consultation by Aspire Housing on the scheme.
- The appropriateness of bedsit accommodation.

Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Tree Survey, Drainage Survey, Topographical Survey, Heritage Statement, Tree Protection Plan, Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00714/FUL>

Background Papers

Planning File.

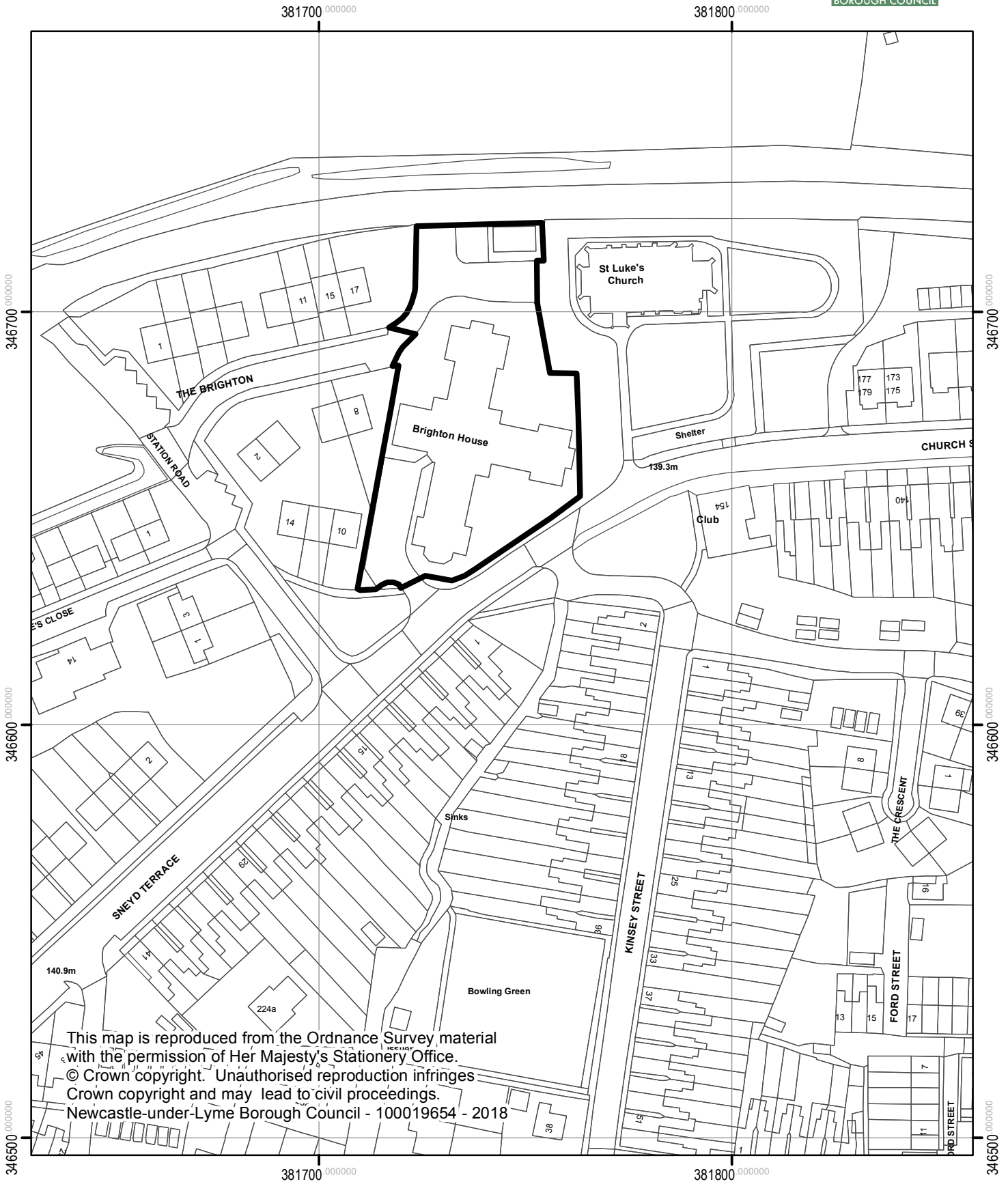
Planning Documents referred to.

Date Report Prepared

11th March 2019.

This page is intentionally left blank

The Brighton, Sneyd Terrace, Silverdale.



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

This page is intentionally left blank

NEWCASTLE-UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE
THE SCHOOL GOVERNORS

19/00042/FUL

The application is for full planning permission for an extension to the existing school sports centre to form a new sports hall and formation of a new car park with new vehicular access point off Lancaster Road.

The site lies within the Stubbs Walk Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on the 18th April 2019.

RECOMMENDATION

Permit, subject to conditions relating to the following matters:-

- **Commencement time limit**
- **Approved plans**
- **Method statement for construction of the proposed footpath**
- **Submission of a schedule of works for retained trees**
- **Construction phase Tree Protection Plan**
- **Landscaping scheme**
- **Hours of construction**
- **Piling**
- **Noise management scheme**
- **Assessment of plant noise**
- **Lighting scheme**
- **Electric vehicle charging**
- **Completion of the access**
- **Provision of parking and turning areas**
- **Location of gates**
- **Details of secure weatherproof cycle parking**
- **Construction Management Plan**
- **Facing and external surfacing materials**

Reason for Recommendation

The principle of the development is acceptable and it is not considered that there would be any adverse impact on the character and appearance of the Conservation Area. Subject to the imposition of conditions, there would be no impact on trees, highway safety or residential amenity.

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

Officers have worked with the applicant to address issues and the application is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for an extension to the existing school sports centre to form a new sports hall and formation of a new car park with new vehicular access point off the highway.

The site lies within the Stubbs Walk Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

Concerns have been raised by the occupier of a property on the opposite side of Victoria Road regarding loss of light but given the intervening landscaping and the distance between the dwelling and the proposed building, it is not considered that there would be any significant adverse impact on residential amenity. The application raises no issues of impact on highway safety and following the receipt of additional information, the Landscape Development Section raises no objections to the proposal. Therefore the main issues in the consideration of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the scale and design of the building acceptable, particularly with regard to its impact on the character and appearance of the Conservation Area?

Is the principle of the proposed development on the site acceptable?

The proposed sports hall would be constructed on an existing hardcourt area marked out for three tennis courts and two netball courts and the new access and car parking area would be sited on part of the existing playing field.

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England has been consulted on the application and has responded to say that they have considered the application in light of paragraph 97 of the NPPF and against their own playing fields policy which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- All or any part of a playing field, or
- Land which has been used as a playing field and remains undeveloped, or
- Land allocated for use as a playing field

unless in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions’.

Sport England states that the existing hard court area is not considered to be physically or functionally linked to the playing field area and therefore falls outside their statutory remit. Whilst the new access and car parking area would encroach onto the playing field, they are satisfied that the proposal meets exception E3 of their playing fields policy in that:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

On this basis, Sport England does not object to the application and therefore it is not considered that an objection could be sustained on the grounds of loss of part of the playing field.

Is the scale and design of the building acceptable, particularly with regard to its impact on the character and appearance of the 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.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

The building would be constructed on existing tennis courts adjacent to the school's current sports hall and swimming pool. To the south of the site is a track that is used predominantly by vehicles accessing the sports facilities. The building would be 11m in height with a simple pitched roof. The elevations would be straight on three sides with a splayed edge adjacent to the access track. The elevations would comprise facing brickwork up to a height of approximately 3m. The north and south elevations would have vertical timber boarding above which would in turn change to 'silver' to soften the appearance of the building and the east and west facing elevations would comprise mid grey standing seam cladding. The existing sports hall has a two-tone profiled cladding which is faded and dated and therefore, the proposal includes the recladding of that building so that the appearance closely matches that of the new sports hall.

A new car park comprising 30 spaces is proposed which would be accessed from Lancaster Road. A cobbled strip is proposed immediately before the gates and the section between the gates and the parking bays would be finished with resin bound gravel. The car park would be lit by four column light fittings which would be a simple design and black in colour.

The Design & Access Statement provides a justification for the scale of the building. It is stated that the sports hall would provide a premier netball court along with court markings for 2 netball practice courts as well as courts for badminton and tennis. The level of accommodation has been driven by the School and Newcastle Netball Club and in turn the minimum size requirements for the courts. The existing sports hall is too small to accommodate a premier netball court and a new sports hall is the only alternative. The scale of the building in terms of both its floor plan and height has been entirely driven by the minimum size requirements for premier standard netball facilities.

The Urban Vision Design Review Panel (UVDRP) considered the proposal at pre-application stage. The location, scale and massing of the building was the same as that now proposed but the design was more complicated and a greater variety of materials were proposed. The Panel understood the requirements for the size and siting of the building but felt that the design was unnecessarily complicated and that a more limited material palette should be used. They considered that the slanted side elevation then proposed should be squared off. The current proposal has responded to the Panel's comments by adopting a more simple form with a limited materials palette.

The topography of the site falls considerably from east to west so when viewed from Lancaster Road, the building would be set down significantly below the road level. From Victoria Road, views of this part of the school are limited due to the mature trees and certainly in summer months when the trees are in full leaf, views of the building will be limited in key views along the pathway networks to and from the Church to the north. The simple design and the limited materials palette are considered appropriate and in particular, on the western elevation – that facing Victoria Road, the red brickwork at low level will match the existing swimming pool and the standing seam detail will provide a clean and crisp finish. It is considered therefore that the scale and design of the building would be acceptable and that there would be no adverse impact on the character and appearance of the Conservation Area to justify a refusal.

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 SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation

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

Policy T16: Development – General Parking Requirements
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

There have been numerous applications for planning permission at the School but the most relevant are as follows:

12/00181/FUL	Extension and alterations to sports block	Approved
11/00379/CON	Erection of 15m high floodlighting mast to school sports fields	Approved
11/00378/FUL	Erection of 15m high floodlighting mast to school sports fields	Approved
99/00856/FUL	Proposed astroturf sports facility with screen fencing and illumination	Approved
96/00089/FUL	Extension to link sports hall, changing room and swimming pool with entrance hall and ancillary rooms	Approved

Views of Consultees

Historic England does not wish to offer any comments.

The Council's **Conservation Officer** makes the following comments:

- The surrounding streets are residential and large characterful villas characterise the area as well as terraces on a grid iron street pattern.
- The requirement for a large sports hall is set out in the applicant's case and the building's size, character and appearance is dictated by these requirements.
- The position of the proposed building is on the part of the school which houses the sports facilities including the swimming pool and an existing sports hall.
- Views of this part of the school are limited due to the mature trees and landscape and this is shown and set out within the Conservation Area Appraisal for Stubbs Walk (2016).
- The walks allow for linear views along the pathway networks and views are more limited across the park into the school grounds. However this shows how important the management and landscaping is.
- Two trees have been lost and should be replaced to enable this character to be retained and to minimise the impact of this part of the school. The comments by the Landscape Development Section are noted and concerns about the creation of a gap through tree loss which would serve to increase any impact that the proposed building might have on the character and appearance of the Conservation Area when viewed from Victoria Road.
- It is unfortunate that the nature of the proposed building does not allow for feature glazing which would have provided light and interest along the lines of the examples shown in the applicant's submission.
- The simplification of the west elevation in line with Urban Vision's comments may be a step too far. Whilst a well-executed standing seam material can be effective, this key elevation might perhaps look better if it were timber clad or had some feature picture windows to reflect the landscape.
- High quality materials and workmanship will help to adjust this building into the landscape along with positive planting and landscaping of the school grounds and the public park. Certainly in summer months when the trees are fully in leaf, views of the building will be limited with key views along the pathway networks to and from the church. There may be some limited (less than substantial) harm to this small part of the Conservation Area but this will be limited and the palette of materials will help to mitigate its appearance.

The **Conservation Advisory Working Party** accepts that the clean and modern approach was the best way to mitigate the impact of the large building. The simpler the building the more invisible it will become. The issue of the rainwater goods was raised and the assumption made that they must be internal as well as the importance of dealing with run off, especially on the timber elevation. The issue of signage and directions for the new facility was also raised.

Sport England raises no objections on the grounds that the proposal accords with Exception 3 of their policy and meets their objective of providing new opportunities to meet the needs of current and future generations.

The **Landscape Development Section** has no objection in principle subject to submission of a method statement for construction of the proposed footway adjacent to the western elevation of the building, submission of a schedule of works for retained trees and a Tree Protection Plan. Concerns are raised regarding access to the eastern façade of the building and all work must be carried out without access to the Construction Exclusion Zone.

The **Highway Authority** has no objections subject to conditions regarding completion of the access, provision of parking and turning areas, gates to be located 5m rear of the site boundary and to open away from the highway, details of secure weatherproof cycle parking and submission of a Construction Management Plan.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, piling, a noise management scheme, assessment of plant noise, lighting scheme and electric vehicle charging.

The **Crime Prevention Design Advisor** states that the new gates and fencing will provide a reasonable deterrent to intrusion but states that attention should be paid to intruder-resistant qualities of external doorsets of the new hall. It is noted that the access track is made of compacted material, some of which is loose and the applicant should be mindful that damage can be inflicted on buildings by offenders using loose stones.

The Council's **Waste Management Section** makes no comments.

The **Lead Local Flood Authority** has no objections.

Cadent states that there is apparatus in the vicinity which may be affected so developers are required to contact their Plant protection Team for approval before carrying out any works on site.

No comments have been received from the **Newcastle South LAP**. Given that the period for comments has expired it must be assumed that they have no comments to make.

Representations

Two letters of **support** have been received stating that the development will provide Newcastle with a facility that will enable the delivery of sports to the residents of the borough and will help with the health and well-being of residents. It will enable Newcastle Town Netball Club to extend and enhance its delivery of netball programs.

Four letters of **objection** have been received. A summary of the objections made is as follows:

- Design of the building and its impact on the Conservation Area
- Height of the building and impact on residential properties due to blocking the light of the rising sun
- Additional traffic and increased pressure on parking will increase congestion and risk of accidents
- Loss of ash tree
- Too close to the boundary of Stubbs Walks to allow any meaningful landscape treatment

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design, Access and Heritage Statement
- Arboricultural Report
- Tree Report – Ash Tree
- Design Review Report

All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00042/FUL>

Background papers

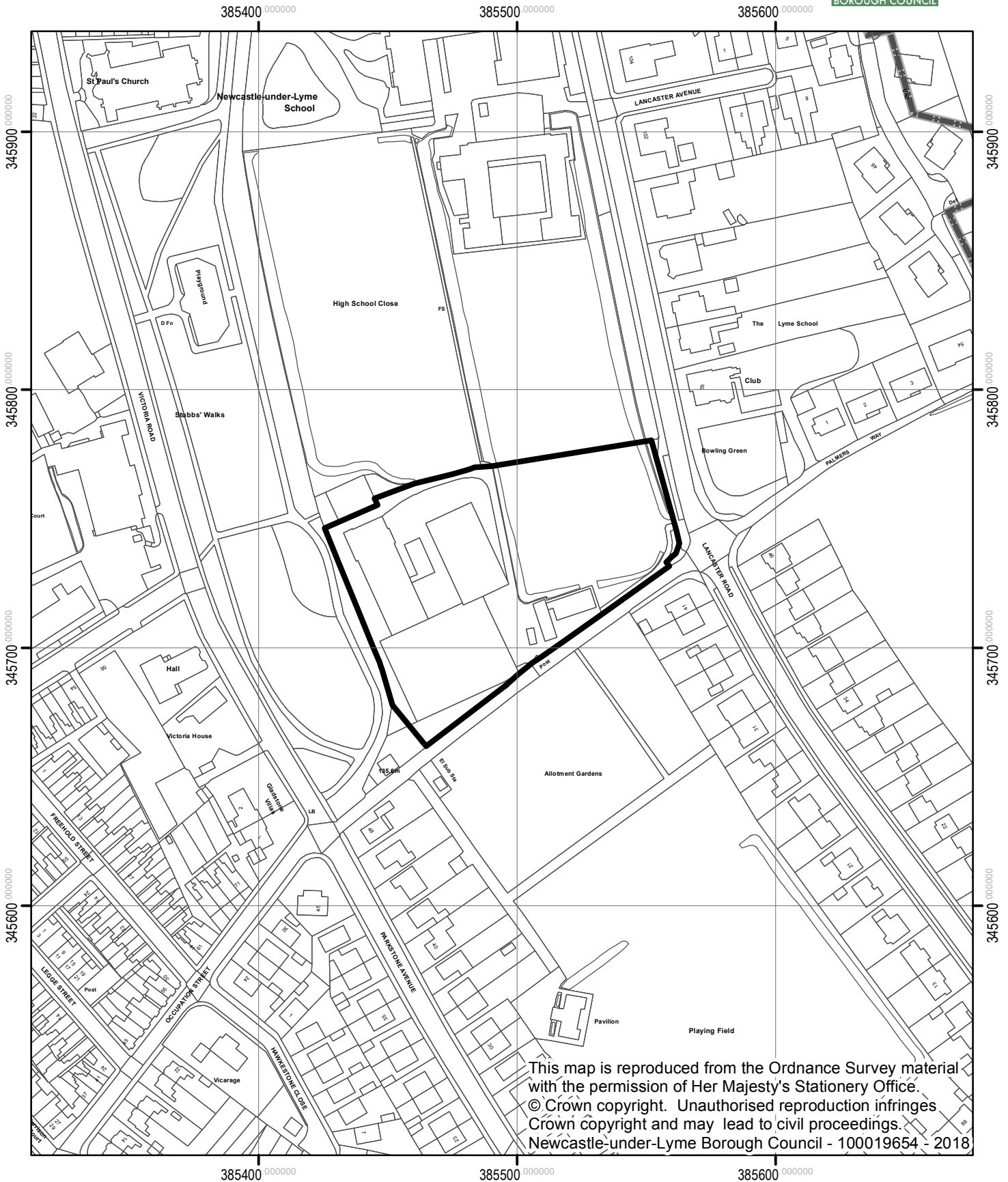
Planning files referred to
Planning Documents referred to

Date report prepared

12th March 2019

This page is intentionally left blank

Newcastle under Lyme School adjacent to Victoria Road



This page is intentionally left blank

**LAND SOUTH WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF MARKET DRAYTON ROAD, LOGGERHEADS
MULLER STRATEGIC PROJECTS LIMITED**

15/00202/OUT

Outline planning permission for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses was granted in September 2015 following the completion of an agreement under Section 106 securing various planning obligations (Ref. 15/00202/OUT). Reserved matters were subsequently approved for 73 dwellings on part of the site in August 2018 (Ref. 18/00315/REM) and full planning permission (18/00314/FUL) for 5 dwellings on the remainder of the site was granted in November 2018 following the entering into of a Deed of Variation of the original agreement (to ensure that its provisions were triggered should the 5 house development be commenced). The development has commenced on the main part of the site.

Earlier this year, the Registered Provider for this development, Sage Housing, sought some variations to the Section 106 agreement and the Council agreed to allow staircasing to 100% of the market value and to vary the wording of the Mortgagee Protection Clause. The Developer, Elan Homes now seeks to vary an obligation concerning the timing of the delivery of the affordable housing units.

RECOMMENDATION

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

Key Issues

Currently the agreement states that *“no more than 50% of the Open Market Dwellings will be Occupied until all of the Affordable Housing has been constructed in accordance with the Consent and transferred to a Registered Social Landlord”*. It is requested that this is varied to require the provision of 8 affordable units (plots 20-24 & 28-30) prior to occupation of 50% of the open market dwellings with the remaining 12 affordable units (plots 48-51 & 62-69) to be provided prior to occupation of 90% of the open market dwellings.

The approved site layout incorporates four groups of affordable units – plots 20-24, 28-30, 48-51 and 62-69. The “Planning layout” drawing showing these plots (marked with an asterisk) is viewable as an associate document to application 18/00315/REM and this plan will also be displayed at the meeting. Plots 20-24 and 28-30 are located centrally within the site and would be accessed via the second spur from the main access road into the site. The build programme for this site involves implementing the site access first and then building out in phases moving south through the site. This means that plots 20-24 and 28-30 would logically be included in the earlier phases and would be delivered by occupation of 50% of the open market housing.

However, plots 48-51 and 62-69 are located at the southern end of the site of the site and would logically form part of the later phases of the development. According to Elan Homes’ agent this means that they cannot feasibly be delivered by “50% occupation”. Instead it is proposed that these would be delivered by 90% occupation of the open market dwellings.

Officers are satisfied that the revised delivery schedule does make logical sense in the context of where the affordable housing plots are located within the site, the position of the affordable housing plots having been approved as part of the reserved matters application. Given that provision of all of the affordable housing would still be required by “90% occupation” the risk of non-provision of all of affordable housing element as a result of the housing development coming to a halt is very small, given the financial incentive there would still be to complete the last 10% of the open market houses - a still significant number. Sage Housing have written a letter of support for the proposed change to the required affordable housing delivery schedule.

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

APPENDIX

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

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

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

Other Material Considerations

National Planning Policy Framework (NPPF) (2019)

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

Supplementary Planning Documents/Guidance

Affordable housing SPD (2009)

Views of Consultees

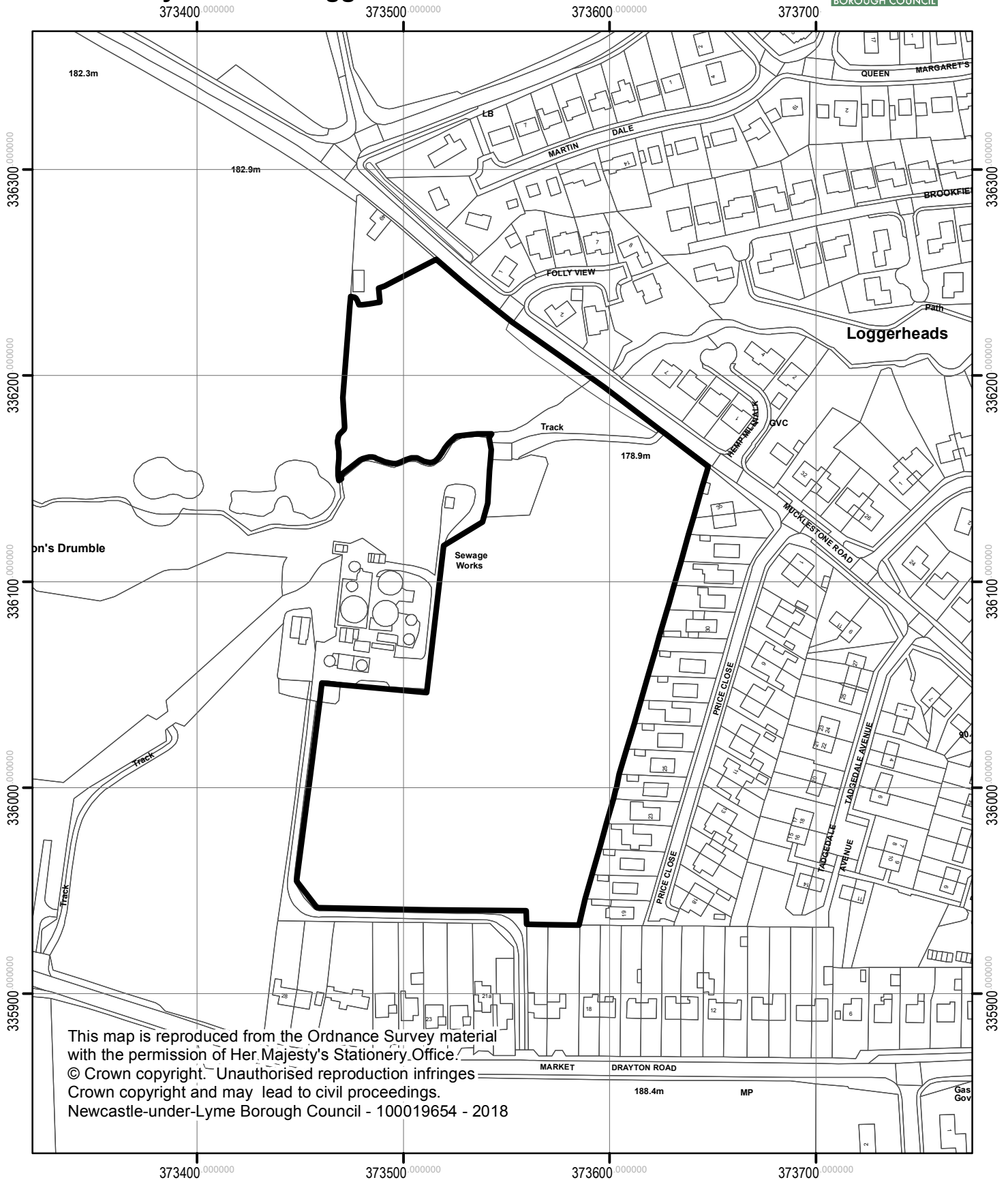
None undertaken

The existing section 106 can be viewed as an associated document to permission 15/00202/OUT on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/15/00202/OUT> and the approved layout can be viewed as an associated document to permission 18/00315/REM on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00315/REM>

Date report prepared

13th March 2019

Land South West Of Mucklestone Road, West Of Price Close And North Of Market Drayton Road Loggerheads



This page is intentionally left blank

**LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD
AND NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE
TAYLOR WIMPEY**

12/00127/OUT

Outline planning permission was granted in 2012 for residential development of up to 172 dwellings on this site (Ref. 12/00127/OUT). Reserved matters were subsequently approved for 171 dwellings in 2014 (Ref. 14/00562/REM) and the development is nearing completion.

Prior to the grant of the outline planning permission a Section 106 agreement was entered into which secured, amongst other things, 25% of the dwellings on-site as affordable units, with 10% (up to 17) being shared ownership units and 15% (up to 26) being social rented housing units.

In 2015, an application was made under Section 106B of the Town and Country Planning Act to revise the affordable housing requirements (Ref. 15/00441/DOAHR). It was agreed that the level of affordable housing would be revised for a three year period ending 22nd March 2019 from 25% (43 units) to 30 units; 18 units to be of a rented tenure and 12 units to be shared ownership.

A request has been received from Aspire to amend the Section 106 agreement so that a cascading clause is incorporated whereby shared ownership units can be changed to affordable rented units, if they remain unsold after a period of marketing.

Recommendation

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

Key Issues

As per the Section 106 agreement, the affordable housing units were to be transferred to a Registered Provider. To date, Aspire Housing have advised the Council that they have taken on 11 of the units as shared ownership, with a remaining 1 expected to be transferred to them at the end of this year.

Shared ownership units are affordable for households who aspire to own their own home, allowing a 'qualifying person' to part buy and part rent, with the option to fully staircase to 100% ownership.

Of the 11 shared ownership units transferred to them by the developer, Aspire Housing has been able to find a 'qualifying person' and to sell two of the units. The remaining nine units remain unsold. This is despite a 'concerted' effort to market these units for a sustained period of time.

Aspire Housing have provided a written statement setting out the methods employed in marketing the shared ownership units. Various methods have been used including online portals, local press and local agents to market the units. Despite this there has been limited interest in the units.

Aspire Housing asserts that potential buyers have a greater preference for a three bedroom home or an end of terrace property as shared ownership units whereas 6 of the units in question are mid terrace and all are 2 bedroom.

Given that these units have remained unsold, with very limited interest, Aspire Housing has made a request that they be given the flexibility for the tenure of shared ownership units to be changed to affordable rented units, should they remain unsold. An affordable rented unit is where the Registered Provider charges rents which are 20% lower than the open market rent.

Provision for this tenure of affordable housing is included within the existing Section 106 agreement as modified - the agreement stipulating that 18 units are to be of a rented tenure. These units have been taken by Aspire Housing and have been successfully let.

It is the view of officers that giving Aspire Housing the flexibility to change the tenure would not lead to the loss of the total number of affordable housing but would mean a change to the tenure. In some respects, this could be viewed as beneficial as affordable rented would be targeted to those most in housing need.

Aspire Housing are of the view that they will continue to market the shared ownership units, particularly those that are end terraced properties, (for which there is a buyer preference), as there is a business case to maintain the original mix of affordable housing, but would as a last resort seek to convert the tenure.

It is the view of officers that a 'cascading clause', should be incorporated into the agreement whereby a Registered Provider can be given permission by the Head of Planning to change the tenure of the shared ownership units to affordable rented units, if such units remains unsold after 6 months of concerted marketing.

APPENDIX

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

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

Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Other Material Considerations

National Planning Policy Framework (NPPF) (2019)
Planning Practice Guidance (PPG) (2014, as amended)

Supplementary Planning Documents/Guidance

Affordable housing SPD (2009)

Views of Consultees

None undertaken

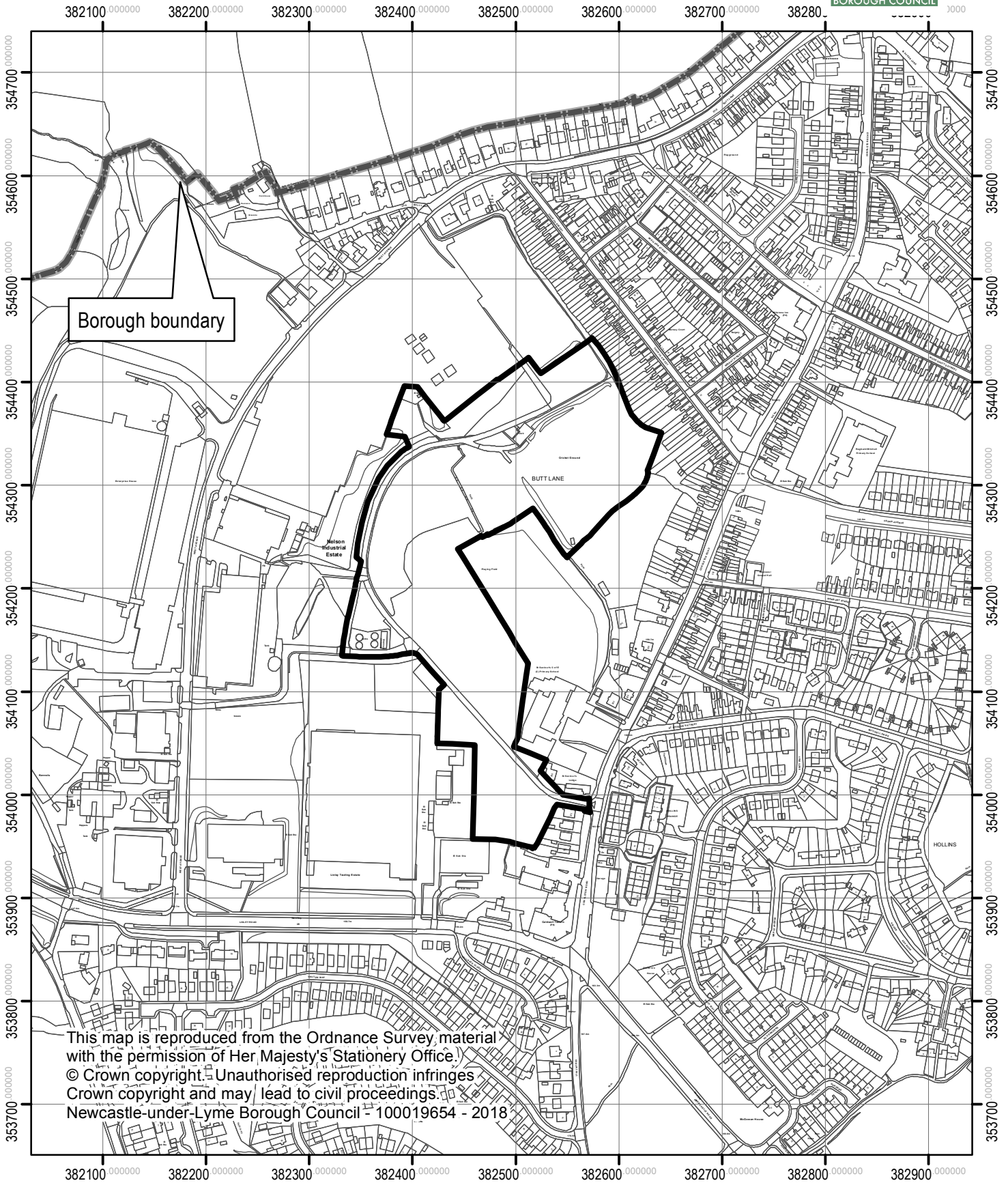
The Section 106 agreement can be viewed as an associated document to permission 12/00127/OUT via <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/12/00127/OUT>

Date report prepared

13th March 2019

This page is intentionally left blank

Land South of West Avenue
Butt Lane, Kidsgrove, ST7 1TW



This page is intentionally left blank

26, MILEHOUSE LANE, NEWCASTLE-UNDER-LYME
MR PAUL GOLDEN

19/00047/FUL

The application is for full planning permission for a detached bungalow within the rear garden of No. 26, Milehouse Lane.

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

The application has been referred to the Committee for decision at the request of two Councillors due to concerns regarding overdevelopment, lack of parking, impact on privacy and poor access to the dwelling.

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

RECOMMENDATION

REFUSE for the following reasons:-

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

Reason for Recommendation

While the site is in a sustainable location where the broad principle of new housing is acceptable, the development would be cramped and out of keeping with the character of the area and would have an adverse impact on highway safety and on the privacy of the occupiers of the neighbouring properties on Court Lane.

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

There are fundamental objections to the development which cannot be resolved and therefore the appropriate course of action is to refuse planning permission.

KEY ISSUES

The application is for full planning permission for a three bedroom detached bungalow within the rear garden of No. 26 Milehouse Lane. The site lies within the Urban Area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable?
3. Is the impact to neighbouring living conditions acceptable?
4. What is the impact to highway safety?

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

Saved Newcastle Local Plan (NLP) Policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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

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

The Council is now able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. This site is located in the urban area and it is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

The principle of the proposed development complies with local and national planning policy guidance.

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

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R4 states that new housing must create a clear hierarchy of streets and spaces that contributes to the legibility of the area. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line.

The site lies within an established residential area which is characterised predominantly by detached and semi-detached dwellings fronting the highway. The proposed dwelling would be sited to the rear of No. 26, Milehouse Lane on a plot of land surrounded by residential dwellings. The dwelling is to be accessed by a pedestrian footway along a narrow route from Milehouse Lane to the side of No. 26. There is to be no vehicular access to the property and its garden, although the plans do show two parking spaces directly off Milehouse Lane. The siting of the proposed dwelling, which would comprise backland development, would result in a contrived layout and the proposed dwelling would

appear cramped within its plot. It is considered that the proposal would comprise overdevelopment that would inadequately address the street scene and would be out of keeping with the character of the area.

3. Is the impact to neighbouring living conditions acceptable?

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

The Council's Space Around Dwellings SPG recommends a distance of 21m between windows of principal rooms. In this case, there are rooflights proposed in the south-west facing roof plane of the proposed dwelling serving the first floor bedroom of that property which meets the definition in the SPG of a principal room. Given the location of the rooflight, it would be possible for occupants to view out towards the principal windows in the rear elevations of the neighbouring dwellings on Court Lane. The distance between the existing and proposed windows would be approximately 15m which is significantly below the 21m recommended in the SPG. As a consequence it is considered that the proposed dwelling would have an adverse impact on the privacy of the occupiers of the neighbouring properties on Court Lane.

Concerns have been raised regarding impact on outlook from the dwellings on Sandhurst Close. The distance from the rear elevation of those properties to the rear elevation of the proposed dwelling is 10m and although objections have been raised on the grounds that the distance is less than the 13.5m recommended in the SPG, that distance relates to 2-storey dwellings. In this instance, the first floor comprises the roof space and given that the roof slopes away from the existing dwellings, it is not considered that the impact on outlook would be significant so as to justify refusal.

Objections have been received on the grounds that there would be insufficient garden area to serve both the proposed dwelling and the existing dwelling at No.26 Milehouse Lane. While the gardens of both the existing and proposed dwellings would not comply with the recommended standards in the SPG in terms of length and area, sufficient space would be provided for occupiers to sit out, hang out washing and for children to play and therefore it is considered that sufficient amenity space would be provided.

4. Car parking and highway safety

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

Whilst saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) is not consistent with the Framework in that it seeks to apply maximum parking standards it states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The parking standards identified in the Local Plan indicate that for two or three bedroom dwellings, which are being proposed here, a maximum of two off street car parking spaces should be provided per dwelling. Two parking spaces are shown to the front of No. 26, for each of the existing and proposed dwellings.

A Technical Note has been submitted on behalf of the objectors which asserts that while four parking spaces are indicated, the spaces do not meet the required dimensions.

The Highway Authority has raised no objections subject to a number of conditions including a requirement for details of four parking spaces, each with a minimum dimension of 2.4m x 4.8m, within the curtilage of the site.

It does appear to be the case that the width and length of the parking spaces indicated on the plans falls significantly short of recommended dimensions and therefore only one space would be provided for the proposed dwelling and it may not be possible to provide any parking for the existing property without encroaching onto the pavement. Given the proximity of the site to a school, the lack of off-road parking has the potential to exacerbate parking problems in the vicinity and therefore it is considered that the proposed development would have an adverse impact on highway safety contrary to the provisions 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 SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

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

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

Other material considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

[Relevant Planning History](#)

None

[Views of Consultees](#)

The **Highway Authority** has no objections to the proposal subject to conditions regarding submission of details of parking spaces, provision and retention of access and parking area, surfacing of the parking area in a bound material and restrictions on hours of arrival/departure of delivery vehicles.

The **Landscape Development Section** has no objections subject to the retention/protection throughout the construction period of any trees from neighbouring properties overhanging the site.

The **Environmental Health Division** has no objections subject to conditions regarding construction and demolition hours and electric charging points.

[Representations](#)

Letters of objection have been received from the occupiers of 8 properties. A summary of the objections raised is as follows:

- The property would have two bedrooms on the ground floor and one bedroom and a 'study/hobby room' on the first floor which could easily be used as an additional bedroom. Therefore, it should be described as a 'four bedroom, detached two-storey dwelling'.
- There are inaccuracies in the labels on the plans.
- Impact on amenity of neighbours due to potential overlooking from the first floor bedroom windows to properties on Court Lane and poor outlook from properties on Sandhurst Close and Court Lane.
- Provision of insufficient garden area to serve both the proposed dwelling and the balance of the existing dwelling at no.26 Milehouse Lane.
- Contrived layout of the scheme which would result in an overdeveloped plot with an unsuitable access via a narrow walkway.
- The proposal would result in an unacceptable form of backland development as it would inadequately address the street scene and therefore result in a poorly designed scheme.
- The proposal would result in a compact area of car parking at the front of no.26 Milehouse Lane which would adversely affect the street scene.
- The proposed development would fail to provide safe and suitable access (as set out in the accompanying Transport Technical Note from i-Transport).
- Impact of excavations.

Applicant/agent's submission

The requisite plans and application form are available for inspection via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00047/FUL>

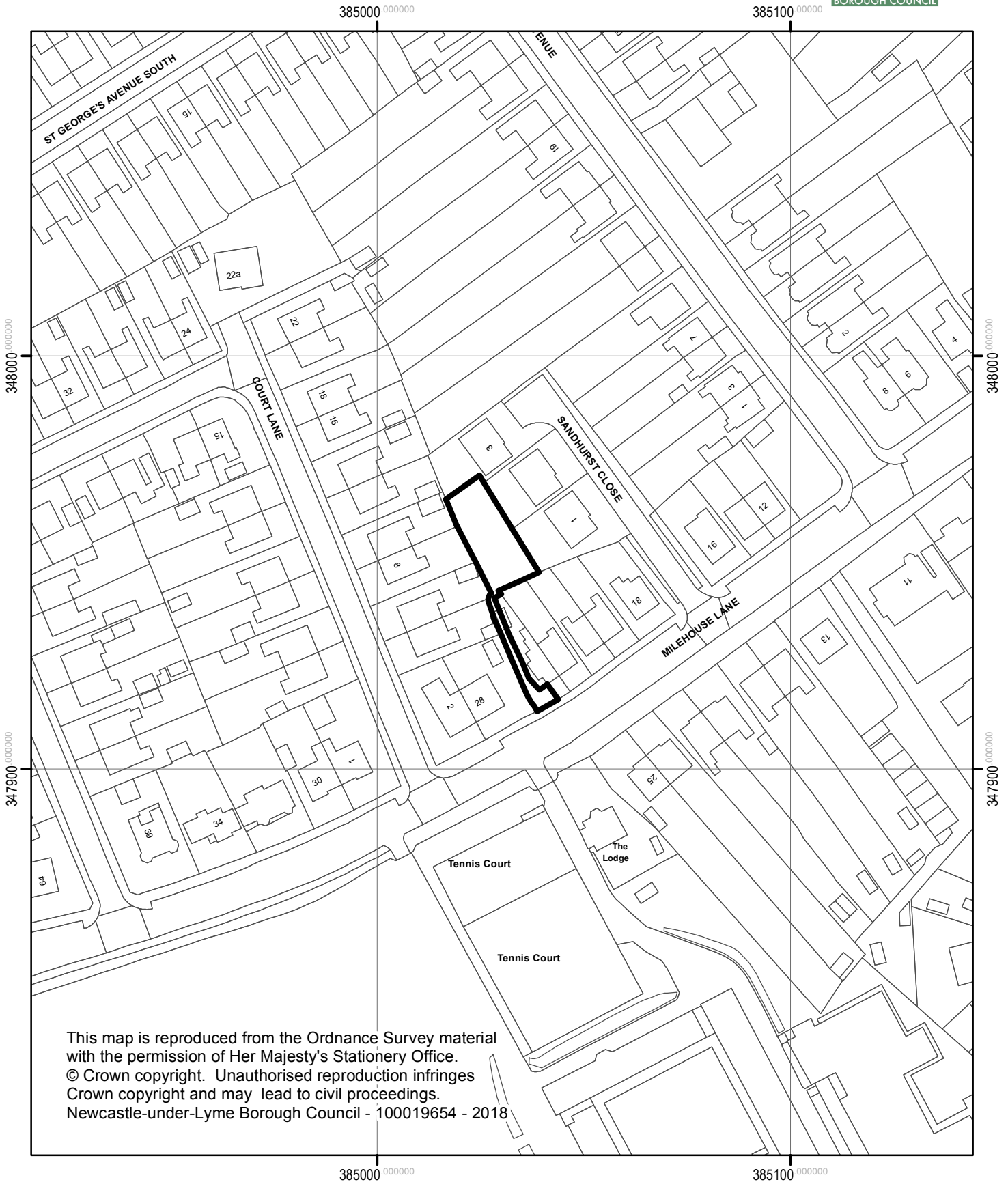
Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

11th March 2019



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

This page is intentionally left blank

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

ASPIRE HOUSING GROUP

Full planning permission for the developments set out below comprising in was approved under delegated authority via “interim reports” subject to the applicant first entering into a planning obligation (unilateral undertaking) to secure a public open space contribution appropriate to the development in question.

1. 18/00016/FUL Construction of four flats for affordable rent on land adjacent 16 St Giles Road, Knutton.
2. 18/00016/FUL Construction of four flats for affordable rent on land adjacent 16 St Giles Road, Knutton.
3. 18/00443/FUL Construction of 8 houses for affordable rent on land at St Bernards Road, Knutton.
4. 18/00441/FUL Construction of two flats for affordable rent on land between 155 and 161 Knutton Lane.
5. 18/00461/FUL Construction of two houses for affordable rent on land adjacent 25 Arthur Street, Knutton.

In addition Planning Committee at its meeting of 11th September 2018 also granted full planning permission for the construction of two flats for affordable rent on land adjacent to 45 Moran Road, Knutton (application reference 18/00465/FUL) also subject to the requirement that a planning obligation is first entered into to secure financial contribution towards public open space.

Subsequently a report was brought to the Planning Committee meeting of 29th January 2019 following the submission, by the applicant, of a case that the required financial contributions would render each development unviable and a request that such contributions should not be required in these cases. However, the decision of Committee was that planning permission should only be granted for each of the applications upon completion of a Section 106 obligation that secures a fully policy compliant contribution to public open space enhancement and maintenance. The applicant was advised that such obligations should be completed by 28th February or the applications would be refused.

Members will recall that a report was then brought to the 26th February Planning Committee following the receipt of an appeal decision against the decision of the Borough Council to refuse to grant planning permission (18/00393/FUL) for the conversion of a communal area into a 1 bedroom self-contained flat at 1 Wade Court, Market Street, Kidsgrove. The Inspector in allowing that appeal concluded that a financial contribution towards public open space was a tariff style contribution and that the seeking of such a contribution was inconsistent with Government policy, which takes precedence over the fact that such an approach was consistent with our own policy documents.

In recognition that this was the second appeal where a Planning Inspector found this to be the case Committee resolved, on 26th February, to cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other than in circumstances expressly stated as possible in the PPG. Such circumstances do not apply in any of these cases.

The Committee also agreed that a report on these 6 applications be brought back to the Committee for reconsideration in the light of this change of policy. The sole issue for reconsideration now is that of the public open space contribution.

Given the decision to cease to apply the policy of seeking public open space contributions in respect of these developments, which all involve 10 or less dwellings, it would no longer be appropriate to withhold the issuing of planning permission in these cases until a planning obligation for such contributions has first been entered into as that would be both contrary to the Council's new position

and amount to unreasonable behaviour. As such planning permission should now be issued in each of these cases.

RECOMMENDATIONS

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

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

B. The Head of Planning exercise the delegated authority to issue planning permissions 18/00016/FUL, 18/00243/FUL, 18/00443/FUL, 18/00441/FUL and 18/00461/FUL subject to the conditions as set out in the approved interim reports

C. That in the case of 18/00465/FUL the application be permitted subject to the conditions referred to in the resolution of the 11th September Planning Committee

APPENDIX

Relevant Material Considerations include:

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

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

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

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

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

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

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

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

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

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

Background papers

Planning files referred to

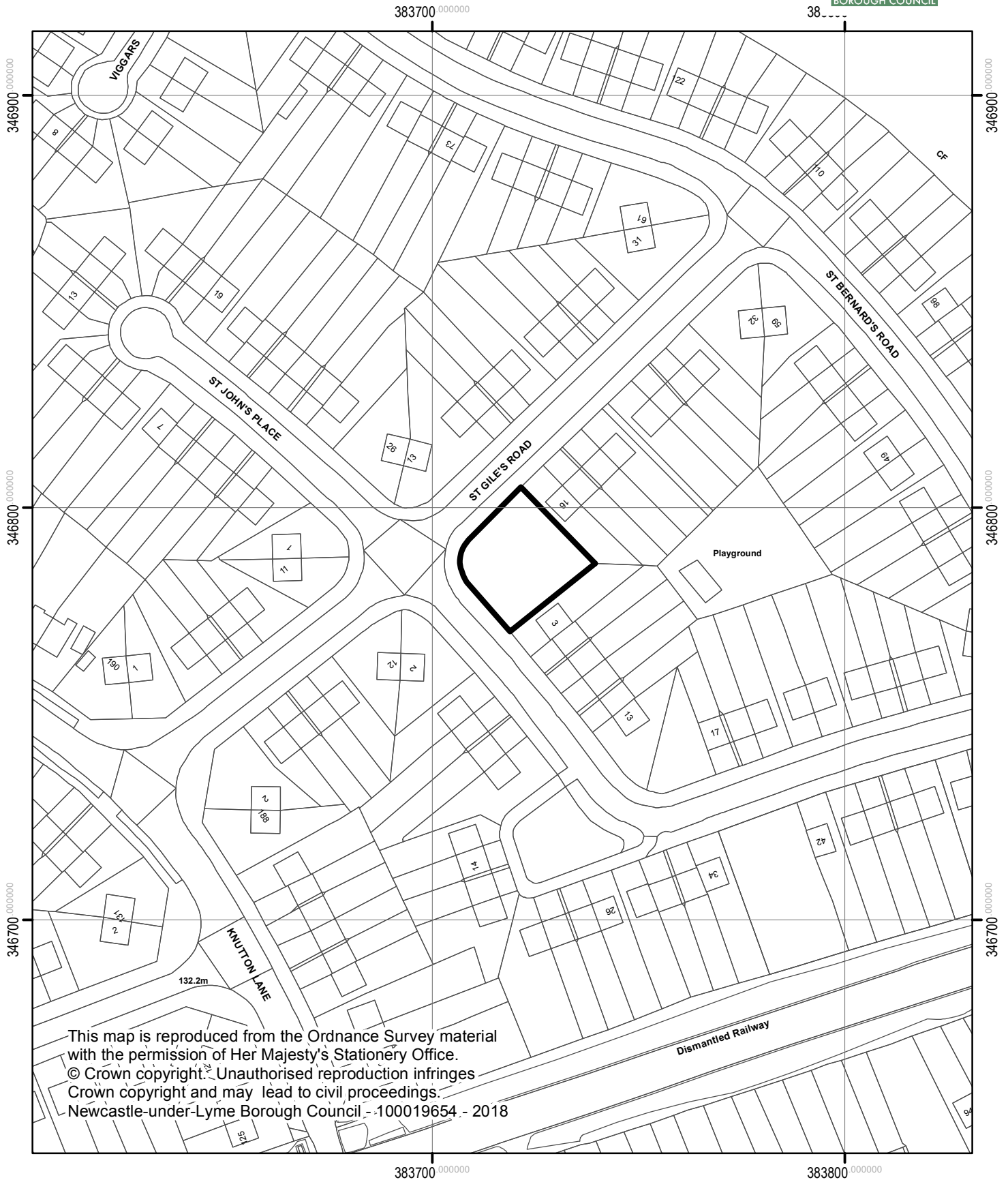
Planning Documents referred to

Date report prepared

7th March 2019

This page is intentionally left blank

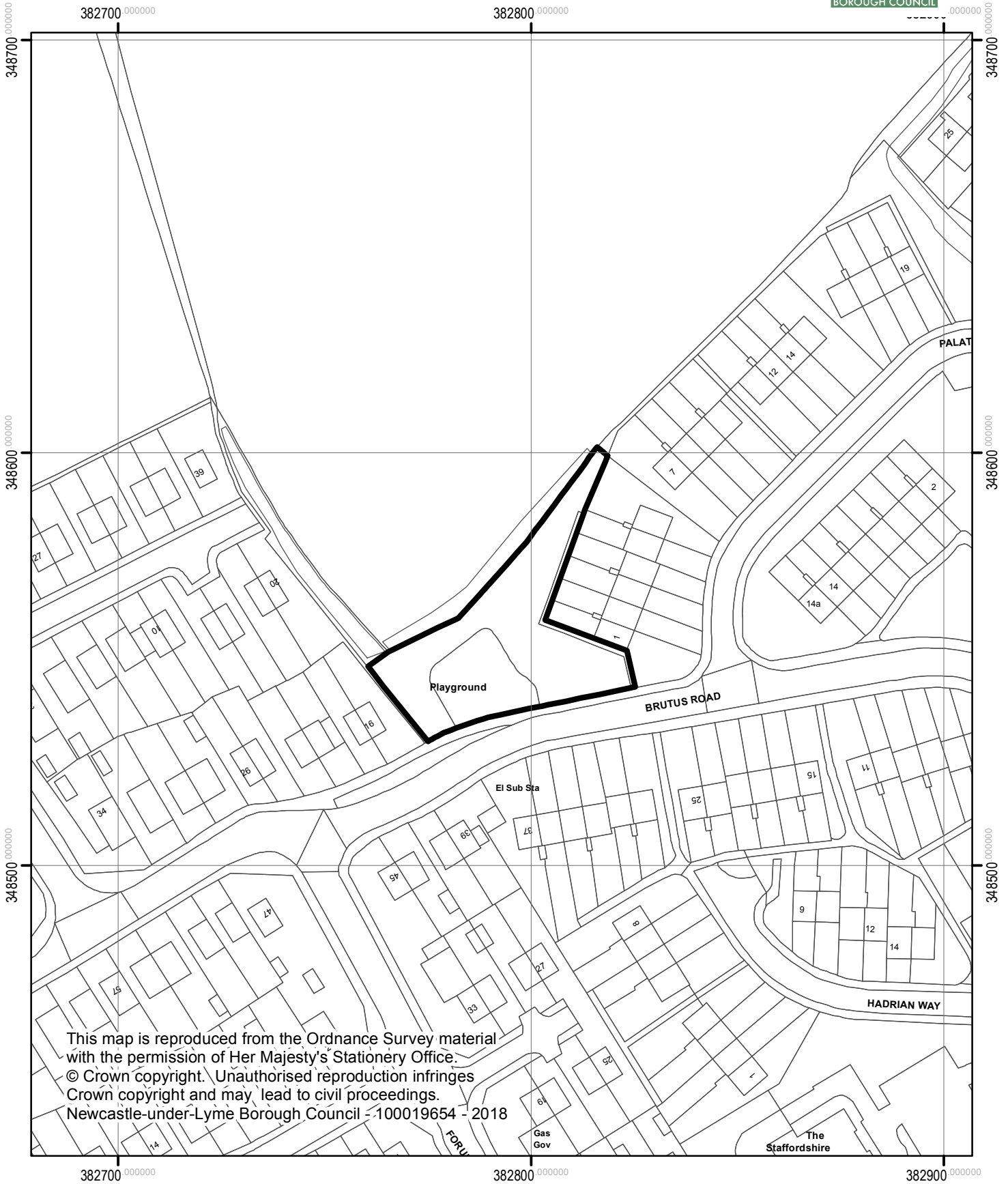
Land Adjacent 16 St Giles Road
Knutton



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

This page is intentionally left blank

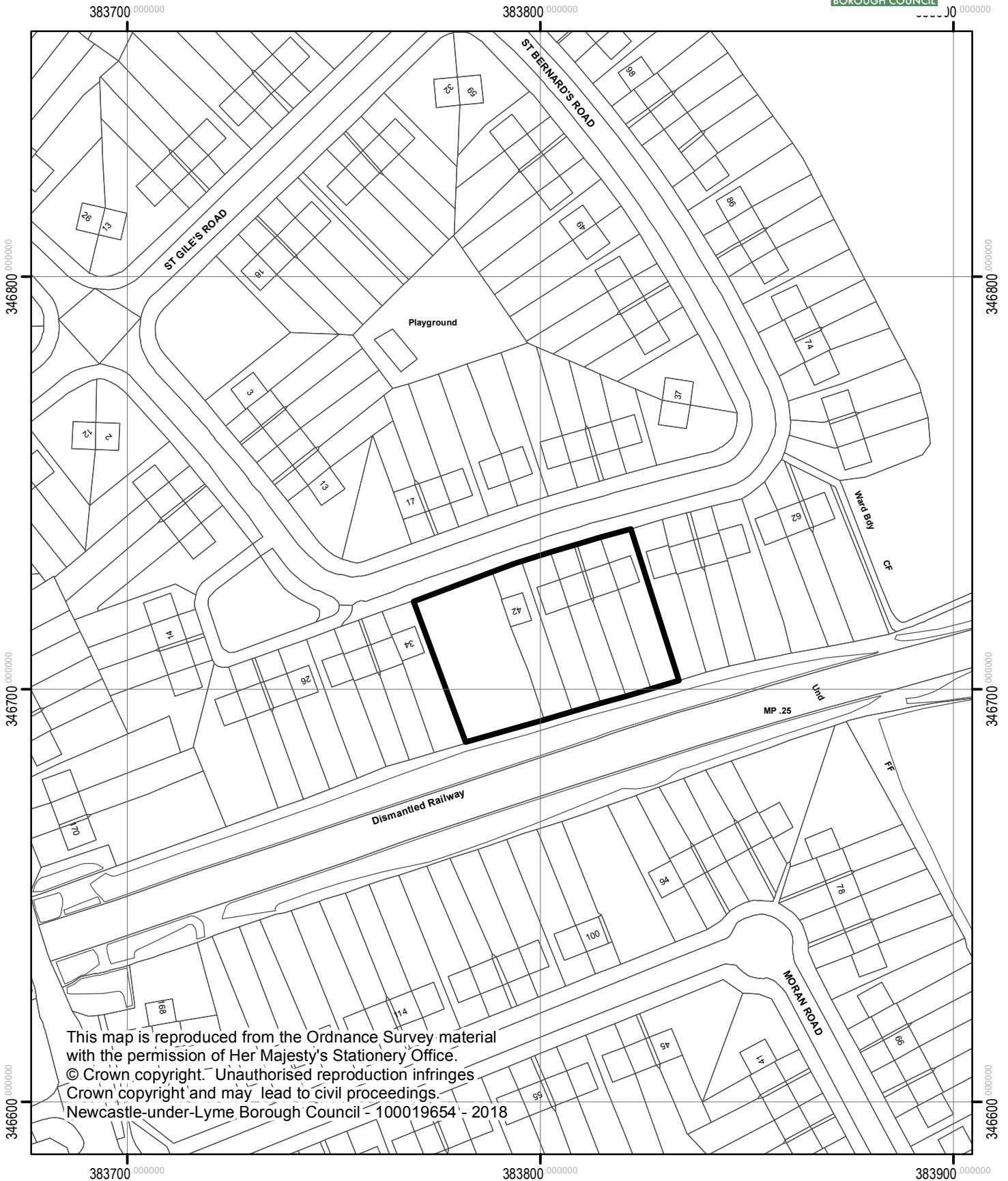
Former Playground
Brutus Road
Chesterton



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

This page is intentionally left blank

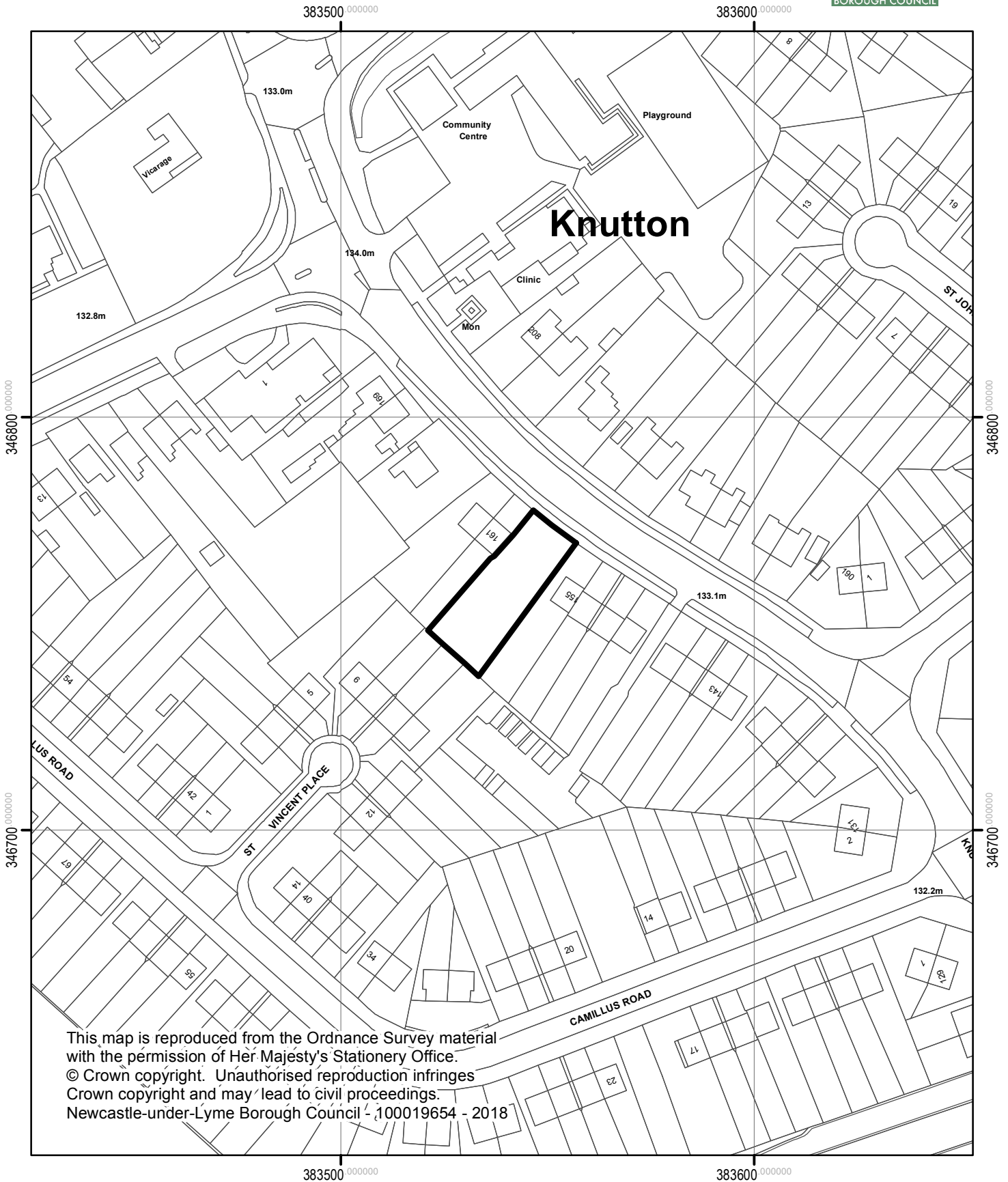
Land Off St Bernards Road
Knutton



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

This page is intentionally left blank

Land between 155 and 161
Knutton Lane, ST5 6HD



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

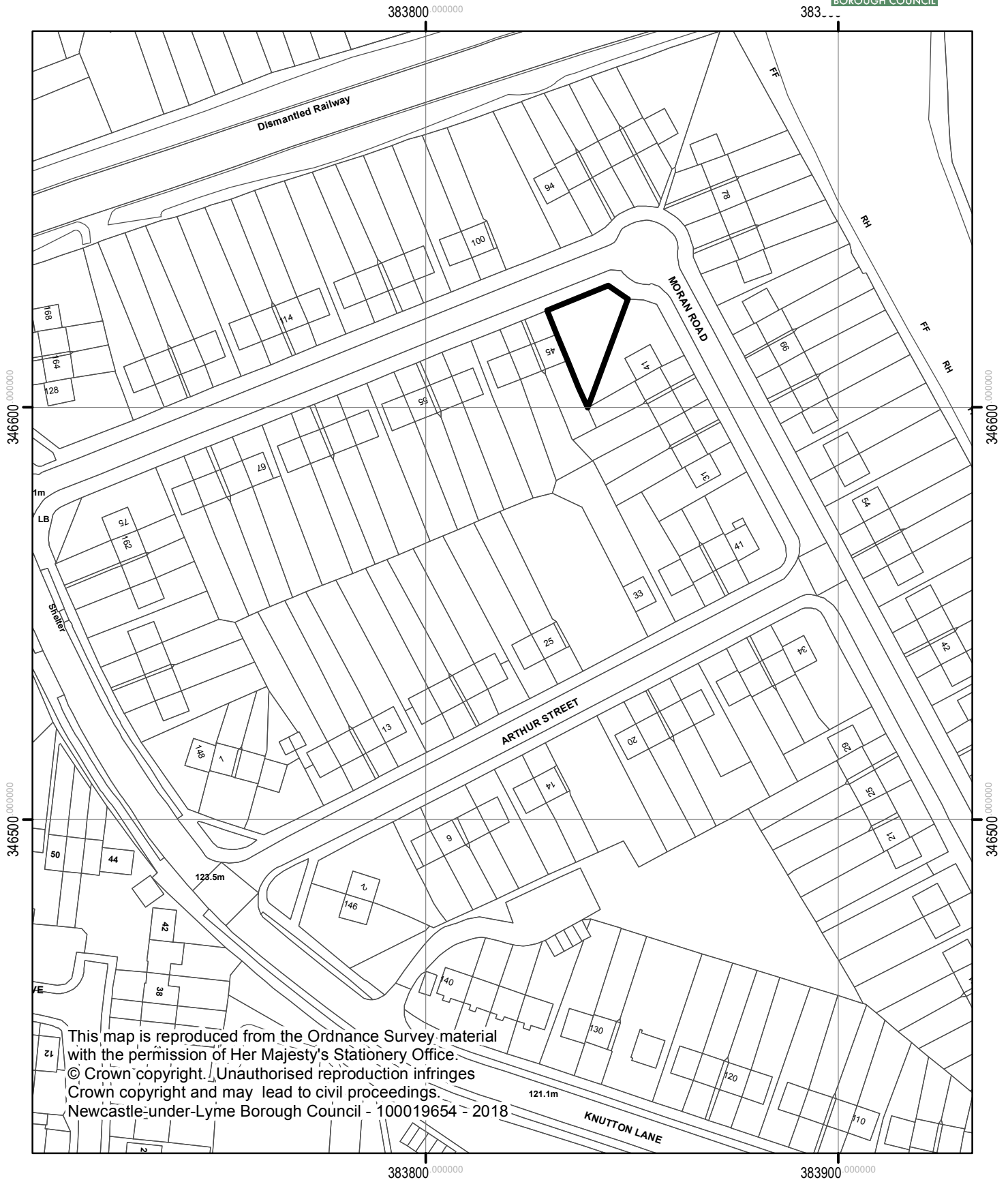
This page is intentionally left blank

Land Adjacent 25 Arthur Street Knutton



This page is intentionally left blank

Land Adjacent 45 Moran Road
Knutton



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

This page is intentionally left blank

121 – 123 HIGH STREET, WOLSTANTON
RIGHT FINANCIAL PLANNING LTD (MR ABAD KHAN)

18/00467/FUL

Planning Committee at its meeting of 6th November resolved to grant full planning permission for the change of use of first and second floor offices into 4 no. self-contained apartments subject to the applicant first entering into a Section 106 agreement to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if found financially viable. In reaching this decision Committee accepted the advice that the requirement to pay a contribution to public open space would render the development unviable.

Whilst the applicant has made considerable progress in the preparation of the required obligation such an Agreement has not yet been entered into and as such the decision has not, to date, been issued.

Members will recall that a report was brought to the 26th February Planning Committee following the receipt of an appeal decision against the decision of the Borough Council to refuse to grant planning permission (18/00393/FUL) for the conversion of a communal area into a 1 bedroom self-contained flat at 1 Wade Court, Market Street, Kidsgrove. The Inspector in allowing that appeal concluded that a financial contribution towards public open space was a tariff style contribution and that the seeking of such a contribution was inconsistent with Government policy, which takes precedence over the fact that such an approach was consistent with our own policy documents.

In recognition that this was the second appeal where a Planning Inspector found this to be the case Committee resolved, on 26th February, to cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other than in circumstances expressly stated as possible in the PPG. Such circumstances do not apply in any of these cases.

The Committee also agreed that a report on this application be brought back to the Committee for reconsideration in the light of this change of policy. The sole issue for reconsideration now is that of the public open space contribution.

Given the decision to cease to apply the policy of seeking public open space contributions in respect of these developments, which all involve 10 or less dwellings, it can no longer be said that a public open space contribution is required in this case. As such it would no longer be appropriate to withhold the issuing of planning permission in the absence of a completed agreement that secures a review mechanism in accordance with the resolution of Planning Committee on 6th November as to do so would be both contrary to the Council's new position and amount to unreasonable behaviour. As such planning permission should now be issued.

RECOMMENDATIONS

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

APPENDIX

Relevant Material Considerations include:

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

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

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

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00467/FUL>

Background papers

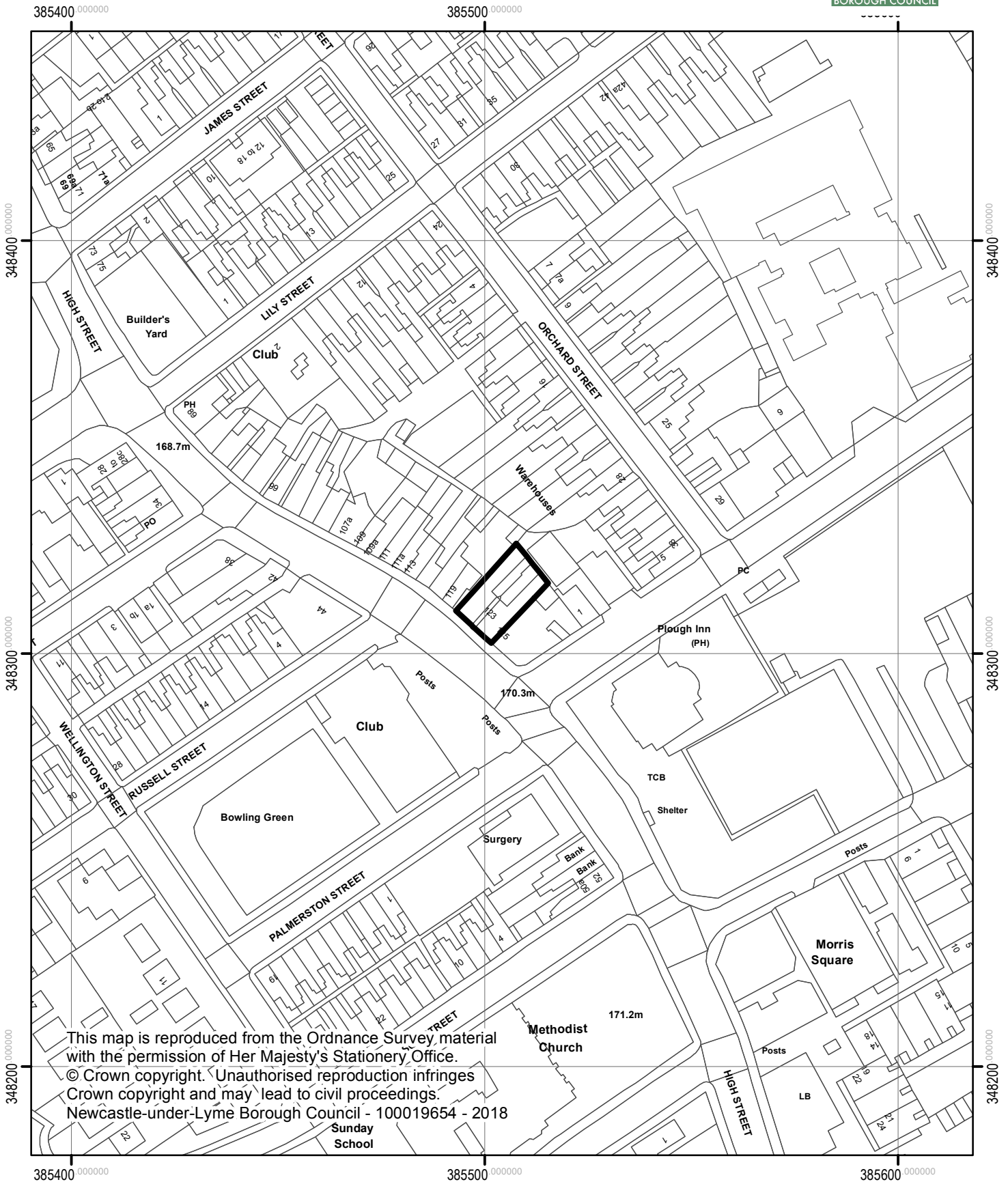
Planning files referred to

Planning Documents referred to

Date report prepared

8th March 2019

121 - 123 High Street
Wolstanton



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

This page is intentionally left blank

LAND ADJACENT TO SLACKEN LANE
MR STEPHEN LOWNDES

17/00791/FUL

Mr Lowndes is asking the Council to discharge a s106 Planning Obligation previously entered into by him, to pay the Council a sum of £5,579 (Index Linked) towards public open space contribution for improvement of offsite public open space.

The public open space contribution if received is to be used to upgrade the play equipment at Townsfield Close, Talke.

The obligation was entered into prior to the granting of planning permission for a development of 2 detached bungalows in lieu of an earlier proposal for a single dwelling on the site. The obligation was entered into 24th April 2018 and the related permission was subsequently granted on the 20th June 2018.

The development is now complete and the houses are occupied.

RECOMMENDATION

That the Council do not agree discharge the obligation

Reason for recommendation

The Unilateral Undertaking was freely entered into by the parties and the contribution should be paid

Key Issues

An obligation, by Unilateral Undertaking, was entered into by Mr Lowndes's company AGH Holdings and the then Homes and Communities Agency (now Homes England) (as Mortgagee) prior to the granting of planning permission for a development of a 2 detached bungalows in lieu of an earlier proposal for a single dwelling on the site. The obligation was entered into 24th April 2018 and the related permission was subsequently granted on the 20th June 2018.

Payment of the contribution in this case was due either upon the issuing of the planning permission or commencement of the development whichever was the later. In that the development had commenced prior to the issuing of the planning permission payment was due as at 20th June 2018. The sum now due at the time of writing, as a result of the application of both index linking and interest, is £5751..

The development is now complete and the houses are occupied.

Section 106A of the Town and Country Planning Act 1990 allows a person bound by an obligation to apply to the Local Planning Authority to have the obligation discharged.

Because less than 5 years have elapsed since the planning obligation was entered into in this case it follows that the applicant is unable to make a formal application to the Borough Council under Section 106A to revoke or modify the planning obligation. Where such an application is made the LPA may determine

- a) That the obligation shall continue to have effect without modification
- b) If the obligation no longer serves a useful purpose that it shall be discharged

A refusal by the Local Planning Authority to consider the modification of a s.106 agreement within the five year period is judicially reviewable.

The Council needs to address whether it is in the public interest to continue to require the public open space contribution and if it is to explain what planning purpose would be served by a refusal (to discharge the obligation)

As Members will be aware the Planning Committee resolved on the 26th February 2019 to cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other than in the circumstances expressly stated as possible in the Planning Practice Guidance Note. The development referred to in the agreement is such a development.

Mr Lowndes has submitted his reasons for asking the Council to discharge the obligation.

- 1) That when he submitted the application he should have been informed of the change in March 2017 of the Council's policy.
- 2) The delay in the determination of the application causing additional costs to his business
- 3) That the policy from March 2017 (to seek public open space contributions for developments of 10 units or less was contrary to national policy
- 4) That the Council, at the meeting of the Planning Committee held on the 26th February, has accepted this, so it is reasonable to request that the Council agree to discharge the obligation, particularly as the development was only for one unit and is at the lower end of the Government policy on 10 units or less
- 5) That his company has had to pay, in relation to a development off Sandford Street, both for a financial viability appraisal by the District Valuer (£3179) to justify why the development was not financially viable with a public open space contribution and then legal fees (£1000) for a s106 agreement that the Council then asked be drawn up to secure a reappraisal in the event of the development not proceeding. These were unnecessary costs incurred by his business for a planning policy that was flawed based on existing Government Policy

He concludes that his company which is a local house- building company employing local trades people has already incurred significant costs due to the revoked public open space policy and he feels that it is reasonable in all the circumstances that the s.106 obligation should be discharged.

Point 1) has already been the subject of a Corporate complaint which was not upheld by the Customer Relations officer. In any case it is not considered relevant to the decision that the Committee are being asked to make

Point 2) has already been the subject of a Corporate complaint and a complaint to the Ombudsman. The corporate complaint was upheld in part, in that it was found that there had been a significant delay between the receipt of the completed Unilateral Undertaking on 24th April 2018 and issuing of the planning permission. The development initially proceeded without the planning permission and was thus theoretically at the developer's risk

With respect to Point 3) the Council has accepted, following the receipt of the Wade Court decision in February 2019, that its previous policy cannot continue to be pursued. Your Officer's view is that until that decision the Council's position was not an unreasonable one, based as it was upon a literal interpretation of that guidance

Whilst Mr Lowndes's company will have incurred legal fees, these will have been for work undertaken, and such work would only have been undertaken following the receipt of an undertaking to pay the Council's legal costs. The key point is that such legal costs were agreed by the applicant. Had they disagreed with the Council's position – that a public open space contribution was required or (in the case of Sandford Street that a legal agreement was required) – they could have pursued an appeal against the Council's failure to determine the application within the statutory period. They chose not to. In that sense the undertaking was freely entered into.

The Council's position that the additional dwelling will lead to additional demands upon open space in the locality remains, and so it continues to be in the public interest that the payment be made. The contribution continues to serve a clear purpose.

Given that the development has been built out that must have been pursuant to the planning permission. Even if the applicant were to submit a further application for the same development and ask for it to be determined in the light of the Council's new policy the position would still be that the terms of the original obligation apply and the sum would be due. In contrast with those situations where there is a fall back consideration which needs to be taken into account this is not so in this case.

APPENDIX

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

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

Policy CSP5: Open space, sport, recreation
Policy CSP10: Planning Obligations

Other Material Considerations

National Planning Policy Framework (NPPF) (2019)
Planning Practice Guidance (PPG) (2019, as amended)

Supplementary Planning Documents/Guidance

Developer Contributions SPD (September 2007)

Views of Consultees

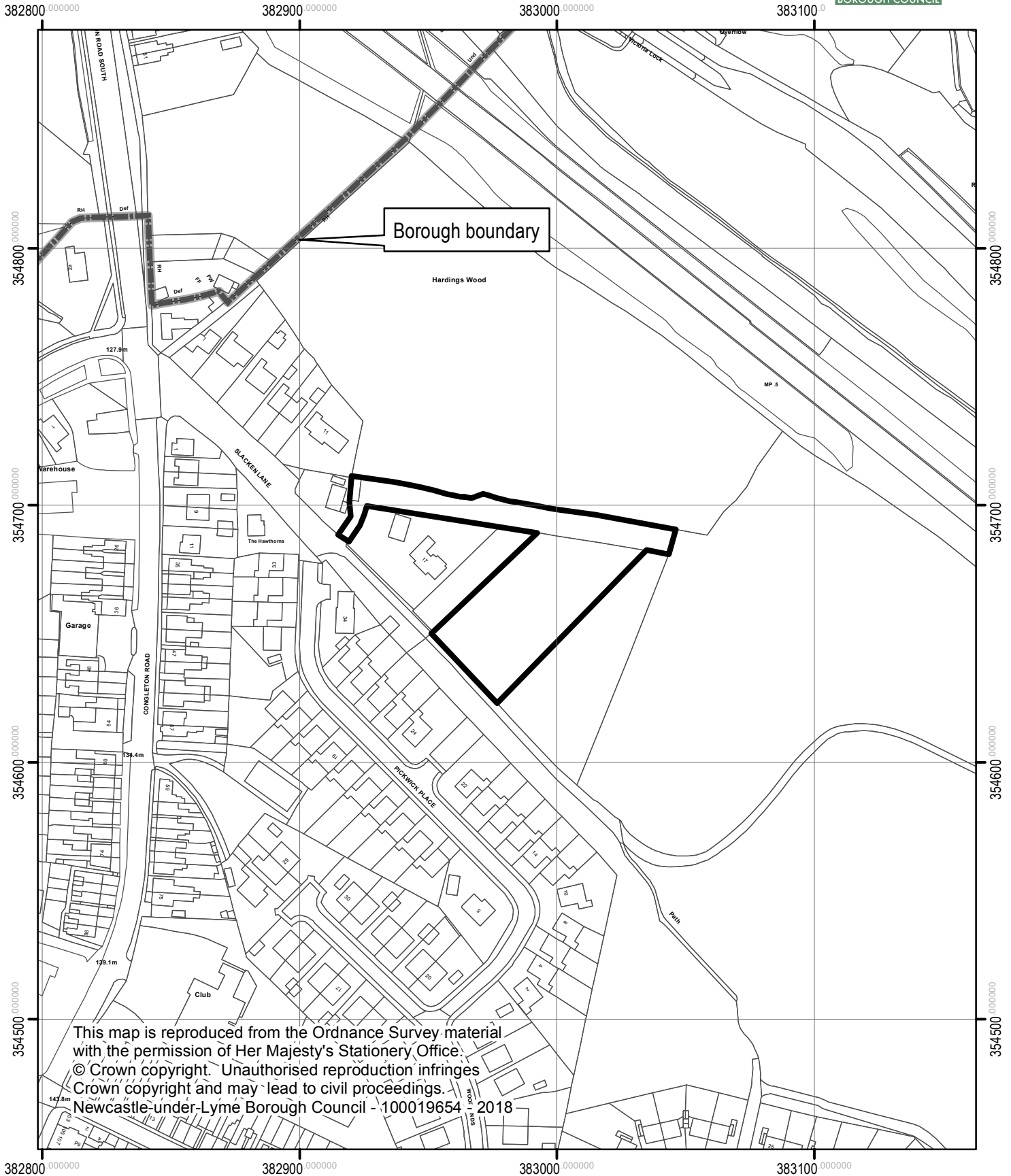
None undertaken

Date report prepared

15th March 2019

This page is intentionally left blank

Land adjacent to Slacken Lane
Kidsgrove, ST7 1NQ



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

This page is intentionally left blank

CHESTERTON COMMUNITY SPORTS COLLEGE, CASTLE STREET, CHESTERTON

CHESTERTON COMMUNITY COLLEGE

18/00949/FUL

Full planning permission is sought for the erection of a new mobile classroom unit at Chesterton Community Sports College which would provide an additional 8 classrooms.

The site is located within the urban area of the Borough as well as within an area of Landscape Regeneration, as indicated in the Local Development Framework Proposals Map.

The statutory 8 week determination period for this application expired on the 22nd January but the applicant has agreed a further extension of time to the statutory determination period to the 29th March.

RECOMMENDATION

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

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. 10 year temporary permission**
- 4. Construction Management Plan**
- 5. Parking and turning areas prior to occupation**
- 6. Weatherproof cycle storage**
- 7. Travel Plan**
- 8. Construction Hours**

B. Failing completion by the date referred to in the above resolution (1) of the above planning obligation, the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of a secured planning obligation the development would fail to secure an appropriate travel plan and so the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secure.

Reason for recommendation

The development will contribute towards improvement of on-site educational facilities. Subject to a temporary permission, the scale and design of the new building would not result in any long term implications for the character or appearance of the area. There are no highway safety concerns subject to conditions and a financial obligation for a Mode Star Shift travel plan to promote and encourage sustainable access to the school.

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

Following the submission of additional details in relation to parking provision, the proposal is considered to represent a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for the erection of a new mobile classroom at Chesterton Community Sports College. The site is located within the urban area of the Borough as well as

within an area of Landscape Regeneration, as indicated in the Local Development Framework Proposals Map.

There are no objections to the principle of providing additional classroom accommodation at this school and as such the main issues for consideration in the determination of this application are therefore as follows:-

- The design and impact on the character and appearance of the area,
- The implications for parking and highway safety
- What financial contributions, if any, are required?

Design and Impact upon Character of the Area

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.

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

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

The development comprises a two storey modular portacabin building to be used as additional classroom space in association with the main school. It would create a further 680m² of floor area and would have the maximum dimensions 26m width X 12m depth X 6.8m height. The building would be sited to the north west of the main school on part of the existing staff/visitor car park.

It is acknowledged that the scale of the development together with the modular/portacabin structure results in the proposal appearing as a visually dominating addition to the site that is not in keeping with the design or appearance of the main school buildings. Whilst the majority of the structure would be screened from public vantage points as a result of the site layout, it is not considered that this design solution is something that should be encouraged as a permanent addition to the site.

In addition to the inappropriate appearance, the lifespan on these units is much shorter than a traditional extension or new building and due to its likely exposure to the elements it is likely that it's exterior appearance will deteriorate which will have a further detrimental impact on the visual amenity of the area. In this particular case the building is much larger than average, with a floor space of 680 square meters, two storeys and external staircases, the design and scale of the building is a visually dominating feature that is out of character with the appearance of the surrounding area.

The site is also located within an area of Landscape Regeneration. In such areas Policy N22 of the Local Plan states that the Council will support proposals that would regenerate the landscape appropriate to its urban location. Where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.

As acknowledged above, the design and scale of the development is not considered to be wholly appropriate for the appearance of the wider area, and so would not make a positive contribution towards landscape regeneration. However, on the grounds that planning permission would be subject to a temporary time period, the development would not have a permanent detrimental impact on the landscape.

Therefore a temporary permission would address the initial requirements of the applicant to increase classroom provision whilst also ensuring that the character of the area would be preserved in the long term. On this occasion a 10 year period is considered sufficient, after which point the building should be removed from site and the land made good.

Car parking and any highway safety implications

The siting of the proposed building would result in the loss of 28 of the existing parking spaces on the staff/visitor car park as well as a requirement for the flow of vehicles to be adjusted in order to accommodate the proposal. The application documents also stipulate that there would be a further 200 pupils accommodated at the school as a result of the proposed development.

Despite the encroachment of the proposed building into the existing car park, provision has been made to relocate the lost car parking spaces to an area of land to the south and south west of the development site. Therefore there would be no net loss of parking spaces as a result of the development.

Whilst the Highway Authority initially objected to the proposal, following the submission of a revised parking plan the authority no longer raises any objections subject to conditions and the securing of a financial contribution. The latter request shall be discussed in detail in the next section of this report.

The conditions requested include the provision of the parking and turning areas in accordance with the approved plans together with the provision of cycle parking and a revised travel plan prior to the occupation of the development. A pre-commencement condition is also requested in the form of the provision of a Construction Management Plan.

Therefore on balance it is not considered that the proposed development would have an adverse impact on highway safety and parking subject to appropriately worded conditions.

What financial contributions, if any, are required?

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

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

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

The Highway Authority's request for a financial contribution towards a Mode Star Shift travel plan is considered to meet the statutory tests outlined above. The development would facilitate the creation of a further 200 pupil places at the school, and so the travel plan would seek to address the additional demands that the development would place on the surrounding transport network by encouraging and promoting sustainable access to the school. Therefore it is necessary to make the development acceptable in planning terms, it is directly related to this development and is fairly and reasonably related in its scale

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

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

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

Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP10:	Planning Obligations

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

Policy T16:	Development – General Parking Requirements
Policy N22:	Areas of Landscape Regeneration
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

[Relevant Planning History](#)

96/00784/FUL - Community sports hall, changing facilities, astroturf pitch and associated car parking – Approved

99/00464/FUL - Community sports hall extension – Approved

07/01076/FUL - Extensions, alterations and refurbishment to sports centre – approved

10/00407/CPO - Proposed 3G synthetic pitch with floodlighting and grass pitch renovations – approved

[Views of Consultees](#)

The **Environmental Health Division** had no comments to make regarding the application

The **Highways Authority**, following the submission of additional information, have no objections to the proposal subject to conditions relating to the following:

- provision of the parking and turning areas, cycle parking and the implementation of the travel plan before the development is brought into use
- construction management plan is also requested.

In addition they have also requested that the developer enters into a Section 106 agreement to secure a sum of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme for Chesterton Community College to promote and encourage sustainable access to the school.

Representations

None received

Applicant/agent's submission

The application is accompanied by the requisite application forms and indicative plan, along with the following supporting documents;

- Design and Access Statement

These documents can be viewed online searching under the application reference number 18/00949/FUL on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00949/FUL>

Background Papers

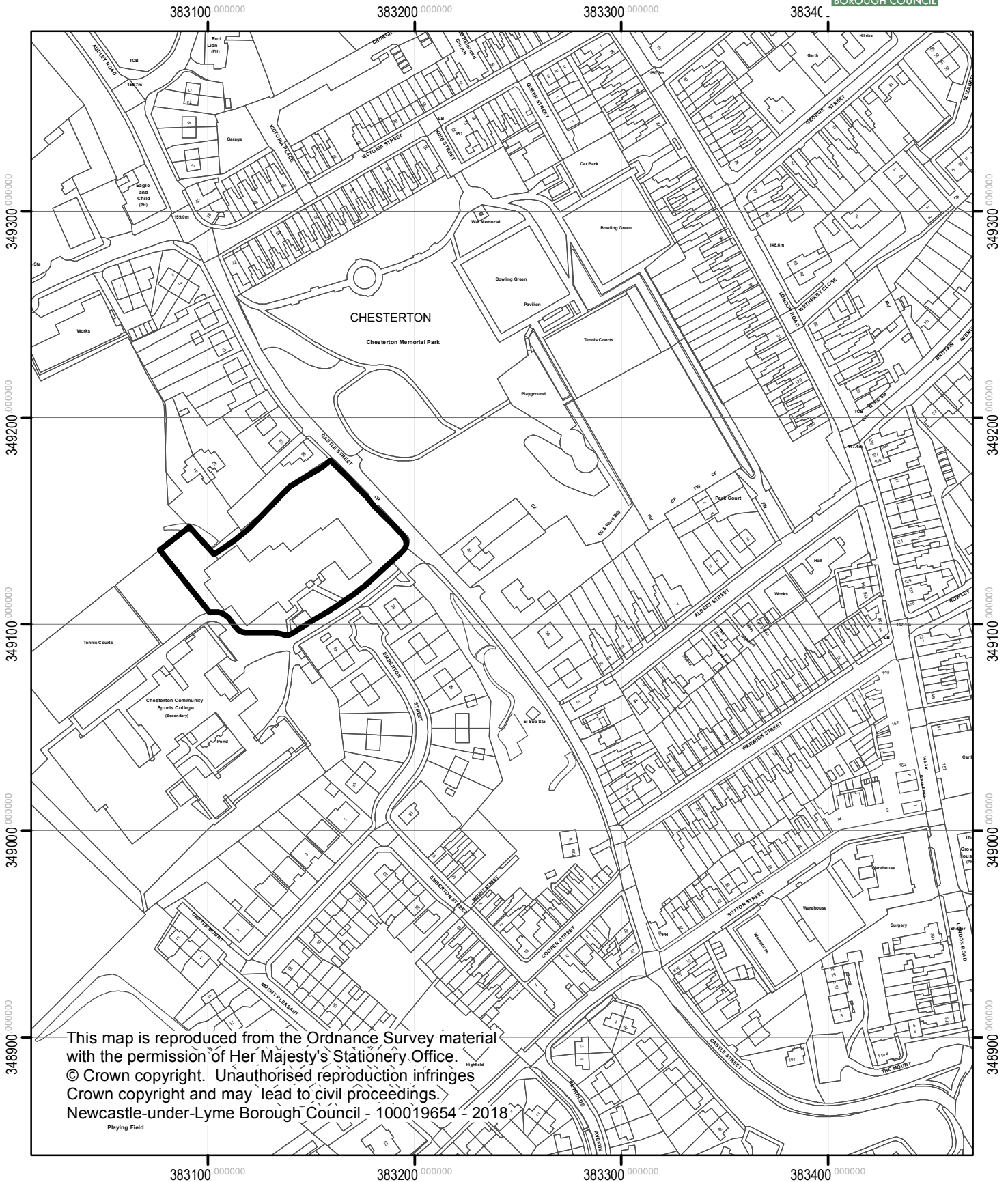
Planning files referred to
Planning Documents referred to

Date report prepared

18th February 2019

This page is intentionally left blank

Chesterton Community Sports College
Castle Street, Chesterton, ST5 7LP



This page is intentionally left blank

BURSLEY PRIMARY SCHOOL, BURSLEY WAY, BRADWELL
BURSLEY PRIMARY SCHOOL

18/00990/FUL

The application is for an extension to the school to form 6 additional classrooms, a library and toilet facilities. The extension would measure 685m² in area and would be single-storey.

The application site lies within the Newcastle Urban Area on the Local Development Framework Proposals Map.

The 8 week period for the determination date expired on the 8th February 2019 but the applicant has agreed to extend the statutory period until 29th March 2019.

RECOMMENDATION

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

PERMIT subject to conditions relating to the following:-

- 1. Approved drawings**
- 2. Time Limit**
- 3. External facing materials**
- 4. Environmental Management Plan**
- 5. External lighting**
- 6. Control of noise**
- 7. Access, parking, servicing and turning areas**
- 8. Secure weatherproof cycle and scooter parking**
- 9. Submission of a Travel Plan**
- 10. Tree protection plan**

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

Reason for Recommendation

Given the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. The scale and appearance of the extension is not considered to be harmful to the character of the area and there are no highway safety concerns raised by the proposal.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and subject to conditions no amendments are considered necessary.

Key Issues

Full planning permission is sought for an extension to form 6 additional classrooms, a library and toilet facilities at Bursley Primary School. Additional parking is proposed on an existing hard play area. The school is to provide an additional half form entry (75 pupils) to respond to the need for primary school places in the area.

The site is located within the urban area of the Borough as well as within an area of Landscape Regeneration, as indicated in the Local Development Framework Proposals Map.

Any impact on residential amenity that arises from the development could be addressed through appropriate condition. The conditions recommended by the Environmental Health Division are largely considered appropriate. As the proposed development does not involve any alteration to the main school kitchen and only a very small food tech area is included in the proposed extension some distance from the nearest residential property the requirement to provide a kitchen ventilation system and odour abatement would be unreasonable and unnecessary.

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

- The principle of the development
- The design and impact on the character and appearance of the area
- The implications for parking and highway safety
- What financial contributions, if any, are required?

The principle of the development

The proposed extension would be sited on part of the existing playing field.

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England has been consulted on the application and has responded to say that that they have considered the application in light of paragraph 97 of the NPPF and against its own playing fields policy which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- All or any part of a playing field, or
- Land which has been used as a playing field and remains undeveloped, or
- Land allocated for use as a playing field

unless in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions’.

Sport England states that the proposed development results in a minor encroachment onto the playing field however having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. Consequently they are of the view that the proposal broadly meets exception E3 of their playing fields policy in that:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or

- prejudice the use of any remaining areas of playing field on the site.

Sport England does not object to the application and it is not considered that an objection could be sustained on the grounds of loss of the playing fields.

Design and impact upon character of the area

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.

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

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

The Council's Urban Design Supplementary Planning Document provides further detailed advice as to how design should be assessed.

The school is accessed off Bursley Way with Clayhanger Close to the north and west and Riceyman Road to the east. The existing flat roofed school buildings comprise buff brown facing bricks with blue and white cladding panels and large windows. The proposed extension would be sited to the front of the existing buildings. The materials would comprise alternating brick panels and standing seam cladding and projecting windows would be finished in blue to complement the school colours. The articulation proposed in the elevations and the variation in the materials would provide interest and break up the massing of the extension and the scale, massing and design of the extension is considered appropriate in the context of the school grounds.

Car parking and any highway safety implications

There are two existing vehicular accesses to the school site and currently, the main access is to the front of the school buildings with a secondary access to the play area to the west. It is proposed to use the current main entrance solely for accessible parking, maintenance and some deliveries, and to use the entrance to the west of the school buildings for access to a new staff and visitor's car park providing 42 spaces. The former parking and redundant play areas would be used for hard play and recreation.

The Highway Authority has no objections to the proposal subject to conditions and the securing of a financial contribution which will be discussed in detail in the next section of this report.

Parking is currently very limited at the school and therefore the proposals would be an improvement on the existing situation. It is not considered that the proposed development would have any adverse impact on highway safety.

What financial contributions, if any, are required?

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

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

The Highway Authority has requested a financial contribution towards the preparation and monitoring of a Mode Shift Stars scheme for the School. Given that the development would facilitate an additional 75 pupils at the School, it is important to encourage and promote sustainable access to the

school to seek to address the additional demands that the development would place on the surrounding highway network. The contribution is considered necessary to make the development acceptable in planning terms, it is directly related to this development and is fairly and reasonably related in its scale and therefore it complies with CIL Regulation 122.

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

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 SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP10: Planning Obligations

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

Policy T16: Development – General Parking Requirements
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

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

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

There have been numerous permissions for extensions to the school but the most recently approved is as follows:

14/00098/CPO	Construction of a new single-storey classroom block extension to the rear of the existing school building	Approved
--------------	---	----------

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions relating to an Environmental Management Plan, a kitchen ventilation system, external lighting and control of noise.

The **Highway Authority** has no objections to the development subject to conditions regarding access, parking, servicing and turning areas, secure weatherproof cycle and scooter parking and submission of a Travel Plan. It is requested that the developer enters into a Section 106 agreement to secure a sum of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme for Bursley Primary School to promote and encourage sustainable access to the school.

The **Landscape Development Section** has no objections subject to submission of a detailed Tree protection Plan for the construction phase.

Sport England states that the proposed development results in a minor encroachment onto the playing field however having considered the nature of the playing field and its ability to accommodate

a range of pitches, it is not considered that the development would reduce the sporting capability of the site. On this basis, they do not wish to raise an objection to the application.

The **Waste Management Section** states that the applicant would need to ensure that collections of refuse and recyclables continue to be possible during the building work without compromising collection staff safety, increasing bin movement distances or affecting collection vehicle access. If the bin store falls within the secured area of the school, then bins will need to be presented outside it or staff given access.

Representations

One letter of objection has been received raising concerns regarding impact on traffic, road access and parking resulting from an additional 75 places.

Five letters of support have been received stating that the plans will benefit both the children at the school and the community, and stating that concerns about congestion will be alleviated by improved parking facilities and the walking bus proposal.

Applicant's/Agent's submission

The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00990/FUL>

Background papers

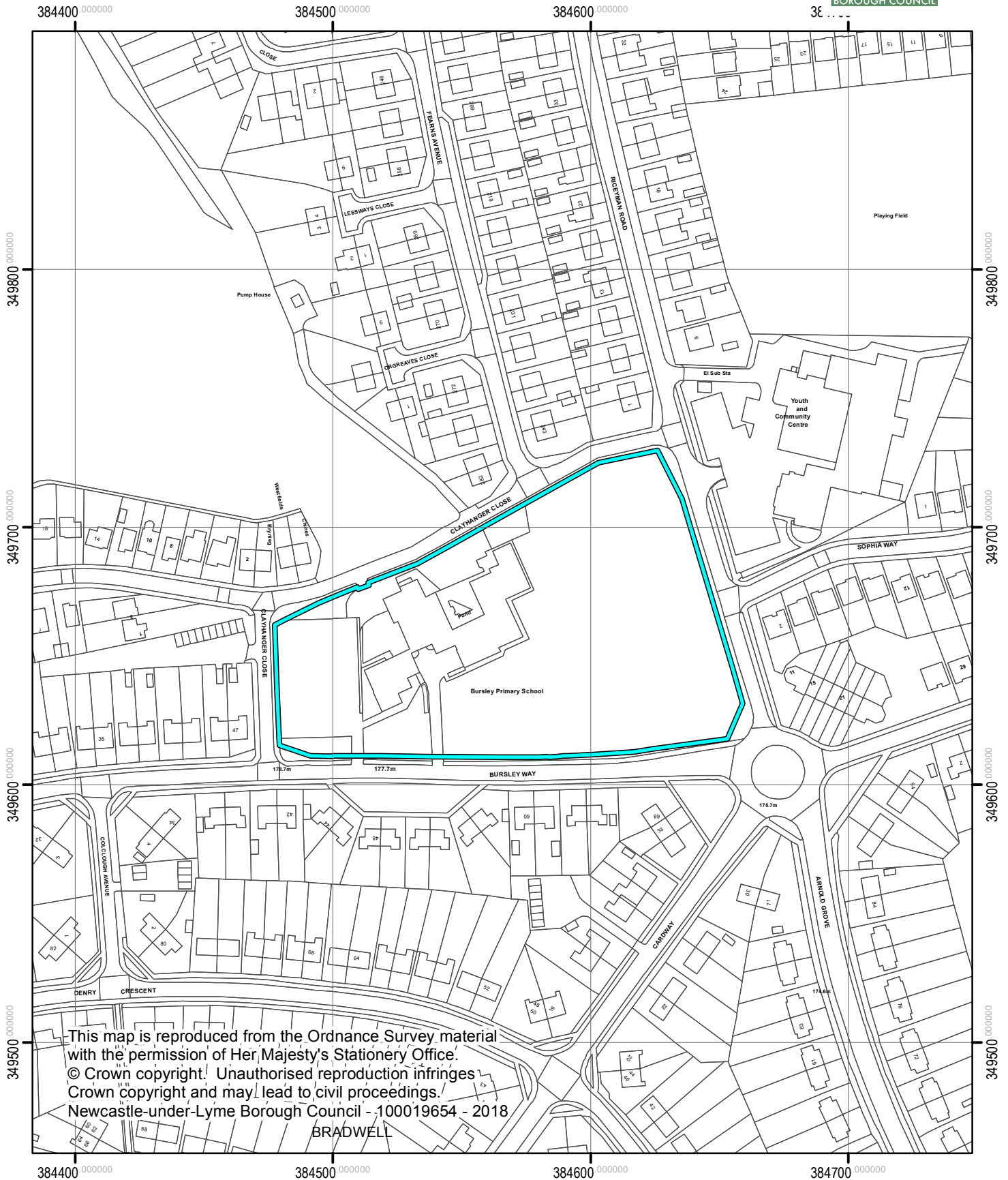
Planning files referred to

Planning Documents referred to

Date report prepared

13th March 2019

Bursley Primary School, Bursley Way
Bradwell, Newcastle-under-Lyme, ST5 8JQ



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

This page is intentionally left blank

9 GENEVA DRIVE, NEWCASTLE

MR S ROYALL

19/00031/FUL

The application is for full planning permission for a single storey side extension to form a new home office in addition to a two storey front and side extension.

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 Committee by two Councillors due to residents' concerns about:

- Overbearing impact on the street scene in Geneva Drive.
- Loss of light and privacy to residents in Lugano Close.

The 8 week period for the determination of this application expired on the 11th March 2019.

RECOMMENDATION

REFUSE for the following reason:

1. **The proposed two storey extension, by virtue of its size, form and appearance would result in a harmful impact on the character and appearance of the original dwelling as well as this part of the Geneva Drive street scene. The proposal would therefore be detrimental to the character and visual amenity of the area and it does not represent a sustainable form of development. It would therefore be contrary to the requirements of the National Planning Policy Framework (2019), Policy H18 of the Newcastle-under-Lyme Local Plan (2011), Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2006-2026) and the advice found in the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010).**

Reason for Recommendation

Due to the scale and design of the two storey front and side extension, the development does not represent a proportionate addition to No 9 Geneva Drive, and so as a result has a detrimental impact on the character and appearance of the host dwelling as well as the appearance of this part of the Geneva Drive street scene.

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

Whilst alterations to the layout of the openings on the front elevation and a reduction in height have been suggested it is not considered that this would overcome the principle objections to the scale and design of the proposed two storey extension. It is therefore considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for a single storey side extension to form a new home office in addition to a two storey front and side extension at No. 9 Geneva Drive. The dwelling is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map where the principle of the development is considered to be acceptable subject to the following key considerations;

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

- The impact on neighbouring 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 proposal includes a single storey side extension with the dimensions 2.6m width X 6.7m depth X 2.7m height. Whilst the flat roof proposed for the single storey side extension is not usually a design solution that would be encouraged, it is acknowledged that in this case flat roof side extensions are a dominant feature of the properties within this part of Geneva Drive and so it is not considered that this would be to the detriment of the character of the area.

The plans also include a two storey front and side extension to create an additional sitting room and bedroom with en-suite. The extension would project 1.8m beyond the existing principal elevation with a width of 3.4m and a maximum height of 6.5m

This part of Geneva Drive is characterised by dwellings of a modest scale and similar design. It is noted that a number of properties have undergone two storey alterations that are visible from the surrounding street.

Given the scale of the proposed extension, it is not considered that the development appears a proportionate addition to the host dwelling. The additional massing that is created as a result of its width and height would result in the character and form of the original dwelling being engulfed by the proposed extension. The applicant has noted that a reduction in the height of the side extension would be masked by the front extension and would also be difficult to construct, potentially leading to a more disjointed appearance. Whilst it is appreciated that a reduction in the ridgeline may allow the development to appear a more subordinate addition, it is not considered that this alteration alone would overcome the principle concerns with the development which stem from its overall scale and appearance when viewed in context with the host dwelling.

There is also a large expanse of plain brickwork across the two stories on the front elevation of the extension which presents an unbalanced appearance when viewed from Geneva Drive and draws further attention to the additional massing created as a result of the scale of the extension.

Reference has been drawn by the applicant to other properties within the area that are of the same original design as No. 9 and have successfully implemented a variety of extensions and alterations. Some of the specific properties referred were No's 2 and 84 Geneva Drive, both of which have implemented two storey front/side extensions; however the planning history for the properties only provides details of extensions from the late 60s/early 70s, and so the decisions made on these sites pre-dates current policy. An extension at No. 1 Como Place was also referenced, however the design of this extension is not comparable to that proposed at No 9. Whilst it is noted that the direct neighbour has implemented a two storey front/side extension, your officer considered this to be a much more proportionate and sympathetic addition to the property than the proposed extension that is subject to this application. Also, each case should be determined on its own merits, and so it is not considered that the presence of these alterations would outweigh the harmful impact that the proposed extension would have on the host dwelling and the appearance of the Geneva Drive street scene.

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 above SPG notes at SD4 that where a two-storey dwelling faces a single storey dwelling, at least 21m should be maintained where the facing walls contain principal windows.

The rear elevation of No. 10 Lugano Close contains a principal window and large patio doors that serve the living room.

The two storey side extension would create an additional principal bedroom on the first floor which would be served by a window on the rear elevation of the dwelling. There would be a distance of approximately 18m between the first floor new principal bedroom window and the window serving the living room.

It is noted that the proposal would fall short of the guidance within the SPG by two meters; however this shortfall is not considered to amount to a significant loss of residential amenity that would warrant the refusal of the application. The extension does not project any closer to the rear elevation of No.10 Lugano Close than the existing rear elevation, which contains principal windows. In addition it is noted that although some views of the patio doors of No. 10 Lugano Close would be possible from the principal window as proposed it would not be directly opposite the patio doors. Taking such factors into consideration it is not considered that this window would achieve any further significant views than that already offered by the existing principle bedroom with a window on the same elevation.

Objections have detailed that the proposed extension would result in a loss of light to No. 10 Lugano Close. As a result of the orientation of the two dwellings, there may be some additional overshadowing towards the later hours of the afternoon on the northern corner of the curtilage of No. 10 Lugano Close; however it is not considered that this would have a serve impact on the light offered to the property and the amenities of the occupants.

Therefore on this occasion the development 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 SP1: Spatial Principles of Targeted Regeneration
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP10: Planning Obligations

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

Policy T16: Development – General Parking Requirements
Policy IM1: Provision of Essential supporting Infrastructure

Other material considerations include:

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

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

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

Supplementary Planning Guidance/Documents

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

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

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

Relevant Planning History

09/00532/FUL - Single storey side and rear extensions – Approved

View of Consultees

None.

Representations

Objections have been received from one neighbouring address raising the following concerns:

- Overlooking of No. 10 Lugano Close
- Loss of daylight
- Harm to enjoyment of private rear garden space and living space on the rear of No. 10 Lugano Close
- The applicant should consider a single storey rear extension to reduce impact on neighbouring properties

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/19/00031/FUL>

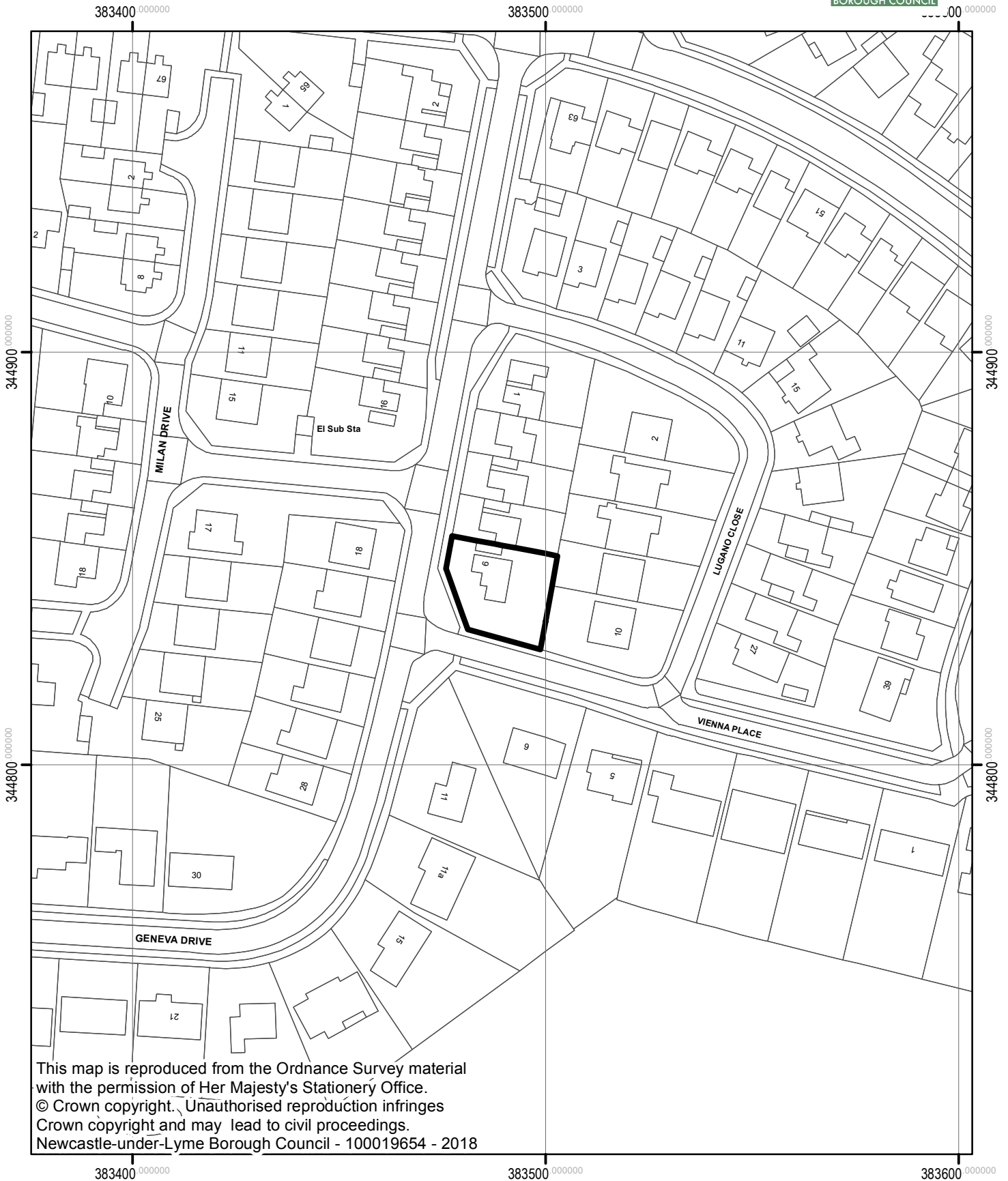
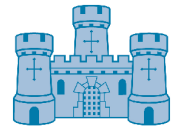
Background Papers

Planning File
Development Plan

Date report prepared

7th March 2019

This page is intentionally left blank



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

This page is intentionally left blank

Report to the Planning Committee 26th March 2019

Officer and Member Planning Enforcement Protocol

This report introduces a proposed new Officer and Member Planning Enforcement Protocol which has been prepared by officers in consultation with the Planning and Growth Portfolio holder. The draft Protocol, as attached, is due to be also considered by the Council's Constitution Review Working Group, and it is intended that it will be presented to Annual Council for approval as an Appendix to the Council's Constitution. The draft Protocol needs to be read in conjunction with the existing Members Protocol on Planning Matters which is Appendix 21 to the Constitution.

The sections of text highlighted in bold indicate where changes from existing practice are proposed.

Recommendation

That the Planning Committee give its views on the Draft Protocol

Date report prepared: 14th March 2019

This page is intentionally left blank

OFFICER / MEMBER PLANNING ENFORCEMENT PROTOCOL

1.0 INTRODUCTION

1.1 Planning enforcement is a process to investigate cases where development without planning permission is alleged to be taking place, and where appropriate to take enforcement action, and to ensure that development with planning permission accords with the approved plans and planning conditions.

1.2 Local planning authorities have the discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations.

1.3 It is recognised that it is important that unauthorised/unlawful development is investigated and action is taken where it is expedient to do so to avoid undermining public confidence in the planning system.

1.4 The purpose of this document is to set out guidance and procedure in respect of the task of planning enforcement. It aims to set out current procedure, identify how Members can become involved in planning enforcement and what obligations are placed upon officers to keep Members informed on the progress of certain enforcement cases. The reference to Members is to Borough Councillors.

2.0 CURRENT PROCESS

2.1 As set out in the Council's Planning Enforcement Policy (PEP) (February 2009), all complaints regarding breaches of planning control should be confirmed in writing. Anonymous complaints are not acted upon unless it is in the wider public interest to do so. Where members of the public have particular concern over disclosing their identity they are encouraged to ask their Borough Councillor, or if applicable, their Parish or Town Council to report the issue on their behalf.

2.2 When complaints are received a case is set up and allocated to an officer (generally the Enforcement Officer who carries out the initial investigations). An acknowledgement is sent to the complainant providing the name of that officer and reference number of the case, which should be used in all subsequent correspondence.

2.3 All complaints received are treated as confidential and a complainant's identity is not generally revealed without their consent unless the Council is required to reveal that information by law. Access to enforcement case information is therefore restricted to maintain such confidentiality.

2.4 It is current policy to advise the complainant, on all but the cases that are more significant as having the greatest impact within 30 working days, of one of the following:

- No breach of planning control has been identified
- It has been concluded that it is not expedient to take action
- Discussions have been entered into to remedy the breach
- A retrospective application has been invited to be submitted.

2.5 These cases are category 2 and 3 cases as defined in the PEP.

2.6 For those the cases that are more significant have the greatest impact (category 1 cases as defined in the PEP), the complainant should be advised, verbally, if immediate action is

considered necessary and given an explanation of why such action is required which is then confirmed in writing within 10 working days.

2.7 In addressing the expediency of taking formal enforcement action, consideration is given as to whether such action would be in the public interest. The investigating officer must judge the overall impact of the unauthorised development, doing so with reference to national and local planning policies as set out in the Development Plan and to any other material considerations. A report is prepared setting out such considerations.

2.8 If a breach does not result in 'demonstrable harm', (because planning permission would be likely to have been granted for the development in any event) then it is not expedient to take action. In such circumstances a retrospective planning application is often requested to regularise the breach of planning control and, where necessary, to impose restrictions or secure amendments to the unauthorised development to make it acceptable in planning terms. A report is prepared on the retrospective planning application setting out the key planning considerations, as with any other planning application. Where a retrospective application is not received but it is nonetheless not expedient to take enforcement action, a file note, and in some cases a report, is prepared setting out the reasons why such a conclusion was reached.

2.9 Both the Planning Committee and the Executive Director of Regeneration and Development have, in the existing Scheme of Delegation, authority to exercise the Council's powers of enforcement of planning control. This authority must mean both to take and also not to take enforcement action with respect to such breaches of control.

2.10 The presumption is that the decision on whether or not there is a breach and whether it is expedient to take enforcement action will be made under delegated powers by:

- Senior Planning Officers on breaches of planning control relating to householder developments (except where they are themselves the case officer),
- The Development Management Team Manager on all other matters except for breaches of planning control relating to Major Development (other than where they are the case officer).
- The Head of Planning on breaches of planning control relating to Major Development

2.11 Where such matters are reported to Planning Committee, following a decision by the Head of Planning that it is appropriate to do so or by the request of Members, the relevant reports are cleared by the Development Management Team Manager except where the case officer or the breach relates to Major Development in which case the Head of Planning would clear the report.

2.12 The decision arising from the decision by Planning Committee or under delegated authority is whether it is expedient to take action and if so what steps are necessary to rectify the breach and the timescales within which such steps should be taken. Legal advice is generally sought as to the type of action that is appropriate to the breach of planning control identified as there are a number of different notices and/or actions that are able to be taken by the Local Planning Authority. These can be summarised as follows:

- Enforcement Notice
- Breach of Condition Notice
- Stop Notice
- Temporary Stop Notice
- Section 215 Notice
- Injunctive Action

- Formal Cautions
- Planning Enforcement Order

Further information about each of the above can be found within the online [Planning Practice Guidance](#) (PPG) and in particular the section on [Ensuring Effective Enforcement](#)

2.13 It should be noted that enforcement action is taken in respect of a specific breach of planning control and the breach of planning control alleged will be identified in any Notice that is served. If the Notice is not complied with within the specified time period the Local Planning Authority can seek to prosecute with respect to that non-compliance. Notices are specific as to the breach of planning control identified within them. Any other breaches of planning control that take place subsequently are not covered by the action already taken and as such it will not be possible to seek to prosecute such matters pursuant to the Notice already served. Such breaches will need to be the subject of separate enforcement action if it is expedient to take action.

3.0 MEMBER INVOLVEMENT

3.1 Members become aware of planning enforcement issues through various means. It may be brought to their attention by those affected by the breach or they may identify a potential breach themselves. In certain cases Members are approached for advice by individuals who are the subject of the complaint.

3.2 Members of Planning Committee also receive monthly lists of the new enforcement cases received in the previous month and **it is intended to provide all Members with a weekly list of new cases received in their Ward as part of this new protocol**. The information contained within the lists should be treated as confidential as should any more detailed information obtained from the Planning Service with regard to the breach of planning control.

3.3 Given the number of cases that are received it would not be possible to provide Members with updates on all cases received, however **information will be provided upon request**. In addition **if Members wish to receive regular updates on particular cases these can be provided upon request**. In such cases **updates will be given as soon as practicable after an event has occurred (such as a site meeting, correspondence with the individuals who are the subject of the complaint, or a key milestone has been reached) or every month following the request whichever is sooner**. **Any requests for information or for regular updates must be made in writing** through email to planningenforcement@newcastle-staffs.gov.uk.

3.4 If a Member considers that a enforcement case should be reported to the Planning Committee for their information or for a decision to be reached as to whether enforcement action should be taken and in what form, they **should send a request in writing to the Chair of Planning Committee asking that the matter is to be brought to Committee setting out why that is considered appropriate**. **The Chair of Planning will upon receipt of such a request consult with the Head of Planning and the decision of the Chair on that request shall be final**. **Where the Chair asks for a report to come to Committee officers will aim to bring such a report either to the next meeting of the Committee or the following one**. Where a case is reported to Committee **a Ward Member that is not on Planning Committee, will be entitled to speak on the item** provided that it is not being dealt as a confidential item where Committee resolve that that the public (including Members not on Planning Committee) are to be excluded. Any Members of Planning Committee are under an obligation to disclose any interest in an enforcement case that is being considered at the meeting as with any other item on the agenda.

3.4 A Member may wish to set up a meeting to discuss an enforcement case that includes other interested parties, such as the MP or a Parish Council. **If that is the case a request should be made in writing to the Development Management Team Manager .**

3.5 Quarterly reports are taken to Planning Committee as follows:

- Open Enforcement cases – providing background information regarding the scale of the enforcement case load, to enable the Committee to undertake its oversight role. The report identifies the number of new cases opened within the last Quarter and the overall number of open cases at that point in time. A Table is provided showing the number of open cases for previous years.
- Progress on Enforcement Cases where Enforcement Action has been authorised – providing details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. It includes details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter.

3.6 **In all cases where enforcement action has been authorised the case officer will provide monthly updates to the Chair and Vice-Chair of Planning Committee and Ward Members in addition to the reporting of such cases in the quarterly report referred to above.**

4.0 REVIEW OF THIS PROTOCOL

4.1 The operation of this Protocol shall be reviewed 12 months after it has been brought into effect

5.0 RELEVANT ENFORCING AUTHORITY

5.1 Newcastle-under-Lyme Borough Council, as Local Planning Authority, is the appropriate enforcing authority for the majority of breaches of planning control. Where enforcement involves activities relating to mineral extraction, waste disposal and recycling Staffordshire County Council is the relevant enforcing authority dependent, in the case of waste disposal upon the scale of such activities and the purpose for which the waste is being deposited on site.

5.2 Where the unauthorised activity results in, or has the potential to result in, pollution, the Environment Agency may be the relevant lead enforcing Authority.

5.3 Where the activities involve a statutory nuisance the Council's Environmental Health Division may be better placed to take action.

5.4 The County Council, as Highway Authority, are the relevant enforcing authority where the breach of planning control is taking place entirely on a public highway and if it does not relate to a breach of condition of planning permission.

5.6 Where a complaint relates to unstable/dangerous buildings such complaints should be directed to the North Staffordshire Building Control Partnership.

5.7 There are a number of complaints that are received that don't relate to breaches of planning control and as such are not matters that the Borough Council has any powers to take action against. Where such complaints are received the Planning Service endeavours to direct the complainant to the relevant enforcing authority. Some of the typical complaints and the relevant enforcing authority are as follows:

- Obstruction of the highway and other road traffic issues – the Police

- Operation of care homes – Ofsted
- Safety of building sites – Health and Safety Executive

6.0 KEY SOURCE MATERIAL AND LEGISLATION

- [Town and Country Planning Act 1990](#) – This forms the current primary legislation
- [Planning and Compensation Act 1991](#) and the [Planning and Compulsory Purchase Act 2004](#) – these two Acts are secondary legislations which amend and add to the provisions of the Town and Country Planning Act 1990.
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Localism Act 2011](#)
- [National Planning Policy Framework](#) (NPPF) (July 2018)
- [Planning Practice Guidance](#) (PPG) including a section on [Ensuring Effective Enforcement](#)
- [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy](#) (CSS) 2006-2026
- [Newcastle-under-Lyme Local Plan](#) (NLP) 2011
- [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) (as amended)
- [Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)
- [Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Regulation of Investigatory Powers Act 2000](#)
- [Police and Criminal Evidence Act 1984](#)
- [A Councillor's Workbook on Planning](#) by the Local Government Association – this includes a short section on planning enforcement.
- [Probity in Planning for Councillors and Officers](#) by the Local Government Association and the Planning Advisory Services
- [Newcastle Borough Council Members Protocol on Planning Matters](#) September 2018

This page is intentionally left blank

Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund for The Beehive, Main Road, Betley (Ref: 18/19004/HBG).

RECOMMENDATION:

That the following grant is approved:-

- 1. £5,000 Historic Building Grant to repair two gables on a timber framed cottage, including propping, new timber framing with joints/pegs, replacement brick infills with lime mortar, making good the internal walls, subject to the appropriate standard conditions**

Purpose of report

To enable members to consider the application for financial assistance.

The Beehive (Grade II) is a cottage originally of cruck construction, probably 15th Century with 17th additions. The timber framing has painted brick infill panels. The Listing description states the building is of T-shaped plan with a single cell baffle-entry plan hall range with cruck frame aligned north-south. It also has a 17th century two bay crosswing on the north side, aligned east west. The cruck framing is largely complete.



Following removal of some vegetation to the soleplate at the bottom of the cruck on the south gable and some movement of the brick panels the owners undertook some investigation of both the west and south gables by an appropriately qualified conservation builder. This work has cost in the region of £7,000 but they have covered the cost of this to enable the two full quotes to be received for the main repair work.

This initial work included erection of scaffolding and careful investigation which has revealed severe structural problems within both of the gables. The south cruck gable, has problems which have originated because the soleplate has rotted, compressed and many

of the joints have failed and caused movement in the framing and panels have started to loosen. Previous work on this gable, prior to the current owners purchasing the property, have been poorly carried out by not fixing the new repairs into the oak frame with mortice and tenons creating an unstable frame. The west gable has also been investigated and the soleplate has also completely failed and requires complete replacement and vertical studs also require sections of timber to be spliced in. The tie beam at eaves level is of most concern as it appears completely rotten and is moving out taking with it the upper section of wall and the lower gable. This gable also requires tying back to the return walls. The brick panels are also moving out and need to be removed and re-laid. Careful shoring and propping is required during this repair so ensure the load is appropriately dealt with.

It is unfortunate that the current owners are suffering the great cost of previous neglect and the typical inappropriate repair of such buildings by patching up, painting over the cracks and using cement mortar to repair joints and fill holes. The application of years of paint and applying bitumen to the timbers only traps moisture into these buildings and allows rot to set in.

This grant application is for repairs to the west gable, (gable 1) the worst affected by rot and movement and will be tackled within the next month and to the south gable, which will be targeted in the second phase although this is still relatively urgent and will be undertaken when gable 1 is complete.

The total cost of the works for gable 1 (west gable) is estimated at £90,973.00. The south gable repair is estimated to cost £73,388. The works are eligible for a grant of up to 20% or up to a maximum of £5,000.

The Conservation Advisory Working Party are fully supportive of the recommendation to give this grant. They comment that cruck framed buildings are rare within the Borough and of great significance and therefore the conservation of such buildings is important

Financial Implications

There is sufficient funding to meet the grant applications with £23,788 in the Fund allowing for commitments. This Fund will receive additional funding of £10,000 on 1 April 2019.

APPEAL BY MULLER PROPERTY GROUP AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT AND ACCESS AT GRAVEL BANK, MUCKLESTONE ROAD, LOGGERHEADS

<u>Application Number</u>	17/00787/OUT
<u>Recommendation</u>	Refusal
<u>Decision</u>	Refusal, as recommended, by Planning Committee 5th January 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	25th January 2019

The Appeal Decision

The Inspector identified the main issues to be:

- Whether the proposal would accord with the development plan strategy for the location of housing including having regard to (i) its effects on the character and appearance of the area; and (ii) whether it would provide satisfactory access to shops and services with particular regard to the availability of sustainable transport modes;
- Whether there are any other material considerations that would indicate that the proposals should be determined other than in accordance with the development plan.

Development Plan Strategy for the location of housing

Planning policy context

- The development plan for the area includes the saved policies of the Newcastle-under-Lyme Local Plan (2003) (NuLLP), the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2009) (CSS) and the Loggerheads Neighbourhood Plan (LNP).
- The appeal site lies outside of the clearly recognisable village envelope and the proposal therefore conflicts with policies H1 and ASP6.
- The Council accepts that policies H1 and ASP6 are out-of-date although it is common ground between the parties that the proposal would run counter to them. The village envelopes referred to in these policies were defined in the context of a local plan that was not intended to meet housing needs beyond 2011. Moreover, the limit of 900 dwellings in policy ASP6 is not based on an up-to-date assessment of housing needs and is at odds with Framework that reflects the Government's objective of significantly boosting the supply of homes. For these reasons, noting that this was also the conclusion reached by the Inspector in the Tadgedale Quarry appeal decision, the Inspector gave policies H1 and ASP6 limited weight.
- The LNP defines the village envelope of Loggerheads within which policy G1 supports new housing development. Outside the village envelope, other housing development is permitted where it would meet certain criteria. None of these apply to the proposed development which therefore conflicts with LNP policy G1 .

Character and appearance

- The appeal site comprises a broad, roughly rectangular parcel of land currently occupied by a detached dwelling, its separate garaging and a number of other large buildings. This built development is concentrated in the south-western corner of the site and there are substantial areas of hardstanding within and immediately to the north of it. The remainder of the site comprises a field which rises gently up to the boundary with the neighbouring Tadgedale Quarry site.

- Saved NuLLP policy N19 is one of a series of policies that have been framed to reflect the categorising of the landscapes of the county contained in a Supplementary Planning Guidance Document (SPG) – Planning for Landscape Change (2000). For SPG landscape policy objective purposes, the appeal site falls within the Landscape Maintenance category. Saved policy N19 seeks to maintain the high quality and characteristic landscapes within this category and development will be expected to contribute to the SPG-derived objective. The policy goes on to say that it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.
- The area around and including the site has the distinctive character of an undulating valley landscape and outside the built confines of Loggerheads and the nearby village of Mucklestone, it is sparsely developed. The site is separated from Tagedale Quarry by a boundary hedgerow of non-native Cypress. This only serves to amplify the change in character between the developed and disrupted landscape within the quarry site and the pastoral landscape beyond.
- The site clearly reads as part of the wider rural valley landscape in views from along Mucklestone Road, Rock Lane to the north and also further away from along the A53 to the south. It forms a key component of the valley landscape below a more pronounced area of higher land within and around Loggerheads. The appeal site shares a greater affinity with the pastoral, verdant and mostly undeveloped landscape than to the quarry site or the built-up area.
- In the aforementioned views from Rock Lane, there is a farm complex in the foreground beyond which the site and its buildings are also clearly visible. The grouping of buildings on the appeal site and their overall scale, design and materials gives them much the same appearance as those within the neighbouring farm complex and there are no clear distinguishing features to mark them out as an industrial complex. The casual observer would take them to be agricultural buildings and the site therefore has the semblance of a complex of farm buildings set within a rural landscape.
- Whilst the landscape in this area is not afforded any statutory protection or considered to be a valued landscape for the purposes of the Framework, it is nonetheless an attractive landscape as a result of the landform, mature trees and hedgerows.
- As already mentioned, the policy objective for this landscape is one of landscape maintenance, which is the second highest category on the quality scale in the Planning for Landscape Change SPG. It is acknowledged that the SPG is now of some age however many of the features that contribute to the assessment of quality within the SPG are still found within this landscape. Whilst the appellant disputes the SPG's value because of its age, there is no clear indication 'on the ground' that the character of the landscape has markedly changed in the time since the SPG's publication. Notably also, the SPG states that the wider surrounding landscape to the south, east and west is an area of highest landscape sensitivity. Where the SPG objective is one of landscape maintenance, it says that substantial emphasis should be placed on ensuring the development blends unobtrusively into the landscape and does not lead to the loss of features characteristic of it. In so doing, the SPG is not placing a blanket restriction on development and is not therefore at odds with the Framework. Therefore the SPG is given significant weight.
- Saved policy N17 seeks to ensure that development is informed by and is sympathetic to landscape character and quality appropriate to the respective SPG landscape policy categories. Saved policy N17 also sets out a set of criteria against which proposals with landscape and visual implications will be assessed.
- It is common ground between the parties that saved policy N17 does not provide an embargo on development that would result in landscape and visual harm. The policy's wording is clearly informed by the Planning for Landscape Change SPG's policy objectives and a decision must therefore be taken on the level of any harm and whether that would fall within the realms of being unacceptable. Saved policies N17 and N19 do not therefore place a blanket restriction on development and align closely with paragraph 170 b) of the National Planning Policy Framework (the Framework) which says that planning policies and decisions should contribute to and enhance the

natural and built environment by recognising the intrinsic character and beauty of the countryside.

- The Inspector accepted that views towards the site from Rock Lane are restricted to two points along that lane however it was evident that this is a quiet lane that provides a route between Loggerheads and Mucklestone. It is therefore attractive as a recreational route in addition to providing a route from Loggerheads to St Mary's school in Mucklestone and it seems likely that those using this route would stop and take in the pleasing views across the wide valley landscape where they become available i.e. from the two key viewpoints referred to in the evidence by the parties.
- The proposed development would intervene in these views to disrupt the appreciation of the rural valley landscape. It would also appear as a stark and unwelcome change to the agricultural character and appearance of the site which currently plays an important role in separating the adjacent quarry site and the built environment of Loggerheads from the rural area.
- From along Mucklestone Road on the approach to Loggerheads, because of the existing roadside hedgerows, the proposed development would only come into view at close quarters. However, at this point there is no sense of the presence of any significant built development and the proposed dwellings on rising land would appear isolated from the rest of Loggerheads. This would be the case even if the development of the quarry site was to take place because of the screening provided by the existing Cypress boundary hedge. The Inspector considered that the proposed development would appear incongruous and visually intrusive in the rural landscape in views from along Mucklestone Road. Whilst these views would be localised, the change to the rural character of the site to a large urbanising development would be sufficiently adverse to result in very considerable harm.
- Views from along the busy A53 would be of a transient nature, although the significant gaps in the hedgerows along the northern side of the road would allow vehicle passengers to see across the valley towards the site. However, there is a belt of trees stretching along the valley on a roughly east-west axis that prevent any clear prolonged views of the site. Accordingly, because of this and the distance involved, there would be no significant visual harm in these views.
- Whilst only illustrative, the submitted masterplan presumably gives a reasonable indication of the expected ratio of built development to open space. The Inspector was not persuaded that development on the site, with landscaping would still not be open view from Mucklestone Road.
- It was argued by the appellant that the requirements in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) (SPD) are matters properly to be considered at reserved matters stage. Most of the evidence at the Inquiry focussed on the Built form character section of the chapter on the rural environment. I agree with the appellant's interpretation of this part of the SPD. However, good design goes beyond merely considering the appearance of the development itself and should properly include wider considerations of how it fits into the settlement and the landscape. This is clearly expressed in the preceding Rural environment section of the SPD. The Inspector found that it would not and thus the proposal also runs counter to the Urban Design SPD.
- For the above reasons, notwithstanding that the appeal application is in outline only, the Inspector was not satisfied that the development of this site, which provides an important setting for the village and forms part of the attractive rural landscape, would not cause serious irrevocable harm to the character and appearance of the area. Thus, the proposal would conflict with saved NuLLP policies N17 and N19.
- For the same reasons, it would conflict with CSS policy CSP1 which says 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. This includes its rural setting and the settlement pattern created by the hierarchy of centres. It is therefore relevant in the consideration of outline applications.
- CSS policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the plan area's natural assets. A key element of the policy is the requirement that the location, scale and nature of all development delivered through the CSS avoids and mitigates adverse impacts and wherever possible, enhances the plan area's

distinctive natural assets and landscape character. The proposal would therefore conflict with CSS policy CSP4.

Access to shops and services

- Loggerheads is designated in the CSS as one of 3 key rural service centres. The village centre contains a Co-op food store, a library, a public house, an Indian restaurant and other facilities elsewhere within the village. Both Loggerheads and Mucklestone have a primary school. In addition, there is a bus service that provides links to Newcastle-under-Lyme and Market Drayton although this only runs during the day.
- Policy SP1 of the CSS sets out a series of principles around the concept of 'targeted regeneration'. The two key aspects of this policy are (1) and (7). SP1(1) sets out the locations where new housing will be primarily directed towards whilst SP1(7) prioritises the use of previously developed land where it can support sustainable patterns of development and provide access by transport modes other than private motor vehicles.
- There remains dispute between the parties on the matter of previously developed land although the appellant accepted that this aspect of its case attracts only limited weight. CSS policy SP1 does not prohibit development on previously developed land (PDL) and the site is, in part, within that category. Taking the buildings and areas of hardstanding together, the Inspector concurred with the appellant's view that about a quarter of the site comprises PDL. There is no clear and substantive evidence that the rest of the site would fall under the banner of 'under-utilised' and the proposal is in overall conflict with CSS policy SP1.
- Policy SP3 sets out a number of principles related to movement and access. Amongst other things, the policy seeks to improve accessibility and social inclusion through the provision of sustainable linked communities which have a range of services and facilities and which are connected to major employment and service centres and the green space network. It also seeks to maximise the accessibility of residential development to services and facilities by walking, cycling and public transport.
- The Inspector in the Tadgedale Quarry appeal considered the proposed development in that case to be sufficiently well located to the shops and services within Loggerheads although at that time the bus service also ran during the evening.
- The Statement of Common Ground sets out distances between various parts of the site and the services in Loggerheads. All of the dwellings would be substantially further from the Co-op store and the other services around it than the 800m distance identified as typically characterising a walkable neighbourhood in Manual for Streets (MfS). However, at the furthest point away, all shops and services in Loggerheads would be within the preferred maximum of 2km which is also referred to in MfS. Only the primary school and church in Mucklestone would exceed this distance. Were the Tadgedale Quarry site not to be developed, the distances to Mucklestone would be greater as the internal route through that development would not exist. However, the distances in MfS are indicative and do not provide firm thresholds and neither does any other relevant planning document.
- Whilst the distances involved would be at the very limits of what could be considered reasonable for walking, it would nonetheless be possible for able bodied and reasonably fit people to access the local shop on foot and cycling would also be an option. In practicality, these trips would only allow for top-up shopping so it is likely that some journeys to the local shop and other services in the village would be made by car. However, they would be of limited duration.
- Nevertheless, the Inspector concurred with the findings of the Inspector in the Tadgedale Quarry appeal that occupants of the proposed development would have to travel further afield for things such as bulk food and comparison goods shopping, most evening entertainment, secondary and further education and hospital visits. Some of these trips could be made by bus during the daytime and other services would be accessed less frequently. However, given that the nearest larger settlement of Market Drayton is about 8km away, it would be likely that the majority of trips to the

higher order services it provides and for daily commuting elsewhere would be made by private motorised transport.

- The appeal scheme would provide for contributions towards the St Mary's Mode Star scheme as part of a Travel Plan. This is supported by CSS policies CSP3 and CSP10 along with saved NuLLP policy IM1 and the DCSPD. This would assist in encouraging access by means other than the car.
- Taking all of this into account and given that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the Inspector considered that the proposed development would occupy a sustainable location. It would therefore accord with CSS policy SP3 and the sustainable transport objectives in the Framework.

Other material considerations

- The matter of Housing Land Supply (HLS) was discussed at the Inquiry. The Council's evidence was that it has HLS of 5.57 years whilst the appellant considered the Council to have a 3.82 years HLS. The main reason for considering HLS in the context of this appeal is to assess whether the tilted balance in Framework paragraph 11 is engaged via the route of Framework paragraph 73. However, the Council accepts that Framework paragraph 11(d) is engaged because of out-of-date saved NuLLP policy H1 and CSS policy ASP6.
- The Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
- The development would deliver new homes including a policy compliant level of affordable ones. These comprise social benefits that attract significant weight in the context of a development plan that does not currently reflect an up-to-date housing need. However the Inspector accepts that the emerging JLP may not alter the level of envisaged housing growth albeit it is at too early a stage to provide certainty about how much development might be required in Loggerheads or whether it would need to take place in open countryside. The spatial framework set out in the CSS recognises that directing development in the open countryside comes at the expense of development of more sustainable urban sites
- The appellant accepts that limited weight should be given to the benefits arising from construction jobs, a boost to the local economy and the contribution to pupil numbers, and the Inspector agreed with that. On the environmental side, the provision of new tree and shrub planting could result in some biodiversity improvements. However, this must be seen in the context of the loss of a predominantly green site and the benefits from new planting attract nothing more than limited weight.
- Notwithstanding his conclusions above related to access to shops and services, given that nearly all of the site would be developed with housing and its associated infrastructure, in what is open countryside, the proposal's conflict with CSS policy SP1 attracts at least moderate weight.
- Added to this is the conflict with a number of development plan policies that seek to protect the character and appearance of the area. The harm to this attractive rural valley landscape of which the site forms an intrinsic part would be sufficiently serious to carry very substantial weight against the proposal.
- Case law has established that the circumstances in this case mean that the LNP is out-of-date. However, the LNP represents an expression of how the community wishes to shape its local environment and the conflict with the LNP should be given considerable weight.
- Given that it is already agreed that Framework paragraph 11(d) is engaged via an alternative route, the Inspector considered that he did not need to delve deeply into the matter of HLS. Nevertheless, he considered the level of shortfall in the appellant's suggested worst case scenario as that can affect the weight to be given to the provision of more housing and the policies in the development plan and the LNP. However, even if it were concluded that there is a shortfall in the five-year HLS on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

- The Inspector found no reasons to take a decision otherwise than in accordance with the development plan and for the above reasons, the appeal did not succeed.

Your Officer's comments

This appeal decision is important in that the Inspector gives a view on the weight to be attributed to policies within the Development Plan relating to the location of new housing. He notes that the village envelopes referred to in both Policy H1 of the Local Plan and Policy ASP6 of the CSS were defined in the context of a local plan that was not intended to meet housing needs beyond 2011, and furthermore that the limit of 900 dwellings in Policy ASP6 is not based on any up to date assessment of housing needs and is at odds with the Framework that reflects the Government's objective of significantly boosting the supply of homes. For these reasons he not only gives conflict with those policies limited weight but he also considers that paragraph 11(d) of the Framework, that which relates to the application of the 'tilted balance', to be engaged. It followed that he would have granted planning permission had he not been satisfied that the adverse impacts of doing so which he identified significantly and demonstrably outweighed the identified benefits, when assessed against the Framework policies taken as a whole. This approach will be taken by your officers in other similar situations.

Whilst the conclusion that he reached that the development would cause serious irrevocable harm to the character and appearance of the area is inevitably a site/proposal specific one, his conclusions with respect to the continued weight to be given to the Planning for Landscape Change SPG notwithstanding its age, saved policies N17 and N19, and the accordance of both the SPG and the policies with the Framework are noteworthy, as is his giving of at least moderate weight to the proposal's conflict with CSS policy SP1.

APPEAL BY PETER PHILLIPS OF HANDYMAN MAINTENANCE AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE CHANGE OF CURRENT USE (COMMUNAL AREA) INTO A 1 BEDROOM SELF CONTAINED FLAT AT 1 WADE COURT, MARKET STREET, KIDSGROVE

<u>Application Number</u>	18/00393/FUL
<u>Recommendation</u>	Refused under delegated authority 1st September 2018
<u>Appeal Decision</u>	Appeal allowed and planning permission granted
<u>Date of Appeal Decision</u>	13th February 2019

The Appeal Decision

The Inspector identified the main issue is whether the appeal proposal makes adequate provision for public open space in the area. In allowing the appeal the Inspector made the following comments:-

- Paragraph 56 of the National Planning Policy Framework (NPPF) and Regulations 122 and 123 of the Community Infrastructure Levy Regulations (CIL) state that planning obligations can only be sought when they are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale to the development.
- Relevant Development Plan policies are Policy IM1 and C4 of the saved Local Plan (LP) and policies CSP5 and CSP10 of the Core Spatial Strategy (CSS)
- Paragraph 96 of the NPPF refers to planning policies having robust up to date assessments of the need for open space. The Council believes it has such an assessment. Policy CSP5 of the CSS does refer to contributions providing a key funding source for new residents through the Urban North Staffordshire Green Space Strategy and any replacement strategies. The Open Space Strategy (OSS) adopted 22nd March 2017 is a replacement for the Green Space Strategy.
- The OSS states that it is good practice for residential development to provide 0.004 hectares of open space per dwelling and sets out a costs model for calculations. The Council is seeking a contribution rather than the provision of open space. However, there is clear tension between Policy CSP5 and CSP10 of the CSS and the OSS and Policy C4 of the saved Local Plan, as they require obligations for all developments regardless of size whereas policy C4 only requires a contribution where the development is more than 10 units or more than 0.4 hectares. The appeal proposal is below that criterion.
- The more recent policies are also not in accordance with the Written Ministerial Statement of the 28th November 2014, which was found by the Court of Appeal to represent national planning policy. This has been incorporated in to Planning Practice Guidance and states that tariff style contributions should not be sought for developments of 10 units or less with less than 1000m² of floor space. This represents a material consideration of significant weight.
- The Council considers that the contribution they are seeking is not a tariff style contribution. The contribution would be spent on improvements to paving routes in the area of Weir Grove or Mount Road which are the nearest points to the open space area off Powy Drive and Medina Way.
- A tariff style contribution means that contributions are pooled funding pots intended to provide common types of infrastructure for the wider area and calculated on a sum per dwelling basis. The sum here is calculated on a per dwelling basis. Whilst stating the contribution will not be pooled the Council indicates that sum would not be sufficient to cover improvements to the full extent of paving routes which suggest further improvements to these specific routes, leading to pooling. On the basis of the information, the Inspector considered it to be a tariff style payment.

- The OSS identifies the area generally as being relatively well-provided for in terms of open space, with the quality of space being between good and very good. It further states that Policy C4 is a detailed policy, which endeavours to secure appropriate amounts of new open space, on the other hand, CSS policy CSP10 seeks contributions to a wide range of infrastructure.
- The OSS cost model produces a figure of £4,427 plus maintenance of £1,152. The figure is then discounted for this proposal by removing the £512 allocated in the OSS, Table 8, for play due to this being a one bedroomed flat for one adult. However the wording below the table indicates that the calculation is based on a figure of 2.5 people per dwelling. The figure includes a variety of areas such as allotments, parks and gardens and only £602 per dwelling for natural green space. The use of this Table indicates limited correlation between what is necessary as a result of this development and the Council's general requirements for open space provision. The OSS states at paragraph 5.24 that each individual case will need to be looked at carefully before seeking S106 tariff payments.
- The Council referred to two recent appeal decisions which relate to the contribution issue. The first (Barford Road) related to a larger development. However, the payment of a contribution was not in issue and the Inspector (in this case) could not be sure of the evidence before that Inspector. It is therefore of limited relevance to this appeal.
- The second appeal decision (Monument House) does have similarities with the appeal proposal in that the development was small scale being the conversion of a ground floor property into a 2 bedroom flat where the payment of a contribution was in issue. The Inspector in that case found the contribution to be a tariff style contribution and did not meet the statutory test set out in the CIL Regulations.
- The Council considers that the information supplied about where the contribution will be spent for this appeal proposal is specific enough to distinguish it from the Monument House appeal. However, in the Monument House appeal the sum was said to be for a named nearby playing field. The Inspector's concerns, in that case, related to why the money would be used in a certain way and also the lack of evidence to show that no other money would be used for the proposed work
- The Inspector in the Monument House appeal also identified the policy conflict that existed between Policy C4 which would not require a financial contribution for the appeal proposals and would be in line with the Ministerial Statement and the later Policy CSP5 which together with CSP10 and the OSS could be considered to require contributions for all developments.
- The Inspector in this case did not consider that the detail provided of work to be done overcomes the issues that have been identified and that were also evident in the Monument House appeal. The Inspector was not satisfied that the financial contribution is not a tariff style payment nor that it would meet the statutory requirements of the CIL Regulations in that the request is necessary. There is also limited evidence that the sum is fairly and reasonably related in scale and kind to a change of use of 42m² for one adult.
- Furthermore the PPG notes that authorities can still seek obligations below the threshold but only for site specific infrastructure, such exceptions do not apply here. Therefore the seeking of a contribution conflicts with Policy C4 of the LP, but can be considered to comply with the general approach set out in CSS Policies CSP5 and CSP10. It further conflicts with the significant material consideration of the national policy approach set out in the Ministerial Statement and the PPG. Overall the Inspector considered that any conflict with the development plan in this case is outweighed by more recent national policy.

Your Officer's comments

Members will recall that reference was made to this appeal decision at Planning Committee on 26th February 2019 within a report that considered the decision and what consequences should arise from it. At the meeting Committee resolved, amongst other things, to cease to apply the policy of seeking public open space contributions in such cases. It was indicated, within the report, that a further full report on the appeal decision would be provided separately. This is that report.

Confirmation of Tree Preservation Order

LAND AT LYNN AVENUE/WALTON WAY, TALKE .

Tree Preservation Order No.197 (2018)

Town & Country Planning Act 1990

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

The Order protects trees situated to adjacent to Rockhouse Lane and to the rear of Lynn Avenue and Walton Way, Talke. The Order was made to safeguard the longer term visual amenity that the trees provide after your officers were made aware that parts of the land were being fenced off as domestic gardens resulting in some tree loss, with the likelihood of further loss in the future.

The Order was made using delegated powers on 5th October 2018. Approval is sought for the Order to be confirmed as modified.

The 6 month period for this Order expires on 5th April 2019

RECOMMENDATION

That Tree Preservation Order No 197 (2018), Land at Lynn Avenue/Walton Way, Talke, be confirmed as modified 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 trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees 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 trees which is necessary to safely and appropriately manage them.

Representations

Three representations have been received, one in favour and two objecting to the TPO. Correspondence relating to these representations is included in Appendix A of this report.

The owners of the woodland part of the Order, whilst agreeing that some of the trees are becoming pleasing from a visual point of view, consider that the Order would be detrimental to their objectives and to the build-up of wildlife habitat that has been created. They contend that the predominant sycamore is an invasive species. Their aim is to protect the area from fly tipping and the indiscriminate felling, cutting and lopping of trees and shrubs, but this work has now been stopped as a result of the Order. They have on occasion refused permission to residents of adjacent properties for tree work despite the trees having grown

since the houses were built in the 1970's. The owners list issues relating to the history and ownership of the land which are not relevant to the making of the TPO. They consider that the Order will hamper them in managing the land and prohibit maintenance, resulting in loss of wildlife habitat. They consider that there are too many sycamore trees and that these are growing to the detriment of all other vegetation. Their concern is that if left uncoppiced these trees will destroy valuable wildlife habitat. Information was provided to support this.

On request your officers met with the owners of the woodland with a view to finding a way forward. The reasons for and procedures of tree preservation orders were given and a management plan and other options were discussed. Subsequent to this the owners submitted a further representation. They consider that there is not case for a TPO on the land and that the invasive sycamore are in a poor condition and that there are no specimen trees. They believe that better trees have been lost from other development sites in the area. The site has no vehicular access and the area can only be managed by manual means, and there is only a limited footpath accessing a small part of the land. They consider that the TPO frustrates their plans to tidy up the land and have ceased all work, considering that applying for tree works is not feasible from a time, pecuniary and working perspective. They dare not enter the land for fear of damaging protected trees and suggest that they should dispose of it.

The second objection comes from a couple that have lived in a property backing onto the site since 1972. They cannot expand their garden due to the public footpath running to the rear of their property, and have been informed of the presence of a mine shaft also. They raise issues relating to the development of the area of housing in the 1970's which are not relevant to the making of the TPO. No one has maintained the land for the last 40 years which has resulted in residents enclosing land into their gardens without permission and uncontrolled tree growth. The objectors live at the bottom of the slope and fear that the trees are tall, of poor quality and in need of management, and if they fall they would cause damage to property and possible injury to footpath users. They consider that Newcastle Borough Council should request that the owners should carry out tree maintenance. Their objections are:

1) The map sent to us and posted on Public Display can be dated to around 1980. It does not accurately reflect the boundaries of properties that have enclosed land into them. It is important to avoid future disputes that the map be updated to the current situation.

2) With respect to T1, T2 and T3 the map shows Rockhouse. Rockhouse was demolished years ago and replaced by a new dwelling. Its likely these trees belong to the former Rockhouse.

3) We have Google mapped the area and wonder why the T.P.O does not cover the trees bounded by the land owner No 2? Lynn Avenue and also 20 to 4 Lynn Avenue, 48 to 66 Walton Way. Are they a special case?

4) We are of the opinion that successive land owners of WI have failed to maintain the land and trees. That the trees are of poor quality and in need of serious maintenance to avoid damage to property or injury to footpath users. The T. P.O. does not remove this concern.

5) We have no faith in the Land Owner to undertake serious management of the trees to the rear of our property. In the absence of a responsible land owner we wish to retain our right to remove branches overhanging our property and footpath without having to seek permission from the Council.

6) We believe the T.P.O. is not needed and that Newcastle Borough Council have the conditions in place to control land grab and to impose conditions on residents who do not

follow the correct procedure for enclosure. If granting permission is given then a tree protection clause can be part of approval.

7) It is the responsibility of Newcastle Council to ensure that all owners in Walton Way and Lynn Avenue backing onto the open space are made aware of condition and the need to obtain Planning Permission before enclosure takes place. Consent from the landowner does give the right to enclose.

Your officers do not consider that the TPO should hinder maintenance of the trees or the objective of improving wildlife habitats. Appropriate management of the woodland so as to encourage more diverse tree species and to considerably reduce the number of sycamore trees would be supported, including coppicing. The TPO would strengthen the ability to prevent indiscriminate encroachment and cutting of trees by surrounding residents, however appropriate tree work for their benefit would not be prevented. The assessment and serving of the TPO has been carried out according to standard procedures, and your officers are prepared to work with the owners to enable them to manage the land to their requirements. A longer term plan can be agreed to eliminate the need for frequent applications for tree work.

If the trees cause a nuisance to any adjacent resident or if they feel threatened by the trees, they will be able to make an application for tree works, including trimming back overhanging branches. The TPO plan utilises the councils current GIS mapping and has been updated using information from the Land Registry. All known owners and occupiers of the land and adjacent properties have been notified. Some trees in the area that have low visual amenity have not been included in the TPO. The owners of the trees covered by the TPO remain responsible for them, their condition and any damage they may cause. The object of the TPO is to protect the trees and has no direct concern with ownership issues.

Issues

The trees are situated between Lynn Avenue and Walton Way. They are listed as two individual trees and one area of woodland. The two individual trees are large mature single stemmed deciduous trees located behind Rock House, and the woodland is early mature predominantly sycamore. The trees are clearly visible from Lynn Avenue, Walton Way, Walton Grove, Swallowmore View, Barrie Gardens and the public footpath that goes through the site. They are important skyline trees viewed from Linley Road and Coppice Road.

The trees are an important feature to the locality and provide a significant contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. In recent years a number of gardens backing on to the site have been extended into it with the resultant loss of trees. Concern that further trees would be likely to be removed was brought to your officers' attention by local residents.

Your officers inspected the trees on 3rd October 2018 and carried out a TPO assessment, and found three trees and an area of woodland worthy of an Order. They are considered to be in reasonable health (with the exception of T1 – see amendments below), 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 5th October 2018 in order to protect the long term well-being of the trees.

Amendments

Three individual trees were included in the Provisional Order. Since the Order was made, as a result of hidden decay in the crown of tree number T1, a large part of its crown fell in early October 2018, and the tree has now been omitted from the Order.

Tree number T3 is an oak tree but was listed as a sycamore in the Provisional Order. This has been corrected.

Date report prepared

5 March 2019

Mr Dave Adams
Executive Director - Operational Services
Newcastle under Lyme Borough Council
Castle House
Barracks Road
Newcastle under Lyme
ST5 1BL

15th October 2018

Dear Dave Adams

PS/TPO 197 [2018] Land at Lynn Avenue/Walton way

I write to you as the owner, occupier of 22 Lynn Avenue Talke, and as a director of Talke Wildlife Ltd, the land owners of the majority of land to which the above Order relates. We do not own the land to the West of the footpath, and neither do we own the land containing the footpath itself. Our land ends behind a bungalow on the North side of Lynn Avenue.

Firstly, I do appreciate, and agree that some of trees on the land are now starting to become pleasing from a visual point of view. Additionally, I am also generally in favour of their retention. However, the Order, as it currently stands, is cutting across some of the objectives of Talke Wildlife Ltd, and would be, in the longer term, detriment to the build-up of wildlife habitat that has been created. Many of the trees on the land are the non-native Sycamore, a well-known invasive tree species. THAT IS A FACT. For NCULBC to seek to preserve a non-native invasive tree species via a tree Preservation Order is beyond my comprehension. OPINION - Sycamore are in the same category of those two other well-known non-native species, Grey Squirrel and Japanese Knotweed. There cannot be any sound or logical case for their preservation. They are invasive pests that need to be controlled or eradicated.

When Talke Wildlife Ltd. purchased the land, it was with the specific aim of protecting the area from fly tipping and indiscriminate felling, cutting, and lopping of the trees and shrubs, with the intention and hope that the area could become somewhat more wildlife friendly. To this end, I think the Company has had a great deal of success. Removal/recycling of many

①

tipped items have been undertaken, at my own personal cost. That work has now ceased, as it is not possible to enter the land for fear of treading on Sycamore saplings and breaching your Tree Preservation Order. At no time has the Company sought any funding from NCULBC, or anyone else. It has been very much a labour of love, and expense.

On occasions, Talke Wildlife Ltd. has refused some resident permission to remove or cut down/lop trees. This has been generally, [but not always] Lynn Avenue residents. Clearly, not everyone on the Coppice Estate is in favour of the trees. Some believe the trees to be a visual obstruction of their panoramic views across Staffordshire and Cheshire. When these properties were built, in the 1970's by Kelly/Poco Homes, there were only about half a dozen or so Whitebeam trees planted on the site by the developer, presumably by agreement with NULBC, as part of the original planning strategy. Thus many of the homes on Lynn Avenue were purchased by owners in the belief that they would always enjoy a very visual panoramic view, and that NCULBC would take over the ownership of the open space land and maintain it in accordance with the original planning consents for the Coppice Estate. However, NCULBC did not take over the ownership of the open space land, nor maintain it in accordance with the original planning consents that they themselves had agreed to and passed. Then in 1980, E Wetherell, DMA, Solicitor, Secretary wrote to the Coppice residents as instructed by NCULBC in his letter of 31st March of that year [copy enclosed]. Rightly, or wrongly, some of residents took this as an admission of failure by NULBC. One of the most interesting points made by E Wetherell, in his letter, is "b) to ensure that the area was soiled and grassed to a reasonable standard" *No mention of trees what so ever.* That one letter immediately led to many residents encroaching onto the open space land, fencing it off and using the land for a domestic garden purpose.

Having 'washed their hands' of the open space land on the Coppice Estate in 1980, some thirty eight years later, NCULBC, without any prior consultation with Talke Wildlife Ltd., the land owner of the land the which most of the Order applies, slap a blanket Tree Preservation Order on land they originally only wanted 'soiled and grassed'. I ask myself "Where is the openness and transparency of Local Government that we are all entitled to in 2018? Have you acted outside your powers?" By not consulting with Talke Wildlife Ltd, my opinion is, the democratic process has not been duly adhered to, and I have to suspect that NCULBC are operating to an agenda behind closed doors to undermine Talke Wildlife Ltd, and it's objectives, as owners of the majority of land that is now subject to your Order. I will be looking further into that, as a separate issue.

②

If the blanket Order continues in force it would severely hamper Talke Wildlife Ltd. efforts to protect the land and the wildlife living and visiting thereon. All woodland needs to be managed, and the Company tried to sympathetically proceed on this basis, with a structured management plan. Your order now prohibits the Company from doing any of this, and maintaining the land. I think the Forestry Commission would agree that woodland cannot be left alone without any form of structured land management plan being in force. In the short term, the trees would be protected to some degree, provided you can enforce/police the Order. In the longer term you would end up with trees growing all over the land, leading to a dense canopy of epic proportions. Such canopy would then, through lack of natural daylight begin to destroy the undergrowth of shrubs, wildflowers and grass land. The result would be catastrophic for many wildlife creatures, through loss of habit, breeding grounds and food source. An ecological disaster will occur if you do not remove your Order. Again, I am sure the Forestry Commission would agree that just placing a blanket Tree Preservation Order on an area of land, would not be the best policy for wildlife, and their habitat, and certainly not be the best policy for the trees themselves. Even trees need a bit of space between them and their neighbour, otherwise there is not only the risk of spreading disease rapidly from tree to tree, but the trees themselves would suffer from lack of light, rainfall, soil nutrients and space to grow. You would/will end up with an area full of sickly, thin wispy and spindly poor quality trees, no shrubs, no grasses, and basically no great amount of wildlife. I am sure, this is not what your intention is, but that will be the result in the longer term if you proceed with your Order. Please feel free to discuss my genuine thoughts, fears and concerns with the Forestry Commission. In the event they disagree with my beliefs then I unreservedly apologise and bow to their superior knowledge.

Currently, there are far too many Sycamore trees on the land, most of which were coppiced and lopped before the purchase by Talke Wildlife Ltd. Again, I will yield if the experts disagree, but it has always been to my limited knowledge that the Sycamore tree is somewhat a 'thug' in the British countryside. Apparently, as evidenced by the three enclosed attachments, it spreads very quickly, has a very dense canopy, and soon takes over woodland to the detriment of all other trees, shrubs, wildflowers and grasses and the like. Birds invariably do not nest, or roost in Sycamore trees. Sycamore trees, as a non-native invasive species, are not in need of any preservation what so ever. However, there may be a couple trees of different species on the land, and the Company may not have any objection to individual Orders being placed upon them. Personally, I have never removed any Sycamore trees, but in order to contain them, and to stop them

③

spreading too rapidly, I have continued to coppice the pre-coppiced Sycamore trees inherited by Talke Wildlife Ltd. Any un-coppiced or un-lopped Sycamore trees have been left alone by me. In addition to keeping the coppiced Sycamores under control, the resultant more open space around them, has led to more shrub, wildflower and grassland growth to the benefit of small birds, and mammals/creatures that prefer that type of environment habitat. If your Order remains in force these coppiced Sycamore will soon destroy valuable wildlife habitat, and the wildlife living and breeding thereupon. I see there being no amenity visual or otherwise in preserving coppiced Sycamore trees what so ever. You, NCULBC should know that Sycamore is actually a non-native species; very invasive, rapid growing and prolific reproducer by way of its well know 'helicopter' seed dispersal system. Additionally, the leaf of Sycamore does nothing to bring any visually pleasing aspect to the glorious colours of autumn provided by other varieties of tree. I would also say the similar about the species of Willow on the land. It needs to be coppiced rather than left to grow into tangled messy trees of no amenity/benefit to anyone.

To sum it up, I would like to work in conjunction with the Council to formulate a plan to take this matter forward, and preserve/protect any trees [Sycamore excepted] on the land that warrant a preservation by voluntary agreement or a formal Order. There may be some potential specimens on the land that could probably benefit from such an individual agreement or Order, because they currently have other trees growing around and within their space, and their canopies, are in some cases, entwined. Might I suggest a meeting at your offices, or a site inspection, with someone from the Forestry Commission in attendance for expert advice and comment? Obviously, I would have no objection to any other interested party also being in attendance. In general, the wellbeing of the area is of importance to the both of us, and I seek an amicable way forward, but I do not really believe that the Order you have placed upon the land is anything other than a totally wrong approach, and a slight against the hard work undertaken by Talke Wildlife Ltd. in their attempts to improve the area from all points of view.

Yours respectfully

Owen Pearson
22 Lynn Avenue
TALKE
S.O.T.
ST7 1PA

(4)

Documents enclosed in conjunction with letter dated 15th October from Owen Pearson in respect of PS/TPO 197[2018] Land at Lynn Avenue/Walton Way.

1. Letter from NCULBC to Coppice residents dated 31st March 1980 - 1 page
2. Urban 75 - The Sycamore, the Real Thug of the Tree World - internet discussion - 7 pages
3. Keele University - Sycamore Acre pseudoplatanus - 2 pages
4. Status in Great Britain - Sycamore index page - 5 pages
5. Daniel Greenwood. Woodland Diary - Sycamore coppicing - 1 page

⑤



BOROUGH OF NEWCASTLE-UNDER-LYME

E. WETHERELL, D.M.A., Solicitor
SECRETARY
Civic Offices, Merrial Street, Newcastle. Staffs., ST5 2AG

Telephone Newcastle (Staffs.) 610161
(STD Code 0782) Ext. 211

My Ref Sec/EL-P61

Your Ref

When calling or telephoning please ask for

Date 31st March 1980

Dear Sir/Madam,

OPEN SPACE ON THE COPPICE ESTATE

From time to time over recent years, the Borough Council has received complaints about the condition of the open space on your estate. As you will know, the original developer went into liquidation. However, correspondence has taken place with the later developer in an effort:-

- a) to obtain a firm assurance about the stability of the open space land because of its steep embankments; and
- b) to ensure that the area was soiled and grassed to a reasonable standard.

To date, the Council has not been satisfied on these issues and is not prepared to take over an area which will be difficult and expensive to maintain or could possibly create problems because of instability. Unfortunately, there are no sanctions which the Council can impose on the developers.

For many years the Council and its predecessors have required housing estate developers to lay out the open space as part of the development. Obviously builders must take the cost into account and it is presumed that this is reflected in the price of houses sold on the estate. Thus, you have almost certainly paid something for the laying out of the open space.

There may have been representations made to you at the time of buying your house that the builder would lay out the open space in a satisfactory manner or there may even be special mention in your deeds. In other similar cases, residents have had some success in persuading the builder to carry out work on open space areas being prepared to do some of the work themselves. In the circumstances, the Council has asked me to write to residents on the estate with the suggestion that residents, particularly those who purchased their house from Poco Homes Ltd., should get together to consider taking combined action against the developer to try and have the open space brought up to a condition which would enable the Council to take it over.

Yours faithfully,

Secretary

(6)

The Sycamore, the Real Thug of the Tree World

Discussion in 'suburban75' started by Shango12, Feb 16, 2008.

Page 2 of 2 < Prev 1 2



Mrs Magpie
On a bit of break...

Knopper galls are my favourites with a robin's pincushion a (very) close second.

Mrs Magpie, Feb 18, 2008

#31



durruti02
love and rage!

Shango12 said: ↑

Another tree-based thread:

The Sycamore the real pest of the tree World

The tree that blights our gardens, our urban green areas, railway verges, derelict spots and rural areas, The only tree that should be classified as a **pest!** "Leaves on the line"?, inevitable they will be sycamore leaves, great big flat leaves that all drop at once, (get rid of the sycamores - get rid of "leaves on the Line") beloved by aphids, as any who parked a car under one would know, even the wood is useless for

[Click to expand...](#)

i used to think this but no do not .. sycamore yes supports few specific insects but does support an enormous amount through the very large amount sugar it produces .. hence all the aphids which are very important for many birds

also sycamore while invasive of no mans land it does not form woods in this country .. it sucumbs to sooty tar disease .. so really is little threat to native woodland

the wood is also great for carving - spoons were always syvamore and makes a very good fast growing fuel

This site uses cookies to help personalize your experience. By continuing to use this site, you are consenting to our use of cookies.

if you dislike it so much, get a sheep! sycamores are the beauties of the dales but are kept from spreading by sheep

Accept Learn More...





pH

durruti02 said: ↑

i used to think this but no do not .. sycamore yes supports few specific insects but does support an enormous amount through the very large amount sugar it produces .. hence all the aphids which are very important for many birds

also sycamore while invasive of no mans land it does not form woods in this country .. it sucumbs to sooty tar disease .. so really is little threat to native woodland

the wood is also great for carving - spoons were always syvamore and makes a very
Click to expand...

I agree with most of this, apart from the bit about sycamore being a threat to native woodlands. The relatively dense shade sycamore casts, its rapid spread by seed and rapid growth help it out-compete other species' natural regeneration in existing native woodlands. Speaking from experience here, I spent a few years trying to eradicate it from a SSSI secondary ASNW, with the full blessing of English Nature (as it was then). Frill girdling and Amcide did the job pretty well, but it took quite some time, and even then the seed bank in the soil kept throwing up new saplings every year.

I've come across quite a few that have died from sooty bark, but these were in a minority compared to the ones that didn't. The disease is endophytic, i.e., once infection is established it can be in the tree for a few years before symptoms show, usually as a result of the cumulative effect of various other stress factors - had a to deal with a few that succumbed after a series of hot dry summers, but these were all open grown in grassed areas. The ones in the woodland seemed to carry on quite happily (assuming they had the disease), I'm guessing because the tree cover in the woodland reduced evaporation.

pH, Feb 19, 2008

#33



durruti02
love and rage!

pH said: ↑

I agree with most of this, apart from the bit about sycamore being a threat to native woodlands. The relatively dense shade sycamore casts, its rapid spread by seed and rapid growth help it out-compete other species' natural regeneration in existing native woodlands. Speaking from experience here, I spent a few years trying to eradicate it from a SSSI secondary ASNW, with the full blessing of English Nature (as it was then). Frill girdling and Amcide did the job pretty well, but it took quite some time, and even then the seed bank in the soil kept throwing up new saplings every year.

This site uses cookies to help personalise content, tailor your experience and to keep you logged in if you register. By continuing to use this site, you are consenting to our use of cookies.
i know what you are saying .. but i spent many years trying to eradicate sycamores in a particular wood and as you say if you try to get rid of them it is a nightmare .. i returned there about 10 years later and noticed they were all gone .. victim of sooty bark .. and as i say i have never seen a mature woodland where they have

8

taken over OR have become a mature wood themselves .. ironically it is the grey squirrels who spread the fungus ...

i think the link with drought is important so what you note re evaporation may be relevant .. this wood is in london and i suspect gets very dry though it has a underground river

p.s. the [REDACTED] have banned amcide! the one herbicide that breaks down properly .. i suspect monsanto giving bungs all round so all there is left is roundup!



durruti02, Feb 22, 2008

#34

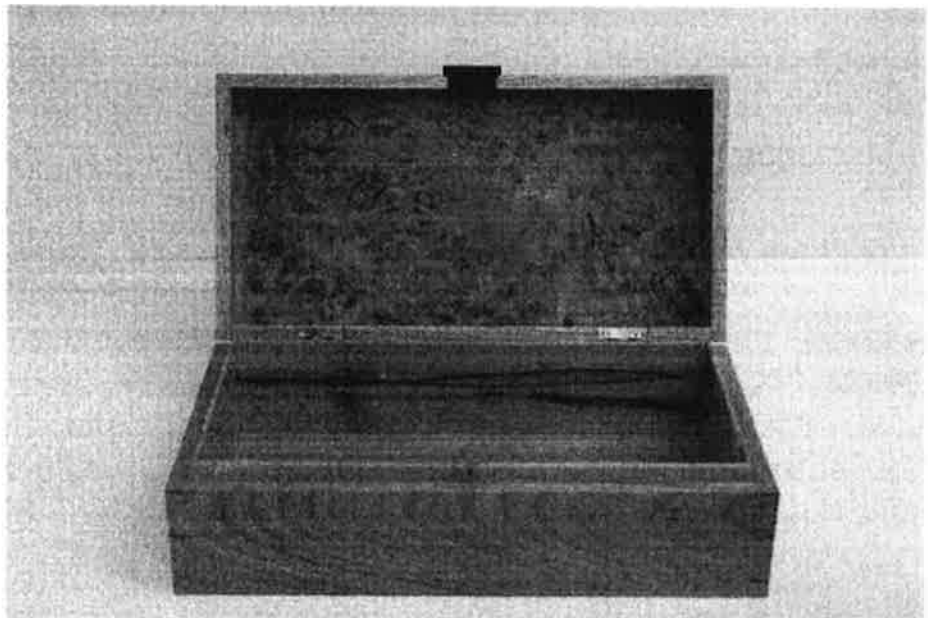


Cid
慢慢走

ViolentPanda said: ↑

Quarter-sawn sycamore is a lovely wood for cabinetry. Methinks the OP is an embittered commuter. 😊

Yep, very crisp looking timber, often has some nice figuring too... Selling for something like £30 for a cubic foot at the moment. Box I made last year, the dry lining is sycamore (dark stuff on the back panel is spalting). Colours don't come across that well in that image, shellac has made it slightly yellow but if you just wax it or use a very pale shellac it will stay pretty white.



e2a: Top is burr oak, carcass cherry, base cedar of Lebanon, handle macassar ebony, linings sycamore.

Cid, Feb 23, 2008

#35

This site uses cookies to help personalise content, tailor your experience and to keep you logged in if you register.

By continuing to use this site, you are consenting to our use of cookies.

That box is beautiful Cid 😊

Accept Learn More...

9



cesare
don't mourn,
organise!

cesare, Feb 23, 2008

#36



Cid
慢慢走

Thanks, I'd hope so, took bloody ages to make... 😊

Cid, Feb 23, 2008

#37



pH

durruti02 said: ↑

p.s. the [redacted] have banned amcide! the one herbicide that breaks down properly .. i suspect monsanto giving bungs all round so all there is left is roundup!



It's not been banned as such, just withdrawn because no manufacturer submitted a full dossier of data for the EC review. Often happens with products with a limited market, the cost of providing the data is greater than the potential income.

<http://www.pesticides.gov.uk/garden.asp?id=1997>

pH, Feb 24, 2008

#38



Shango12
Banned

Banned

The point about sycamore and carpentry is that the wood can only be used for small things like wooden spoons, the heads of violins things like that, it truly can only used for small objects.

The other thing about sycamores is, as i remember from my park-tending days, once established, as other posters have pointed out it so bloody hard to get rid of!!!! 😡😡😡😡😡

Shango12, Feb 25, 2008

#39



durruti02
love and rage!

pH said: ↑

It's not been banned as such, just withdrawn because no manufacturer submitted a full dossier of data for the EC review. Often happens with products with a limited market, the cost of providing the data is greater than the potential income.

<http://www.pesticides.gov.uk/garden.asp?id=1997>

This site uses cookies to help personalise content, tailor your experience and to keep you logged in if you register. By continuing to use this site, you are consenting to our use of cookies.
what no conspiracy? ok fair play not banned but withdrawn .. but sure a limited market but no arb outfit was without some surely? i can't help thinking it is a loss and monsantos again! [Learn More...](#)

10



Shango12
Banned

Banned

The reason I put this in the politics section was because hating sycamores and wanting to wake people up and hate them as well and wanting them all cut down was a political aspiration, I think, it wasn't a gardening-tip or seeking advice, so that's why I put into the politics section.

Shango12, Apr 11, 2008

#41



Shango12
Banned

Banned

Now is the perfect time to start **ring-barking** your Sycamores!! just make a line with a knife all the way around the trunk, do it again 6-8 inches down or up the bark and peel off the bark in between the sectioned part! Easy. 🙏🙏🙏🙏

Shango12, May 13, 2008

#42



ATOMIC SUPLEX
Member Since: 1985
Post Count: 3

They are a huge problem in my garden. Those little shoots are everywhere, in every paving crack, in the guttering on my shed, all over the lawn.

I spend ages pulling them all up, I think i've got most of them but there always seems to be another sprouting.



ATOMIC SUPLEX, May 13, 2008

#43



Shango12
Banned

Banned

Find the **Mother Plant** and **ring-bark** it. Incidentally, the mor bark you take off, the quicker it dies!! 🙏🙏🙏🙏

Shango12, May 15, 2008

#44



durruti02
love and rage!

Shango12 said: ↑

*Now is the perfect time to start **ring-barking** your Sycamores!! just make a line with a knife all the way around the trunk, do it again 6-8 inches down or up the bark and peel off the bark in between the sectioned part! Easy. 🙏🙏*

nope not that easy! you need to cut a bit into the 'wood' as simply taking off the bark leaves the trees 'pipes' intact. Think of cork bark being peeled off at cork oak tree. To be technical (🙏D), xylem which transports water / nutrients etc 'up' the tree and the phloem which tranports sugars etc 'down' and the cambium that make them are inside the bark. Best way is to get a billhook / axe and chop out an inch

This site uses cookies to help personalise content, tailor your experience and to keep you logged in if you register. By clicking your account's site, you agree to our updated privacy policy. You can manage your preferences at any time. [Learn More...](#)

Accept Learn More...

(1)

www.treeboss.net/images/bark_cross_section.jpg

www.geo.arizona.edu/.../geos581/tilawood.gif

durruti02, May 19, 2008

#45



durruti02
love and rage!

ATOMIC SUPLEX said: ↑

They are a huge problem in my garden. Those little shoots are everywhere, in every paving crack, in the guttering on my shed, all over the lawn.

I spend ages pulling them all up, I think i've got most of them but there always seems to be another sprouting.

has been a mad year for them .. think climate change favours them .. they're said to be swiss!! but [redacted] seems a bit hard on one or the other! 🙄

durruti02, May 19, 2008

#46



Shango12
Banned

Banned

durruti02 said: ↑

nope not that easy! you need to cut a bit into the 'wood' as simply taking off the bark leaves the trees 'pipes' intact. Think of cork bark being peeled off at cork oak tree. To be technical 😊, xylem which transports water / nutrients etc 'up' the tree and the phloem which transports sugars etc 'down' and the cambium that make them are inside the bark. Best way is to get a billhook / axe and chop out an inch all the way around .. be aware at some point in the future they will fall over!! 🙄 as i said just get a some sheep!

www.treeboss.net/images/bark_cross_section.jpg

To be honest, Durruti02, i,v had quite a good success with just stripping the bark and underneath layer that usually comes off with it. They take about 2 years to completely die, then you can cut them down without fear of them growing back.

Shango12, May 20, 2008

#47



gentlegreen
sproutarian

can you get any juice out of a sycamore ?

gentlegreen, May 20, 2008

#48



durruti02
love and rage!

Shango12 said: ↑

~~To be honest, Durruti02, you had quite a good success with just stripping the bark and underneath layer that usually comes off with it. They take about 2 years to completely die, then you can cut them down without fear of them growing back.~~

12

fair play .. just that you so keen on wiping them out i wouldn't want any to come back! 😊

p.s. why do you not just treat them as a coppice plant? the wood is good for lots and they grow fast!!

durruti02, May 20, 2008

#49



jimadore
Banned

Banned

Have a 70ft sycamore tree out my back, great in the summer keep me cool ,the birds like it so do the bats dont want to kill it no black spot or red things on it over 20 years old, how much a foot sid? very nice work on the box the inside looks like birdseye maple.

jimadore, Mar 8, 2009

#50



ill-informed
passive aggressive
master

gentlegreen said: ↑

can you get any juice out of a sycamore ?

if you cut them down in the growing season its amazing how much sugary sap is produced.

when i've looked for insects i've found sycamores are a great source, a single leaf might have a dozen different species. And once i came across a bright pink caterpillar.

In native woodlands though they do need controlling as they take over a bit.

ill-informed, Mar 8, 2009

#51

Page 2 of 2 < Prev 1 2

(You must log in or sign up to reply here.)

Share This Page



Forums General discussion **suburban75**

Urban Basic

Hosted by Exonetric Donate to Urban75 Contact Us FAQ Home Top

Forum software by XenForo™ © 2010-2018 XenForo Ltd.

Terms and Rules Privacy Policy

This site uses cookies to help personalise content, tailor your experience and to keep you logged in if you register. By continuing to use this site, you are consenting to our use of cookies.

Accept Learn More...

13

Sycamore *Acer pseudoplatanus*

Origin: a native of central and southern Europe, it was probably introduced to the UK by the Romans. It is now well and truly established; seeding freely - perhaps too freely for many conservationists - for it can edge out native species from natural habitats.



If allowed to grow freely it can become greatly domed with massive lower branches and in isolation can grow into a magnificent tree. Some people liken the shape to a head of broccoli! **The bark** is greyish to begin with but soon breaks up into squares which later curl up at the edges.

The leaves are five-lobed and dark green. The black spotting, which is often found on leaves later in the year, is characteristic of Sycamore. It is caused by the fungus *Rhytisma acerinum* or "tar spot" which seems only to attack only Sycamores. Autumn colour is poor, the leaves turning brown and dead-looking.



Fruit: it has a typical maple-type winged fruit but the angle between the two



14



wings is about 90 degrees - unlike Norway Maple where the wings are almost in line.

Uses : having a very fine grain and the fact that it doesn't stain or taint food, it was popular for making kitchen surfaces and utensils, for textile rollers and it is popular with violin makers too.

At Keele : Widely spread around campus. A particularly nice tree can be found between Lennard-Jones labs and Visual Arts square J7, compartment 55a.

[List of Species](#) | [Maps of Campus](#)

15

Status in Great Britain

[Sycamore index page](#)

[Invasive](#)

[Woody
Plants](#)

[Tree](#)

[Autecology](#)

[and](#)

[Biology](#)

[Temperate](#)

[Forest](#)

[Ecology](#)

[Tropical](#)

[Forest](#)

[Ecology](#)

[Forestry](#)

[Sand Dune](#)

[Ecology](#)

[East](#)

[Usambaras](#)

[Pitcairn](#)

[Islands](#)

In Great Britain, but particularly in England, the widespread interest in natural history has resulted in a very extensive literature dealing directly or indirectly with sycamore. In this section, only a summary of the available information will be given and includes sycamore's introduction, present distribution and abundance and its invasive potential while people's perception of the species is dealt with elsewhere.

Introduction and planting

Jones (1944) found that the first definite record of sycamore in England is that of Lyte in 1578, but suggests that it is probable that it was introduced to Scotland at a slightly earlier date. Some workers have argued that the Romans could have introduced it, but no conclusive evidence can be found (Bleay 1987). Sycamore remained rare around houses and in hedges though by the 17th and 18th centuries nursery records show stocking and sale of young sycamores (Bleay 1987). However, it was not extensively planted until the late 18th century (Jones 1944). At that time sycamore was especially popular in amenity planting of some ancient parks and was planted with many other exotics for a classical effect (Mabey 1980) and it is said that this practice encouraged its spread (Pennington 1969). In Scotland the first Gaelic name for sycamore - the Plinntriinn - was first referred to in 1772 suggesting that the tree was not common enough prior to that date to warrant a name (Fergusson 1878).

Evidence from pollen diagrams support the view that sycamore is introduced and has only become common in recent times. For instance Peglar et al. (1989) found that sycamore pollen first appeared in lake sediments in the zone dated about 0 to 150 B.P. and was a result of tree planting around the lake and in the nearby town over the previous two centuries. Continental pollen diagrams from natural forests (beech dominated with a some sycamore) contain a steady quantity of sycamore pollen (<1%) throughout the investigated profiles (e.g. Kral & Mayer 1968) indicating that the lack of sycamore pollen in the pollen diagrams from the British Isles is due to the absence of sycamore rather than to the decay of its pollen.

Present distribution and abundance

Sycamore is widely distributed and occurs in 2267 10km squares of the Atlas of the British Flora, and of all tree and shrub species only ash (2344 squares) and *Crataegus monogyna* are more widely distributed (Perring & Walters 1962). Apart from *Sorbus aucuparia*, sycamore ascends higher than any other broadleaved species and has been recorded up to an altitude of 480m in Shropshire (Jones 1944). On exposed and often tree-less islands of both the far north (Orkney and Shetlands) and the south-west (Scilly Isles) sycamore is the commonest tree (Low 1987, Davey 1909).

In the Lothian Region of Scotland sycamore constitutes 18.4% of the total number of trees in residential areas, 15.3% in lowland rural and 5.5% in upland rural areas. It is the commonest species except in upland areas where soils are poorly drained (Good et al. 1978). In terms of habitats Good et al. (1978) found a large variation in the occurrence of sycamore, it represented only 1% of all the trees found in hedgerows, 2% pastures, 0% in marsh and fens, 1% of industrial spoils, 2% in coniferous woodland, 21% in mixed woodland, 20% in broadleaved woodland, 13% arable fields, 19% in park (commonest tree), 10% in shelterbelts, 8% in scrubs and 7% in gardens. Large geographical variations do occur; for instance in the Galloway region, some parts of Lancashire and near Aviemore sycamore is the commonest hedgerow timber species (Moore et al. 1967).

In North Wales sycamore was the 3rd most common roadside tree (14% of the total) (Good & Steele 1981) while in Derbyshire it occurred in small numbers: 2% in brookside and field hedges

(16)

and 8% in garden hedges (Willmot 1980). Work by Allison & Peterken (1985) suggests that in Avon and Norfolk sycamore is six times more common in built up areas and along highways than in woodlands. Sycamore has often been reported as an important part of the flora of walls (e.g. Payne 1978, Risbeth 1948, Woodell & Rossiter 1959).

Sycamore is a common feature of human habitations. In Wales sycamore was commonly planted about farmhouses (Woods 1990), while in the city of Manchester sycamore and other maples represented 11% of the total number of trees surveyed (Wong et al. 1988).

In broadleaved high forest of Great Britain sycamore represents 8.8% of the total (Evans 1987) and a similar figure is given for Cumbria where it is the third commonest broadleaved species after oak and birch (Bunce 1989). According to Rackham (1976) the expansion of sycamore has occurred chiefly into highland woods.

Rodwell et al. (1991) have recently classified the woodlands of Great Britain and found that sycamore was present in 14 of their 25 recognized woodland types. They assert that sycamore is increasing in importance towards the west and the north with a marked association with *Ulmus glabra* and areas with rainfall in excess of either 762mm/yr or 1000mm/yr (Rodwell et al. 1991, pp. 138 and 255 respectively). They suggest that sycamore is not so much an indicator of human interference but rather of areas of higher rainfall. It is worth noting that sycamore is not recorded in the *Quercus petraea* and *Betula* spp. community type (W11) characteristic of western Great Britain, where rainfall is high and soils are free-draining.

In a Cumbrian valley Kirby (1986), in a survey, recognized four types of semi-natural woodlands. *Quercus petraea* woodland (old coppice) was the commonest type, while stands dominated by *Betula pubescens*, ash and *Corylus avellana* or *Alnus glutinosa* were also found. However, sycamore was only present where ash is dominant, mostly on scree slopes.

In eastern England sycamore invasion of ancient woods is recent, covers only 0.5% of the woodland area and is more common in ash and elm woods (Rackham 1980). In his investigation of west Suffolk woodlands Bleay (1987) found that sycamore was very common in secondary woodlands and forestry plantations and occurred in half of primary woodlands and deciduous plantations. In woodlands the frequency of sycamore was very variable but at the majority of the sites no tree regeneration was observed. Bleay (1987) found that in some ancient woodlands sycamore regenerated prolifically and sycamore invasion was more commonly found close to the largest anthropogenic centres. He also suggests that sycamore may be more invasive following the decline in woodland management.

Table 1. Percentage occurrence of sycamore in four woodland types in west Suffolk (data adapted from Bleay 1987).

	Sycamore	
	Present	Absent
Ancient woodland	50	50
Secondary woodland	85	15
Conifer plantation	66	33
Deciduous plantation	54	46

Planting and change in abundance

Recent changes in amenity tree planting in rural landscapes of England and Wales have been documented by Wright (1983) which show that County Councils appear to have dramatically increased their rate of planting of sycamore from 3.2% to 12% of the total number of trees planted within a few years prior to 1981 (Table 2). In contrast, other agencies stopped planting sycamore altogether. 72% of 25 authorities planted sycamore regularly, and planting was common in most of England except in the East and in Wales. Sycamore has also been widely used for land reclamation, particularly spoil heaps (e.g. Jobling 1987).

(17)

Table 2. Recent changes in tree planting by County Councils and other agencies in England and Wales (data from Wright 1983).

	County Council		Other Agencies	
	1974-79	1979-81	1974-79	1979-81
Native	342300	289000	509800	310800
Exotics	97500	314700	66900	148400
Unspecified	-	106700	-	-
Sycamore				
No	14200	85100	500	0
%	3.2	12.0	0.001	0
Rank	13	2	11	-

In Great Britain in terms of volume there has been an increase in sycamore from 2.11 to 2.47 million m³ from 1951 to 1980 according to Forestry Commission surveys and it is the fourth commonest species by volume. All main species except oak and of course elm showed increases (Allison & Peterken 1985).

Forestry

Sycamore has had some importance in British forestry, although it has never received the attention given to it by continental foresters. This of course may not be totally surprising given the present neglect of broadleaved forests in England when compared to those of Central Europe. The silviculture, growth, yield and economics of sycamore in Wessex has been documented by Stern (1989).

Pure sycamore coppice (about 2500ha or about 7% of the total coppiced area) occur on a wide range of soils in the south of England, whereas coppice with standards is rare. The rotations are typically of 10 to 20 years and the wood is used in turnery (Evans 1984).

Due to its "prolific seeding" sycamore, as well as ash, is potentially good for selection and shelterwood management systems of high forest (Pryor & Savill 1986). The shelterwood management of sycamore was first applied in England by Garfitt (1953, 1963) to hazel coppice, which was thinned out in groups to release ash and sycamore saplings which regenerated underneath it. However, in areas where the hazel coppice was subsequently not completely removed it has remained dominant (Pryor & Savill 1986).

Although little use of the shelterwood system appears to have been made Pryor & Savill (1986) suggest that with ash, sycamore is the most promising species for shelterwoods because no gap planting is necessary because of vigour of regeneration and it requires less weeding than oak.

In areas where the selection system is practised sycamore and ash are the most abundant seedlings and are used as nurse trees for the final crop species, usually beech, oak and cherry (Pryor & Savill 1986).

The timber price of rippled (wavy-grain) sycamore in Ireland is high and this wood has obviously a good market prospect (Gallagher 1987). Although sycamore has been under-used in modern forestry (Stern 1982), large plantations of rippled sycamore is potentially feasible, but the conditions determining the expression of the character have yet to be ascertained (e.g. Stevenson 1985).

At present sycamore is investigated for its use in agreforestry systems (mixture of agricultural, energy and forestry crops) in Scottish hill farms (Newman et al. 1989). This system is designed to provide shelter for sheep and cattle, and sycamore is interplanted with *Alnus incana* which is coppiced.

Invasive potential

(14)

The first accounts of sycamore's potential for natural regeneration were published in 1847. Watson (1847) noted that "It propagates itself by seed, along the course of streams in several of the western counties, as those of Lancashire, Cumberland and Invernessshire; and Winch asserts it to be 'certainly indigenous on the high moors' of Tyne province. As it rises freely from seeds falling in our shrubberies, and will flourish from the north to the south coast of Britain, there can be little doubt that it would establish itself perfectly, if allowed to do so" while Johns (1847) observed "the extreme fecundity of this tree" and added that "many young plants may be discovered in the spring at a considerable distance from the parent tree." Both authors noted that if the tree was indigenous it would have "filled the whole country, instead of being a simple occupant of plantations and hedges." According to Rackham (1976, 1980) sycamore apparently did not invade woodlands before the 19th century.

By the turn of the century Simpson (1903, 1905) provided further descriptions of its invasive power when he wrote "I have known large self-sown areas that came up so thickly as to overcome everything and yield a nice crop of poles in a short time" adding that "the overhead canopy is maintained ... so densely as to kill all undergrowth including elder, which will endure a great deal of bad usage." He also noted that sycamore propagated itself more freely than any of our forest trees except birch and that it could quickly invade the undergrowth of conifer plantations.

Bean (1914) was the first author to fear that sycamore might replace native vegetation; he stated "judging by the way the seedlings spring up in the wilder parts of Kew Gardens, it would seem that, in the course of time, the place if left undisturbed, would become a forest of young sycamores."

Although Tansley noted that sycamore "is springing up freely from seed" in a semi-natural beech wood in Gloucestershire (Tansley & Adamson 1913), he does not dwell on the matter in his books on British vegetation (Tansley 1911, 1939). In his *British Islands and their Vegetation*, Tansley (1939) states that "locally it springs abundantly from self-sown seed, and owing to its free growth and deep shade it may become locally dominant in various kinds of woodland. In some of the South Down beechwoods on deep loams sycamore may even become co-dominant with beech." This statement is based on the work by Watt (Watt 1924, 1925, 1934) and details will be given in Section 5.5.3. Although it could be suggested that, apart from the South Down beechwoods, few sites of semi-natural vegetation were invaded at the time to warrant only a small discussion on sycamore, it is more likely that Tansley did not show much interest in plant invasions. Tansley once remarked to Elton "that it fills a natural position in the woodland structure occupied by various species of maples in North America, though ordinarily only to a rather limited extent by our native common maple, *Acer campestre*." (Elton 1966, p 54).

During this latter part of the 20th century all authors agree that sycamore is regenerating and spreading, but it is said that it regenerates profusely from seed only on suitable sites but can be difficult to establish on grassy sites (Low 1986). In the absence of heavy grazing it regenerates very readily in most parts of Britain (Pennington 1969). In Guernsey it is a frequent tree, self-sowing itself readily (McClintock 1975), and in Radnorshire (Wales) the tree is "now so well naturalized in hedgerows and woodlands it behaves like a native species" (Woods 1990). The size distribution classes of sycamore in Scotland suggest that it is regenerating well (Good et al. 1978). Sycamore becomes readily established in southern English chalk quarries where it is described as a pioneer species (Davis 1983), and on Welsh slate waste tips (Sheldon 1975). At Monks Wood (Huntingdon), in recently planted hedgerows (mainly *Crataegus monogyna*) along a road, sycamore with ash is the most frequent colonizing tree, but was absent from the old hedges and the field hedges (Pollard 1973) indicating that the sycamore invasion is recent. Tobin et al. (1987) believe that the frequency of sycamore in Telford woods is indicative of past woodland disturbance and that it is a highly competitive, if not aggressive, species.

Elton never appeared to promote or favour the control of sycamore. Rather he thought that if "left to itself the sycamore would probably settle down eventually to a normal ecological balance in our deciduous woods" (Elton 1966, p 54) and added that "although Britain is slightly north-west of its natural limits in Europe, the sycamore can reasonably be regarded as filling a more normal niche

19

in our woods than some other invaders" (Elton 1966, p 193). Gilbert (1989) has suggested that in fertile valley woodland sycamore, with ash, "are likely to occupy the niche recently left vacant by elm".

In recent years, because of its high regeneration potential sycamore has been seen as presenting one of the major problems in conservation management plans for the Telford woods (Tobin et al. 1987) and its profuse regeneration has often been controlled in urban woodlands (Nicholson & Hare 1986) and National Nature Reserves (Gibbons 1990a,b, 1991).

Copyright © 1999 Pierre Binggeli. All rights reserved.

20

Daniel Greenwood

The language of leaves

Woodland Diary: Sycamore coppicing

By D. Greenwood on January 15, 2012



This was the first workday for the Friends of One Tree Hill (FOTH). We coppiced 10 sycamore (*Acer pseudoplatanus*) trees and cut back the bramble (*Rubus fruticosus*) which is so dominant on the site. In the case of sycamore we were felling trees of some thirty-feet or more in height that were competing with the sessile oak trees (*Quercus petraea*). These oaks are regenerating on the slope of the south-facing hill and are slow growers compared to the highly successful sycamore. We felled the trees also to allow light in and let the herb layer regenerate. This is a technique which helps insects and butterflies in particular. PlantLife reports that by 2002 97% of British broadleaf woodland had become high forest. In 1951 that figure was at 51%. This means that most of our woodland is dark and overgrown generally because humans have stopped relying on woodland as a resource for firewood, furniture, grazing of livestock and so on. One of the great misconceptions about woodland is that felling a tree is somehow a bad thing when, on the contrary, wildlife flourishes when trees are cut down in moderation and sunlight can get in to bring life to the woodland floor.

One ancient tradition which has gone out of fashion is the art of coppicing. This is a process of cutting a tree down to its base, generally of hazel (*Corylus avellana*) or ash (*Fraxinus excelsior*), which means that the tree shoots new, straight growths. These poles were used for a variety of things, often as fencing. Sycamore is not a typical coppice tree, but the stumps we cut down to in One Tree Hill will shoot similar growths in the spring and summer. In the meantime the wood we have cut will be used either to make log piles for beetles and other bugs to inhabit, otherwise the material will be used to make handrails or deadhedges in the wood. The point of managing a wood in this way is to show that using the material, i.e. trees, is not a negative thing and can boost wildlife in the short term. The Pearl-bordered fritillary (*Boletia euphrosyne*) is one butterfly which saw a decline in numbers after the tradition of coppicing declined in the 20th century after we began to rely on gas to heat our homes and use wood imported from overseas. You can see that a tree has been coppiced if you spot thin shoots and the hairy green leaves of a hazel. This technique is renowned for its benefits for wildflowers such as wild primrose (*Primula vulgaris*) and bluebells (*Hyacinthoides non-scripta*) which can burst into life when the coppice is cut. These are plants indicative of ancient woodland and seeing as One Tree Hill is located in the area which was once part of London's Great North Wood, we are hoping that some plants, in certain areas, could reappear one day, not to mention the wildlife which feeds from them. Sydenham Hill & Dulwich Woods and Dulwich Upper Wood are two fragments of the Great North Wood which have ancient woodland flora growing there, and have done for thousands of years. Perhaps one day One Tree Hill can be in a similar vein of health.

Advertisements



Chiropractors: This Simple Solution Relieves Decades of Back Pain



Chiropractors: This Simple Solution Relieves Decades of Back Pain

Share this:

Twitter Facebook



2 bloggers like this

2

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.

To find out more, including how to control cookies, see here: [Cookie Policy](#)

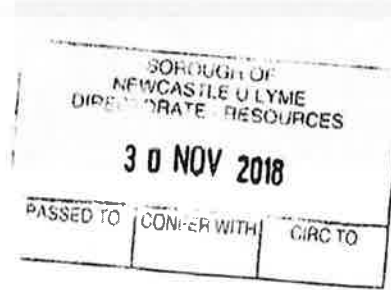
Oaks of London: The Honor Oaks

August dreams of fungi in Epping Forest

Close and accept

Mr Roger J Tait
Head of Operations - Operational Services
Newcastle under Lyme Borough Council
Castle House
Barracks Road
Newcastle under Lyme
ST5 1BL

30th November 2018



Dear Mr Roger Tait

PS/TPO 197 [2018] Land at Lynn Avenue/Walton Way

I refer to your letter of 23rd October 2018.

Peter Stepien has now visited the site.

I would hope that his report confirms that the majority of the land is infested with non-native invasive Sycamore. Additionally, I would hope that his report also states that the majority of such infestation are in poor condition, and over the years, prior to our ownership, have been subject to hacking, topping, lopping, pruning, pollarding and coppicing - to various degrees, and in many cases not too expertly either. Basically, there does not appear to be, on the land, any specimen trees of any description, or species that warrant any form of TPO. There cannot be any real case or justified reason for a TPO on this land what so ever. Those responsible for this order, we feel, should take a long hard look as their motives, and reasons. The directors of Talke Wildlife Ltd believe that NCULBC may have exceeded its powers. Not too far from the site there are currently housing [Bishops Copse] and industrial [next Arnold Clarke vehicle storage] developments taking place, where many better and finer trees have been ripped out to make way for development. Additional, at Mitchell Gardens a fine cricket ground, and trees thereupon were allowed to be lost to the current trend of build as many boxes as you can at Butt Lane and Talke. The term 'Double Standards' certainly comes to mind.

The Walton Way/Lynne Avenue site has no vehicular access, and can only be managed by manual means. Currently, Peter Stepien can confirm, there

is only a very limited footpath on a small part of the land. That begs the question as to how NCULBC, prior to the serving of the TPO, have actually carried out any reasonable or accurate/meaningful on-site visit to the land now subject to a blanket TPO. Talke Wildlife Ltd did have plans to extend the current footpaths throughout the area, in order to tidy up the land, and trees thereupon. The current TPO imposed on the land by NCULBC has 'frustrated', all such work, undertakings and plans of Talke Wildlife Ltd. Talke Wildlife Ltd, with this, as we see it, undemocratic [and probably illegal] draconian TPO, has effectively been rendered moribund. Talke Wildlife Ltd has ceased all work. The landowner cannot proceed now as it wishes, and its Directors basically dare not enter the land for fear of damaging a protected tree/sapling. To complete and submit to NCULBC an 'Application for tree works' form is just not feasible from a time, pecuniary and working perspective. To complete any work on the land would probably involve Talke Wildlife Ltd submitting, at least, weekly written requests to NCULBC. It would be less stress, and be far more cost effective to either sell the land, or gift the ownership to someone else. For reasons best known to NCULBC, Talke Wildlife Ltd appears to have been directly targeted. No prior consultation, no effective, in depth on the ground survey of the site, just a malicious TPO slapped on the land for a very, as we see, spurious reason.

To conclude, we feel that if NCULBC wish to proceed with this TPO, and assert their authority and control, then the majority of the site should be purchased NCULBC. Then NCULBC can manage the site as the NCULBC sees fit. That way NCULBC can take full control of management, security, maintenance and general expenses of ownership. NCULBC can then enter into full land ownership dialogue with all the residents of Walton Way and Lynn Avenue affected by the TPO decision. Talke Wildlife Ltd would not be unreasonable in respect of a sale figure. We would expect NCULBC to pay the going rate, and meet its expenses in respect of legal work.

Thar



Owen Pearson, for
Talke Wildlife Ltd
22 Lynn Avenue
TALKE
S O T
ST7 1PA

Mr & Mrs P Forster
14 Walton Way
Talke
Stoke-on-Trent
ST7 1UX

26 October 2018

Mr Peter Stepien
Landscape Officer
c/o Operational Services
Civic Offices
Merrial Street
Newcastle Under Lyme
Staffordshire
ST5 2AG



Dear Mr Stepien

Tree Preservation Order No 197 (2018)

Our position

We are the original owners of 14 Walton Way on Phase 1 of the Coppice Estate. We have lived here since 1972.

Our rear garden backs onto the footpath running from Linley Road to Rockhouse Lane. The area W1 on your plan includes the footpath and our boundary. The land covered by W1 was previously owned by J Kelly Homes Limited, then Poco Homes and we now understand that it is owned by Talke Wild Life Ltd of 22 Lynn Avenue.

The footpath runs down the boundary of numbers 12 to 18 Walton Way. We cannot expand our gardens without seeking a Footpath Diversion. In our case we would not be interested expanding onto W1 since our solicitor told us during purchase that there was a mine shaft to the rear of our property. We observed this on taking up residence.

In passing the development plan for Phase 2 of the Coppice Estate, Kidsgrove Urban District Council and the County Surveyor set out conditions that needed to be met by J Kelly Homes. We include extracts from the minutes of Kidsgrove Urban District Council dated 6th July 1972 and 10th August 1972 which set out the conditions that apply to W1. Appendix 1 and 2

Kidsgrove Urban District Council was amalgamated into Newcastle Borough Council in 1974 before the estate was finished. It is our view that Newcastle Borough Council are responsible for ensuring the condition in the original application by Kelly Homes Limited are met.

We are of the opinion that Poco Homes met the condition of planting trees and that the land was left in good state on their completion.

- Photographs 1 & 2 show the land to the rear of our property prior to development.
- Photographs 3 & 4 show the land to the rear of our property developed prior to building (note the steep slop created).
- Photographs 5 & 6 show the land to the rear of our property after tree planting.

You can see the sapling high on the slop are planted in a single row away from our property. You can also see that it possible to walk on the land and we have photographs taken from up the slop.

We were completely satisfied with the tree planting and open space left by Poco Homes.

So WHATS GONE WRONG.

Poco Homes tried to get Newcastle Borough Council to adopt the land, the Council refused because it was claimed that it was not possible for machinery to be used on the slops.

It is our opinion that no persons or company have carried out maintenance to the land to the rear of our property in the last 40 years. The ongoing maintenance terms have not been met. Failure to maintain the land has resulted in residents enclosing land into their gardens without permission of the planning authority. We only know of one resident that went through the correct procedure.

We believe that to enclose public open space into a garden, residents need permission from the landowner and more importantly requires planning permission from Newcastle Borough Council. In order to obtain permission from Newcastle Borough Council, plans of the area to be enclosed, need to be submitted and advertised for public comment. Those owners that have enclosed without planning permission have denied the rights of residents to comment.

In common with many residents living in Walton Way at the bottom of the slope, we are faced with 40 years of uncontrolled new tree growth towards our properties. The trees are tall, of poor quality and in need of serious tree management. They are on an exposed slope and move quite considerably during high winds. It is quite possible that if they fall they will cause damage to our property and possible injury to footpath users. We enclose photograph 7 of the trees today taken from our garden and ask you to compare them with the position of the trees planted by Poco Homes Photographs 5 & 6. We also enclose photographs of the trees overhanging the footpath and gardens, Photographs 8 & 9

Newcastle Borough Council have in the past shown their concern with respect to safety on the footpath. We received a letter asking us to cut back our Leyland Cypress hedge next to the footpath. We did not cut it back, we removed it. Surely it's time Newcastle Borough Council requested the Land owners carried out maintenance of the trees?

Objections

- 1) The map sent to us and posted on Public Display can be dated to around 1980. It does not accurately reflect the boundaries of properties that have enclosed land into them. It is important to avoid future disputes that the map be updated to the current situation.
- 2) With respect to T1, T2 and T3 the map shows Rockhouse. Rockhouse was demolished years ago and replaced by a new dwelling. It is likely these trees belong to the former Rockhouse.
- 3) We have Google mapped the area and wonder why the T.P.O does not cover the trees bounded by the land owner No 22 Lynn Avenue and also 20 to 4 Lynn Avenue, 48 to 66 Walton Way. Are they a special case?
- 4) We are of the opinion that successive land owners of W1 have failed to maintain the land and trees. That the trees are of poor quality and in need of serious maintenance to avoid damage to property or injury to footpath users. The T. P.O. does not remove this concern.
- 5) We have no faith in the Land Owner, Talke Nature Trust Ltd to undertake serious management of the trees to the rear of our property. In the absence of a responsible land owner we wish to retain our right to remove branches overhanging our property and footpath without having to seek permission from the Council.
- 6) We believe the T.P.O. is not needed and that Newcastle Borough Council have the conditions in place to control land grab and to impose conditions on residents who do not follow the correct procedure for enclosure. If granting permission is given then a tree protection clause can be part of approval.
- 7) It is the responsibility of Newcastle Council to ensure that all owners in Walton Way and Lynn Avenue backing onto the open space are made aware of condition and the need to obtain Planning Permission before enclosure takes place. Consent from the landowner does give the right to enclose.

Yours sincerely



P Forster

S Forster

PROCEDURE "A" AND "B" APPLICATIONS

6/July 1972

NO.	APPLICATION	COUNTY COUNCIL'S OBSERVATIONS & RECOMMENDATIONS	SURVEYOR'S REMARKS	BUILDING REGULATIONS INFORMATION
SK. 397/72	POST OFFICE-ONE TELEGRAPH POST ON SPACE GROUND ADJACENT KIOSK OPPOSITE 73, STONE BANK RD., KIDSGROVE.	-	Approved	-
SK. 417/72	POST OFFICE-TWO TELEGRAPH POSTS AT REAR OF PAVEMENT BETWEEN 17 AND 19, AND 23 AND 25 IN FOOTWAY, MAPLE AVE., TALKE TO SERVE NO.44.	-	-ditto-	-
SK. 432/72	POST OFFICE - PIPES CABLES AND WORKS KIDSGROVE BANK, LIVERPOOL ROAD, KIDSGROVE.	-	-ditto-	-
SK. 445/72	POST OFFICE - ONE TELEGRAPH POST BETWEEN 27 AND 29, CLOUGH HALL ROAD, KIDSGROVE TO SERVE NO.29.	-	-ditto-	-
AD.196	ARTHUR MAIDEN LTD.TWO ADVERTISEMENTS AT KING ST., KIDSGROVE.	No objections	-ditto-	-
3152	J.M. LOCKETT, NEW GARAGE & LOUNGE EXTENDED IN EXISTING GARAGE AT 132, CLOUGH HALL ROAD, KIDSGROVE.	No objections if no objections raised by the neighbouring owner.	Refused Neighbour objected. WITHOUT PREJUDICE TO A FURTHER SUBMISSION WHICH WOULD AVOID BUILDING OVER THE AREA OF THE PROPOSED GARAGE.	-
3167	T.E. BARKER, CHANGE OF USE TO DOMESTIC; FORM BATHROOM AND INTEGRAL GARAGE AT 87, MOW COP ROAD, MOW COP.	No objections	Approved	BR.7124 Approved 25.5.1972.
3170	R. LEASE, GARAGE AT 87, CHATTERLEY DRIVE, KIDSGROVE	-ditto-	-ditto-	BR.7139 Approved 8.6.1972.
3174	CEE-N-CEE SUPERMARKETS LTD. ALTERATIONS TO EXISTING GROCERY SHOP TO INCORPORATE SAME IN ADJOINING SUPERMARKET AT 24A, MARKET ST., KIDSGROVE.	Suggest permission for a limited period to expire on 30th June, 1972.	Approved subject to condition stated.	BR.7161 Approved 15.6.1972
3134	JOS. KELLY HOMES (STONE-ON-TRENT) LTD, SITEWORKS, ROADS AND SEWERS AT COPPICE ROAD SITE (PHASE II) TALKE.	Approve subject to 1.No development shall be commenced other than site works, roads and sewers until full details of the following have been submitted to and approved by the Local Planning Authority:- (a)the layout of the site, including the disposition of buildings and access to buildings. (b)plans and elevations of all buildings and other structures. (c)colour and type of facing materials to be used for the external walls and roof. 2.Before any dwellings are erected adequate foul sewage disposal arrangements shall be made available to the satisfaction of the Local Planning Authority in accordance with plan "A" attached to this permission.	Approved subject to conditions stated.	

6/17/1972
APPENDIX 1

.....Continued

APPENDIX 1 6/7/1972

	OBSERVATIONS & RECOMMENDATIONS	REMARKS	REGULATIONS INFORMATION
Continued.....			
<p>3. Before any dwellings are erected Road 4 shown on the 1/500th scale plan marked "B" and section marked "C" attached to this permission shall be constructed and made available for use.</p> <p>4. An area of approximately 5 acres shown edged green on the said plan shall be preserved as an open area as amenity land in relation to the remainder of the application site.</p> <p>5. Within 12 months of the occupation of any dwellings or any other date which shall have previously been agreed in writing with the Local Planning Authority, trees shall be planted on the site in accordance with a landscape scheme to be approved by the Local Planning Authority and thereafter satisfactorily maintained.</p> <p>6. Before any development other than siteworks, roads and sewers is commenced a report from an approved qualified mining engineer shall be submitted to and approved by the Local Planning Authority giving details as to the stability of the site and suitable foundation design and all foundations shall be constructed in accordance with such report.</p> <p>7. No fence, wall or hedge shall be placed nearer to the highway than the Improvement Line as indicated in blue on the said plan.</p> <p>8. No means of access, pedestrian or vehicular shall be formed to the trunk road.</p> <p>9. Before the proposed development is brought into use coincident with the trunk road boundary, a continuous barrier the details of which shall be submitted to and approved by the Local Planning Authority shall be provided and maintained.</p> <p>10. The rear gardens of premises backing on to the trunk road shall not extend forward of the Improvement Line.</p>			
3145	R. V. BEARD, ERECTION OF DETACHED HOUSE - PLOT 1, OLD VICARAGE SITE, THE AVE., KIDSGROVE attached to this permission.	Approve subject to 1. Front elevation being constructed in accordance with plan marked "A"	Approved subject to conditions stated.
	2. a. The roofing tiles be either dark brown or blue/black in colour. b. The facing bricks to be red rustic or other approved. 3. Access to the site shall be provided in the position marked "B" on the 1/500th scale plan attached to this approval. 4. The conditions set out on the accompanying form Y.2. shall be complied with.		
3160	KIDSGROVE WORKINGMENS CLUB & INSTITUTE GAMES HALL, COMMITTEE ROOM AND FOOD PREPARATION AREA AT WORKINGMENS CLUB, HARDINGSWOOD ROAD, KIDSGROVE.	No objections	Approved BR.7144 Approved 8.6.1972.
3191	STAFFORDSHIRE COUNTY ARCHITECT-PROPOSED ALTERATIONS-KIDSGROVE TALKE COUNTY PRIMARY SCHOOL, HILLTOP COUNTY PRIMARY SCHOOL, COALPIT HILL/SWAN BANK, TALKE.	-For observations.	County Council's Area Planning Officer advised no objections to this proposal.
<u>PROCEDURE "C" APPLICATIONS</u>			
AD.194 *	JOHN PLAYER & SON. ILLUMINATED SIGN AT 32, HIGH ST., ROOKERY.	Refuse:-The proposed development would injure the amenities of the area by reason of its siting.	Refuse on grounds stated.
3141	E. BALL, ERECTION OF SMALL DETACHED BUNGALOW & GARAGE-FIELD NORTH OF PIT LANE,	Refuse:-The site lies within the Definitive North Staffordshire Green Belt in which development is not normally permitted for purposes other than those appropriate to	Adjoining plot "referred back" at last meeting.

10 August 1972

101

4. PROCEDURE "A" AND "B" APPLICATIONS Continued

APPENDIX 2 10/8/1972

NO.	APPLICATION	COUNTY COUNCIL'S OBSERVATIONS AND RECOMMENDATIONS.	SURVEYOR'S REMARKS	BUILDING REGULATIONS INFORMATION
3209	JOS.KELLY HOMES LTD. TWO INDIVIDUAL DWELLING HOUSES- 2 PLOTS BETWEEN COPPICE ROAD AND WALTON WAY, TALKE.	No objections	Approved	BR.7228 Approved 3.8.1972.
3211	MRS.J.PELLINGTON STATIONING OF CARAVAN AND SHED FOR DOG BREEDING AT HOME FARM, LINLEY RD., TALKE.	Approve for 12 months.	Approved until 10.8.1973	BR.7196 Approved 20.7.1972
3212	JOS.KELLY HOMES (SOT) LTD.DWELLING HOUSES- COPPICE RD., TALKE. (PHASE II).	1.No development shall be commenced until full details of the following have been submitted to and approved by the Local Planning Authority:- (a) colour and type of facing materials to be used for the external walls and roofs. 2.Before any dwellings are erected Road 4 shown on the 1/500th scale plan marked "B" and section marked "C" attached to this permission shall be constructed and made available for use. 3.Within 12 months of the occupation of any dwellings or any other date which shall have previously been agreed in writing with the Local Planning Authority, trees shall be planted on the site in accordance with a landscape scheme to be approved by the Local Planning Authority and thereafter satisfactorily maintained.	Approved subject to conditions stated.	-
3215	MR.G.A.BAGGOTT, CONSERVATORY TO REAR WITH OPEN PERGOLA AND MINOR ALTERATIONS TO EXISTING HOUSE ALL FOR DOMESTIC PURPOSES AT 7, JAMAGE RD., TALKE PITS.	No objections.	Approved	BR.7206 Approved 20.7.1972
3216	MR.J.GREGORY, MAINTENANCE BRIDGE AT WEST AVE., TALKE.	No objections	Approved	-
3217	F.ALCOCK LTD.WORK-SHOP STORES AT MEADOWS RD., KIDSGROVE.	No objections	Approved	BR.7205 Approved 20.7.1972.
3218	J.D.GRATTON, GARAGE AND EXTEND ACCESS TO BUNGALOW AT 7, CHESTER CLOSE, TALKE PITS.	No objections	Approved	BR.7211 Approved 27.7.1972.
3219	MR.M.J.HOWARD, DETACHED GARAGE AT 5, CHESTER CLOSE, TALKE PITS.	No objections	Approved	BR.7210 Approved 27.7.1972
3221	MR.D.W.BESWICK, EXTENSION AT REAR FORMING KITCHEN EXTENSION AND BED-ROOM/STUDY AT 31, KINGSLEY RD., TALKE.	No objections	Approved	BR.7199 Approved 20.7.1972.
3222	MR.F.GREEN, EXTENSION FOR NEW LOUNGE AT 65, SANDS ROAD, HARRISEAHEAD.	No objections	Approved	BR.7198 Approved 20.7.1972.
3224	MR.A.MARLOW, EXTENSIONS TO EXISTING KITCHEN AT 30, BRIERYHURST ROAD, KIDSGROVE.	No objections	Approved	BR.7221 Approved 20.7.1972.
3228	LANGFORD & SIMMONS, 2	No objections	Approved	BR.7213



1

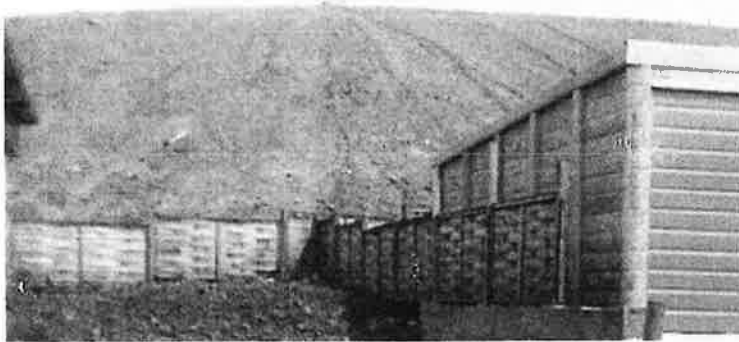


2

PHOTOGRAPHS 1 & 2 LAND AT REAR.
PRIOR TO PHASE 2 DEVELOPMENT.

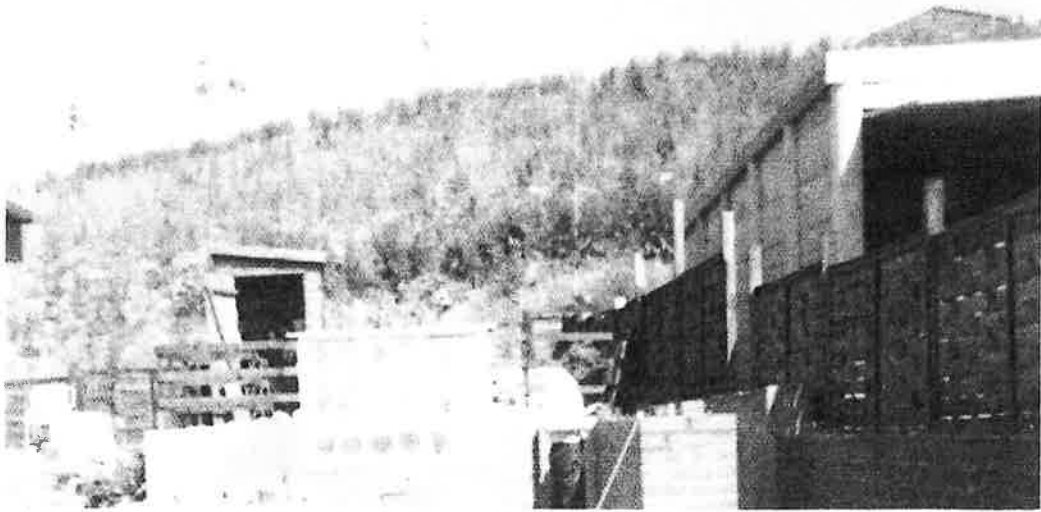


3



4

PHOTOGRAPHS 3 & 4
LANDSCAPING PRIOR
TO BUILDING PHASE 2.



5



6

PHOTOGRAPHS 5 & 6
SHOWING POSITION OF
TREE PLANTING ON TOP
OF SLOP AWAY FROM
OUR PROPERTY



7

PHOTOGRAPH 7 TREES TODAY
CLOSE TO OUR PROPERTY



8

PHOTOGRAPH 8.
TREES OVERHANGING
FENCES.



9

PHOTOGRAPH 9
TREES OVERHANGING FOOTPATH
AND GARDENS.

Confirmation of Tree Preservation Order

Trees at Nuffield Hospital, Clayton Road, Newcastle under Lyme

Tree Preservation Order No 199 (2018)

Town & Country Planning Act 1990

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

The Provisional Order

The Provisional Tree Preservation Order protects trees at Trees at Nuffield Hospital, Clayton Road, Newcastle under Lyme.

The Order was served using delegated powers on 23/11/2018. The consultation period ended on 21/12/2018.

Approval is sought for the order to be confirmed as modified.

The 6 month period for this Order expires on 25th May 2019

RECOMMENDATION

That Tree Preservation Order No 199 (2018), Trees at Nuffield Hospital, Clayton Road, Newcastle under Lyme be confirmed as modified and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

These trees make a valuable contribution to the site and the locality, and are clearly visible from Clayton Road, Long Meadow and feature as backdrop trees within the surrounding landscape. They provide an important visual contribution to the adjacent Conservation Area, and an attractive and prominent roadside feature along the busy Clayton Road. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

There has been some recent tree loss in the on the site and in the locality, and some development pressure due to the installation of a substation within the treed area. Following a recent tree removal, a further request has been received for the removal of another tree on the site. The Borough Council has concerns that continued tree loss on this site could have a negative effect upon the character of the local setting.

The placing of the new TPO will not prevent future development on the site nor tree management; however it will allow the Borough Council the opportunity to prevent any unwarranted tree loss or pruning that is not in accordance with good arboricultural practice.

Two trees on the site are already affected by Tree Preservation Orders. They are a mature Sweet Chestnut situated on close to the boundary with properties at Whitehouse (T6/18 T6 and T6/13/T1), and a mature Acer on the southern boundary of the site adjacent to public footpath leading to Long Meadow (T6/18 T7).

In order to protect the long-term wellbeing of the trees, they should be protected by a Tree Preservation Order.

Representations

Following the consultation period one objection was received.

The objection raised the following matters.

- Borough councils use of an outdated base plan.
- Concern about the effects of T5 (Maple) on the neighbouring property.
- Concern about the effects of T5 on the substation.
- Proximity of T5 to the neighbouring property
- Subsidence damage to the neighbouring property which may/may not have been caused by an adjacent tree (now removed).
- Restricted view of T5 (Maple) tree from the surrounding landscape.

Since the order was served two applications for Tree Work have been received.

Application ref 18/01016/TWA for the removal of T5 (Maple):
Permitted on 4th February 2019

Application ref 19/00038/TWA for various tree maintenance works
Permitted on 26th February 2019.

Issues

Following the consultation the base plan for TPO199 has been updated.

Following the determination of tree work application ref 18/01016/TWA, T5: Maple has been removed from the order.

Following the two amendments above, your officers recommendation is that Tree Preservation Order TPO199 be confirmed as modified.

The making of the Order will not prevent the owner from carrying out good management of the woodland, nor improving or developing the site, 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.

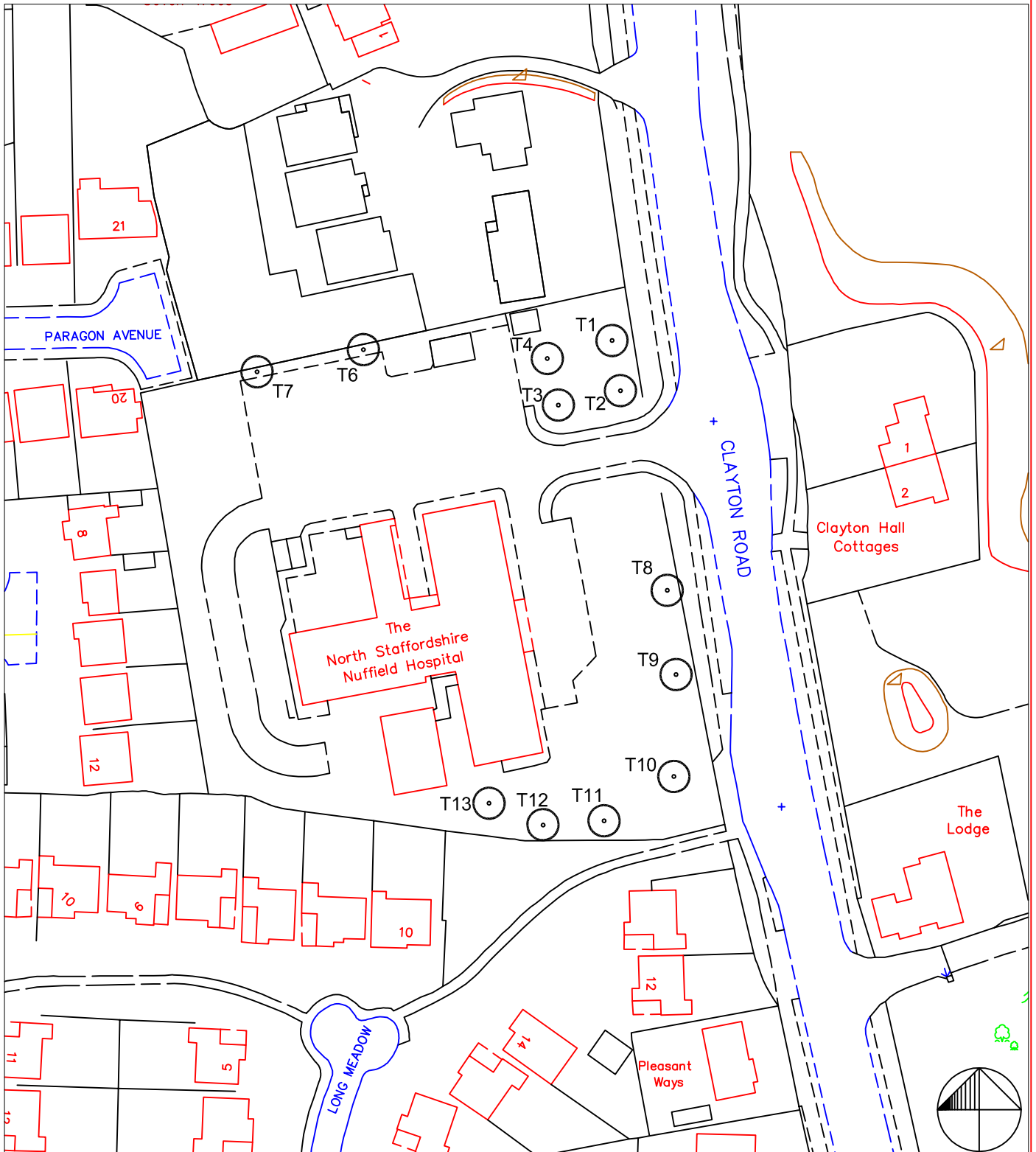
In order to protect the long term well-being of the remaining trees on this site they should be protected by a confirmed Tree Preservation Order.

Date report prepared

26th February 2019

SIGNED:....(Original signed by Dave Adams). CONFIRMED AS MODIFIED
SIGNED:

DATED:23rd November 2018 DATED:



OS DATA REPRODUCED WITH THE PERMISSION OF THE CONTROLLER OF HMSO 2008 LICENCE NO. 100019654



DAVE ADAMS
EXECUTIVE DIRECTOR –
OPERATIONAL SERVICES
CIVIC OFFICES, MERRIAL
STREET
NEWCASTLE, STAFFORDSHIRE.
ST5 2AG

TITLE:
LAND AT NUFFIELD HOSPITAL, CLAYTON ROAD
NEWCASTLE plan as modified

DESCRIPTION:
TREE PRESERVATION ORDER
NUMBER 199 (2018)

SCALE:
1:1000

DATE:
NOV 2018

DRAWN BY:

Page 161

DRAWING NO.
TPO 199

This page is intentionally left blank