

Public Document Pack

Date of meeting Tuesday, 15th September, 2020
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Venue Astley & Garden Room - Castle House (Committee Members only)

Visiting Members and members of the public can watch the meeting live via YouTube (details to follow)

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** **(Pages 5 - 10)**
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - UNIT 1
BROOKHOUSE ROAD, ROSEVALE BUSINESS PARK,
CHESTERTON. INTELIPAC PAPER MANUFACTURING.
20/00311/FUL** **(Pages 11 - 16)**
- 5 APPLICATION FOR MAJOR DEVELOPMENT - UPPER HOUSE
FARM, PINFOLD LANE, ALMINGTON. MR DAVID EARDLEY.
20/00232/FUL** **(Pages 17 - 24)**
- 6 APPLICATION FOR MINOR DEVELOPMENT - LAND BETWEEN
238 & 244, ORME ROAD, NEWCASTLE-UNDER-LYME. MR
JAVEED ABID. 20/00195/OUT** **(Pages 25 - 32)**

Contacting the Council:

Switchboard 01782 717717 . Text 07800 140048

Email webmaster@newcastle-staffs.gov.uk.

www.newcastle-staffs.gov.uk

- 7 **APPLICATION FOR MINOR DEVELOPMENT - WILLIAM RILEY AND SONS LTD, HIGH STREET, HALMEREND. WILLIAM RILEY AND SONS LTD. 20/00388/OUT** **(Pages 33 - 46)**
This report includes a supplementary item.
- 8 **APPLICATION FOR MINOR DEVELOPMENT - PEACOCK HAY, PEACOCK HAY ROAD, TALKE. VOYAGE CARE - MR CARL WILKINSON. 20/00566/FUL** **(Pages 47 - 52)**
- 9 **FIVE YEAR HOUSING LAND SUPPLY STATEMENT 2019-2024** **(Pages 53 - 110)**
Added to the agenda on 7 September, 2020
- 10 **5 BOGGS COTTAGE, KEELE. 14/00036/207C3** **(Pages 111 - 116)**
This report includes a supplementary item.
- 11 **LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** **(Pages 117 - 118)**
- 12 **RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY. 17/00258/207C2** **(Pages 119 - 120)**
- 13 **UPDATE ON BREACHES OF PLANNING OBLIGATIONS** **(Pages 121 - 122)**
- 14 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** **(Pages 123 - 126)**
- 15 **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Andrew Fear (Chair), Miss Marion Reddish (Vice-Chair), John Williams, Paul Northcott, Mrs Gillian Williams, Bert Proctor, Simon Tagg, Mrs Silvia Burgess, Dave Jones, Mrs Jennifer Cooper, Mrs Helena Maxfield and Mrs Sue Moffat

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.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Kenneth Owen	Gary White
	Mark Holland	Ian Wilkes
	Stephen Sweeney	Ms Sylvia Dymond
	Barry Panter	Kyle Robinson

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:

- Identify a Substitute member from the list above who is able to attend on your behalf

- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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, 18th August, 2020
Time of Commencement: 6.30 pm

Present:	Councillor Andrew Fear (Chair)		
Councillors:	Miss Marion Reddish Paul Northcott	Bert Proctor Mrs Silvia Burgess	Mrs Helena Maxfield Mrs Sue Moffat
Officers:	Jennet Hough Elaine Moulton Geoff Durham Shawn Fleet Daniel Dickinson David Elkington	Landscape Officer Development Management Team Manager Mayor's Secretary / Member Support Officer Head of Planning and Development Head of Legal & Governance /Monitoring Officer Head of Customer and Digital Services	

Note: In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted by video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

1. APOLOGIES

Apologies were received from Councillors Dave Jones and John Williams.

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 21 July, 2020 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF ECCLESHALL ROAD, LOGGERHEADS. PLANT DEVELOPMENTS LTD. 20/00158/REM

Councillor Paul Northcott raised objections to the buffer zone and therefore voted against the application.

Resolved: That, subject to the Secretary of State being advised that the Council is minded to approve the application and subject to the Secretary of State confirming that he does not wish to call in the

application, the application be permitted subject to the undermentioned conditions:

- (i) Link to outline planning permission and conditions
- (ii) Approved plans
- (iii) Provision of access, parking and turning areas for each dwelling
- (iv) Retention of garages for parking
- (v) Provision of cycle storage for dwellings with no garage
- (vi) Adoption plan
- (vii) Details of traffic calming measures on internal road layout
- (viii) Detailed tree protection plan
- (ix) Site specific Arboricultural Method Statement
- (x) Landscaping scheme
- (xi) Details of paths, seating and planting within public open space
- (xii) Details of linkages from public open space to woodland
- (xiii) Details of management of public open space
- (xiv) Details of materials
- (xv) Drainage details

5. APPLICATION FOR MINOR DEVELOPMENT -ST JOHN THE EVANGELIST RC SCHOOL, GLOUCESTER ROAD, KIDSGROVE. ENGIE. 19/00804/FUL

- Resolved:**
- (A) That, subject to no new material objections being received from Kidsgrove Town Council and neighbouring occupiers by the 31st August, then the Head of Planning be given the delegated authority to determine the application, and
 - (B) Subject to the applicant first entering into a Section 106 obligation by the 1st September 2020 to secure a financial contribution of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme to promote and encourage sustainable access to the school,

the application be permitted subject to the undermentioned conditions:-

- (i) Standard time limits for the commencement of development;
- (ii) Approved plans;
- (iii) Sample facing materials;
- (iv) Boundary treatments;
- (v) Hardsurfacing materials;
- (vi) Implementation of soft landscaping scheme;
- (vii) Updated tree survey and tree removal;
- (viii) Community Use Agreement;
- (ix) Assessment of plant noise;
- (x) Provision of a Kitchen Ventilation System and Odour Abatement;
- (xi) Approval of external lighting;
- (xii) Electric charging provision for onsite staff parking;
- (xiii) Highway & Environmental Construction and Demolition Management Plan (CMP)

- (xiv) Cycle parking provision
- (xv) Implementation of off site highway works
- (xvi) Land contamination investigations and mitigation measures;
- (xvii) Intrusive coal mining site investigations and remedial works implementation;
- (xviii) Recommendations as per the submitted ecological report

(C) Should the matters referred to in (B) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

6. APPLICATION FOR MINOR DEVELOPMENT - LAND TO THE WEST OF NEWCASTLE ROAD (A53). BLACKBROOK MR D AND T CLEE, J WILSON & M LEE. 20/00368/FUL

Councillor Graham Hutton spoke on this application.

Resolved: (A) That the application be refused for the following reasons:

- (i) The proposed development is in an unsuitable location within the open countryside away from services and facilities and without safe and convenient access to public transport and results in harm to the intrinsic character and beauty of the countryside due to the enclosure of the site affecting the character and openness of the landscape. Whilst the Local Planning Authority recognises that there is an unmet need for further gypsy and traveller pitches the benefits arising from the proposed development do not outweigh the identified harm. The proposed development would therefore be contrary to Policy CSP7 of the Core Strategy and national policy within the Planning Policy for Traveller Sites: policy DC2 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan; saved policy N20 of the Local Plan and the guidance of the National Planning Policy Framework.
- (ii) The applicant has failed to demonstrate that the existing access is suitable for the proposed development and that the visibility splays achievable from the site are appropriate for the speed of traffic and that the development will not, therefore, result in an adverse impact on highway safety. As such the proposal is contrary to Policy CSP7 of the Core Strategy and to the guidance of the National Planning Policy Framework.
- (iii) The site is located within Source Protection Zone 2 and very close to Source Protection Zone 1 of public water

supply (PWS) boreholes, a critical ground water source supplying the region, and in the absence of a risk assessment that considers the impact of the development on the PWS and sets out mitigation measures as required, the applicant has failed to demonstrate that the proposed development will not have an adverse impact on the PWS. The development is therefore contrary to policy NE1 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan and the National Planning Policy Framework.

- (B) The Head of Legal and Governance be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association with its use as a residential caravan site and restoration to a grassed paddock within 12 months.

7. APPLICATION FOR MINOR DEVELOPMENT - LAND NORTH OF PEPPER STREET, KEELE. KEELE HOMES LIMITED. 20/00431/DOB

Resolved: That the application to modify the S106 agreement, by extending the period of time within which the developer must substantially commence development before the need for a revised viability report is triggered to 25 September 2021, be approved.

8. APPLICATION FOR MINOR DEVELOPMENT - FOOTPATH OFF HIGH STREET B5367, HIGH STREET, KNUTTON. EE LIMITED. 20/00496/TDET

Resolved: (i) That prior approval is required, and
(ii) That such prior approval be granted.

9. OPEN ENFORCEMENT CASES

Consideration was given to a report on Open Enforcement Cases which showed an increase in numbers.

The Council's Development Management Team Manager, Elaine Moulton advised that there was no apparent reason why the number had risen. It could be as a result of lockdown whereby people had been at home and had spotted unauthorised work being carried out or had even been carrying it out themselves. Officers were doing what they could to arrest the trend and seeking to reduce it.

The Chair stated that an eye needed to be kept on this and to look to see a reduction in the trend when the next figures came out.

Councillor Paul Northcott extended his gratitude to all Planning staff who had kept things going throughout Covid-19 and had been able to tackle some enforcement issues.

- 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.

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

Consideration was given to a report on progress made on cases where enforcement action had been authorised.

Members accepted the information on the four cases listed.

- Resolved:** That the information be received.

11. CHANGES TO THE PLANNING SYSTEM 2020

Consideration was given to a report outlining changes to the Planning system which would have an impact on how applications are processed and decisions made.

The Council's Head of Planning and Development, Shawn Fleet introduced the report, outlining the three key amendments:

The Business and Planning Act, 2020

The Town and Country Planning (Permitted Development and Miscellaneous Amendments)(England)(Coronavirus)Regulations, 2020

The Town and Country (Use Classes)(Amendment)(England)Regulations, 2020.

On 6 August, 2020 the Government released a new Planning White Paper "Planning for the Future" which contained measures to make the Planning process faster, simpler and more focussed. The White Paper was out for consultation until 31 October and responses have been invited to a series of questions on the proposals.

The Chair stated that all Members needed to be aware of this.

Councillor Marion Reddish suggested that a training session be arranged for Members on this. The Chair asked Mr Fleet and Councillor Northcott to take the comments on board.

Councillor Northcott thanked Councillor Reddish for her suggestion and advised that there was a need to see if there were any challenges to the White Paper to ensure that checks would be put into place before cascading the information down to Members.

- Resolved:** That the report be noted.

12. URGENT BUSINESS

There was no Urgent Business.

Chair

Meeting concluded at 7.40 pm

UNIT 1 BROOKHOUSE ROAD, ROSEVALE BUSINESS PARK, CHESTERTON
INTELIPAC PAPER MANUFACTURING

20/00311/FUL

The application seeks full planning permission for the retention of the change of use of a building from use class B8 (storage and distribution) to use classes B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution).

The application site is located on Rosevale Business Park in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map.

The building has a floor area of approximately 11,592 square metres.

The 13 week period for the determination of this application expired on the 3rd August but the applicant has agreed an extension of time to the statutory determination period to the 23rd September 2020.

RECOMMENDATIONS

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

- 1. Provision of secure weatherproof parking for 46 cycles**
- 2. Prior approval of external plant**
- 3. Prior approval of external lighting**

Reason for Recommendation

Policies of the Development Plan support proposals for employment provision in this location and subject to conditions the development would not lead to significant highway safety implications or an adverse impact on the amenity of the area. Therefore the development represents a sustainable form of development which would comply with the guidance and requirements of the National Planning Policy Framework and should be approved.

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

The applicant sought to submit further information during the consideration of the application and officers have allowed this. Information has now been submitted and the development is considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

The application seeks full planning permission for the retention of the change of use of a building from use class B8 (storage and distribution) to use classes B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution).

The application indicates that the applicant has been operating from the building since September 2019 and that it has been used for the manufacture and supply of paper and packaging. On this basis the application is retrospective.

The application site is located on Rosevale Business Park in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map.

The building has a floor area of approximately 11,592 square metres.

No external alterations or extensions to the building are proposed and therefore the key issues in the determination of the application are considered to be:

- The principle of the development,

- Car parking and the impact on highway safety, and
- Impact on amenity.

The principle of the development

The building is located on an established business park which has a range of buildings operating as B1, B2 and B8 uses.

The application site consists of a large building with an approximate floor area of 11,592 square metres. The site also benefits from an associated yard area and parking.

The application indicates that the business employs 70 full time employees.

Policy SP2 of the Core Spatial Strategy supports economic development, diversification and modernisation of businesses within the area.

Paragraph 80 of the National Planning Policy Framework (NPPF) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The change of use would retain the building in a commercial use on an established business park. On this basis the principle of the development is acceptable and in accordance with local and national planning policy.

Car parking and the impact on highway safety

The site has three accesses, two for car parks and one for a yard area served by HGVs, which are accessed off Brookhouse Road.

The application seeks to allow a B1c and B2 use class to the existing B8 use class. Saved NLP Policy T16 advises that for a building with this amount of floorspace, no more than 145 spaces should be provided. This is the same level that is required for the existing B8 use of the building.

The application indicates that the existing number of spaces available on the site is 128 spaces and this level of parking will be retained.

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

The application is supported by a Transport Statement which indicates that the traffic generation for the existing B8 use against the proposed B1 / B2 use would result in a marginal increase in vehicle (car) trips of 12 trips in the am peak and 6 trips during the pm peak. It also indicates that there will be a net reduction of HGV trips with 4 less in the am peak and 11 less during the pm peak.

The Highway Authority raises no objections subject to conditions which secure the accesses, parking, servicing and turning areas, along with cycle parking for 46 cycles. The existing access and car parking arrangements would be maintained and a condition to further secure these is not considered necessary.

The site is located within a highly sustainable location and there are currently no obvious on street car parking problems. On this basis it is considered that the change of use is unlikely to lead to or exacerbate an on street car parking problem that would result in highway safety implications. Therefore the proposal accords with the provisions of the development plan and the aims and objectives of the National Planning Policy Framework.

Impact on amenity

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

The NPPF further states at paragraph 180 that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The aim is to mitigate and reduce the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

As discussed the existing building is on an established business park which has a range of size of existing buildings in use as B1, B2 and B8 use classes.

The existing building is in B8 and the additional B1c and B2 use has the potential to generate greater noise and disturbance to the amenity of the area. In particular the nearest residential properties are over 200 metres away.

The Environmental Health Division (EHD) have raised no objections to the application but have requested conditions to mitigate the impact on the amenity of the area. In particular they have requested that the operating hours be restricted to 08:00 – 17:00 Monday to Friday and no working on weekends or public holidays - this is what the applicant had indicated on the submitted application form. However, the applicant has now indicated that the business operates 24 hours a day, 7 days a week and a restriction on operating hours is not necessary to make the development acceptable.

A noise assessment (NA) has also now been submitted to demonstrate that the business operating 24 hours a day would not harm residential amenity levels. The NA indicates that noise surveys have been carried out in day time hours and during night time hours. On the basis of these survey results the NA concludes that current activities will not result in any adverse noise impact at the nearest dwellings. Therefore, a condition which restricts operating hours is not justified.

The further comments of EHD have been sought and they have informally indicated that on the basis of the conclusions of the NA, a restriction on hours is not necessary but conditions related to lighting and external plant are necessary to protect existing amenity levels.

In consideration of the above it is now accepted that the change of use of the building to B1, B2 and B8 use classes would not harm the amenity of the area and the development accords with the guidance and requirements of the NPPF.

APPENDIX

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

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

Policy SP2: Spatial Principles of Economic Development
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (February 2019)

Planning Practice Guidance (March 2014)

Relevant Planning History

Planning permission was granted for the unit in 1990, under references N19220 and N19220/D1, for a New Distribution Warehouse for the distribution of video tapes to retail outlets.

Views of Consultees

The **Highways Authority** raises no objections subject to conditions which secure the access, parking, turning and service areas and 46 cycle parking spaces.

The **Environmental Health Division** raises no objections subject to conditions relating to external lighting, hours of operation and the prior approval of additional plant equipment. However, their further comments on the submitted noise assessment are awaited.

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

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by a Planning Statement, Transport Statement and Noise Assessment.

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00311/FUL>

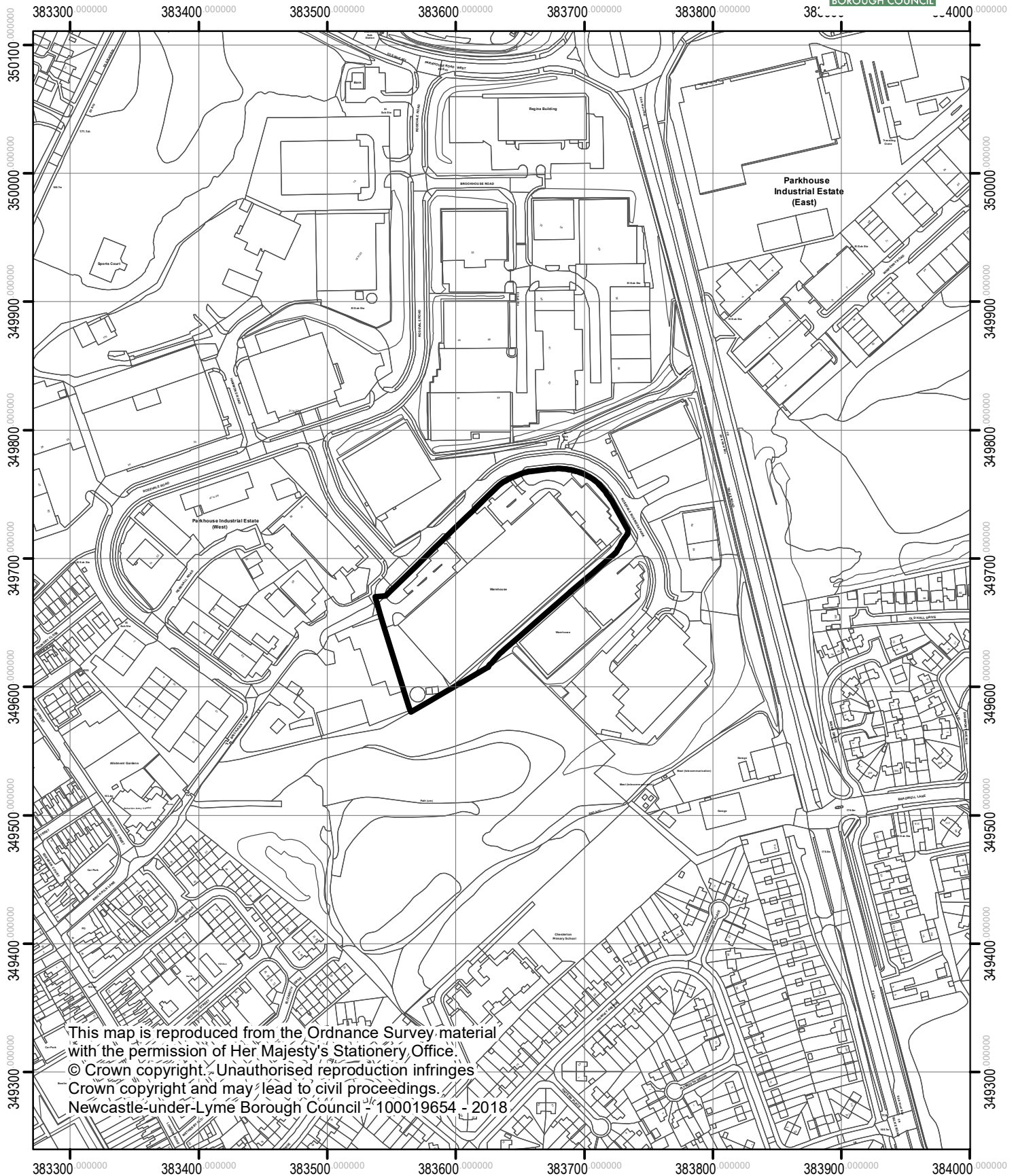
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th August 2020

Unit 1 Brookhouse Road,
Rosevale Business Park, ST5 7UB



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

UPPER HOUSE FARM, PINFOLD LANE, ALMINGTON
MR DAVID EARDLEY

20/00232/FUL

The application is for the construction of a new agricultural building to accommodate an upgraded milking parlour and collecting facilities. The development also includes the creation of a new access and track.

The application site is located within the open countryside and a Landscape Restoration Area, as indicated by the Local Development Framework Proposals Map.

Public Footpath No. 66 Loggerheads Parish runs through the application site inside the eastern and western boundaries

The 13 week period for the determination of this application expires on 19th August 2020 but the applicant has agreed to an extension of time to the 18th September.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Standard time limits for the commencement of development;**
- 2. Approved Plans;**
- 3. Materials;**
- 4. Provision of visibility splays, surfacing and drainage for the new access track;**
- 5. Gates to be positioned 20m rear of the carriageway edge;**
- 6. Implementation of noise mitigation measures as per the Noise Assessment;**
- 7. Restrictions on times of tanker collections;**
- 8. Approval of external lighting;**
- 9. Restriction on hours of construction.**

Reason for Recommendation

The application site is in an appropriate location for agricultural related development and the proposal raises no issues relating to visual amenity, residential amenity or highway safety that cannot be addressed through conditions. On this basis the proposal represents a sustainable form of development in accordance with local and national policy.

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

Additional information has been sought and subsequently obtained from the applicant and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

This is an application for full planning permission for the construction of a new agricultural building to be used as a milking parlour in association with Upper House Farm. The development also includes the provision of a new access track off Pinfold Lane.

The application site is located within the open countryside and a Landscape Restoration Area as indicated by the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the principle of the development acceptable?
- Is the impact on the character and appearance of the area and landscape acceptable?
- Would there be any adverse impact on residential amenity?

- Would there be any highway safety issues?

Is the principle of the development acceptable?

Paragraph 83 of the NPPF states that planning policies and decision should, amongst other things, support the sustainable growth and expansion of all types of business in rural areas as well as the development and diversification of agricultural and other land-based rural businesses.

The proposed building would be used for agricultural purposes in association with an established farming enterprise at the application site. The application documents detail that the building would allow the farm to upgrade their current parlour facilities which have become increasingly outdated.

The development proposed is appropriate for this rural location and given that it would support the operation of an established farming enterprise, the principle of the development is considered to be acceptable.

Is the impact on the character and appearance of the area and landscape 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. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The application site is located within an Area of Landscape Restoration. Policy N21 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or harm the quality of the landscape.

Policy LNPP1 of the Loggerheads Neighbourhood Plan details that new development must, amongst other things, complement the established character of the surrounding context and respond positively to local topography.

The application site is an established agricultural unit comprising of a farmhouse and numerous agricultural buildings of varying scale and function. The site does occupy an elevated position within the landscape with the land falling gently down towards the lanes to the west and south.

The new agricultural building would be sited to the north of an existing large agricultural building at the northern end of the farmstead and would have the dimensions 18.2m x 85.3m x 6.7m height. It would be constructed from grey fibre cement roof sheeting with a combination of box profile sheeting, timber boarding and concrete panels on the external elevations.

Despite its scale and somewhat elevated position, the development would be seen against a backdrop of existing agricultural buildings and so it would not appear out of place within the wider landscape. There would still be a large separation between the building and the adjacent lanes and so the building would not appear as an intrusive or overbearing addition within the landscape. The materials proposed are typical of a functional agricultural building where the design is largely driven by practical requirements and so the use of materials as indicated above is acceptable.

In addition to the new building a new access track is also proposed. This access would be created off Pinfold Lane and extend south-eastwards towards the north elevation of the new agricultural building. The application documents stipulate that this would then become the primary access to the farm.

Whilst the provision of the new access track would result in the loss of undeveloped agricultural land, its presence is not considered to be to the overall detriment of the wider landscape. Access tracks serving established farming enterprises are not unusual in this rural setting and the overall appearance of the access is considered to be acceptable and in keeping with the prevailing context of the area.

In order to accommodate the proposed building and access track, public footpath No. 66 would have to be diverted. Currently it runs through the application site inside the eastern and western boundaries. Whilst the County Rights of Way Officer has raised no objections to the development or the principle of the diversion, they have drawn the applicant's attention to the appropriate guidance and legislation regarding the diversion and obstruction of Public Rights of Way.

Therefore it is considered that the proposed development would cause any harm to the visual amenities of the area or further erode the character and quality of this Area of Landscape Restoration. As such it would be compliant with Policy CSP1 of the Core Spatial Strategy, Policy N21 of the Local Plan, Policy LNPP1 of the Loggerheads Neighbourhood Plan and the provisions of the NPPF.

Would there be any adverse impact on residential amenity?

The proposed building would be used to house livestock on a routine basis for milking and collecting and so there is the possibility that the development could impact the amenity of residential properties.

In considering the application the Environmental Health Officer (EHO) identified that developments of this nature have the potential for adverse impacts on residential amenity from activities associated with the operation of a dairy parlour and also HGV milk tanker movements. Given the proximity of the site to dwellings on Pinfold Lane the EHO felt an appropriate noise assessment should be provided with the application.

The noise assessment now received from Nova Acoustics demonstrates that the building and the operations associated with it will have no or very little impact on residents. The EHO details that this is based on several mitigation factors (including the delivery times specified) which can be secured through an appropriately worded condition. Subject to such a condition, the EHO raises no further objections to the application on noise grounds.

It is also noted that there are no details of external artificial lighting within the application documents. Given the locality, it is considered necessary to attach a condition to any permission granted to secure full details of external lighting prior to installation.

Therefore in light of the above it is not considered that the proposed development would raise any adverse implications for the amenity of nearby properties, subject to conditions, and so the proposal would be compliant with the provisions of the Framework.

Would there be any highway safety issues?

The proposed access track off Pinfold Lane would be created to serve both the new milking parlour and as the primary access to the farm.

Within the application documents the applicant details that there will be no net increase in movements associated with the farm as the new milking parlour is being sought to replace existing facilities. It is also detailed that by replacing the current access arrangement it will ensure that delivery vehicles do not have to manoeuvre through the tight spaces on the farmstead but it would also serve to ensure that any vehicles associated with the farm do not have to pass through Alington as they do currently.

In their initial consultation response the Highway Authority requested that a speed survey was submitted to ascertain the 85th percentile speeds as well as additional details relating to surfacing, drainage and the location of any gates.

The applicant provided an appropriate speed survey which showed that the 85th percentile speeds of vehicles on Pinfold Lane is 37mph in both directions which would subsequently require visibility splays of 58m to be provided, as detailed within Manual for Streets guidance.

The proposed access would be surfaced in concrete for the first 6m with the remaining track surfaced in compacted stone. The Highway Authority has advised that as the access will be used by milk tankers and delivery lorries, the concrete surfacing will need to be extended to 10m.

The Highway Authority no longer raises any objections to the proposal subject to conditions to secure further details of visibility splays, surfacing, draining and the siting of any gates.

Therefore the proposal is not considered to raise any highway safety and or parking issues for the site or the surrounding highway network and so would accord with 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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy N17: Landscape Character – General Consideration
Policy N21: Areas of Landscape Restoration

[Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

Policy LNPP1: Urban Design and Environment

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

99/00290/FUL Proposed slurry tank – Approved

99/00291/FUL Bay One - Portal framed agricultural building to house straw bedded cattle – Approved

99/00292/FUL Bay Two - Portal framed agricultural building to house straw bedded cattle and feed areas – Approved

99/00293/FUL Bay Three- Portal framed agricultural building to be used as milking parlour and office/auxiliary accommodation – Approved

08/00717/FUL Erection of portal framed livestock shed (Building A) – Approved

08/00718/FUL Erection of portal framed building or agricultural storage (Building B) – Approved

10/00348/FUL Erection of a portal frame agricultural building (building A) for use as cattle shed - Approved

10/00349/FUL Erection of a portal frame agricultural building (building B) for use as cattle shed – Approved

15/00236/FUL Construction of new agricultural slurrystore – Approved

15/00602/FUL Erection of a portal steel framed cattle Building - Approved

17/00267/FUL Proposed 2 no. steel framed buildings to form calf housing and hay store - Approved

18/00319/FUL Steel framed portal building for hay storage – Approved

Views of Consultees

Loggerheads Parish Council raise no objections subject to the footpath diversion being undertaken properly and agreed by Staffordshire County Council.

The **Environmental Health Officer** has no objections subject to conditions regarding hours of construction, noise mitigation measures, tanker collections and external lighting.

The **Highway Authority** raises no objections subject to conditions regarding revised access details and the position of any gates.

Staffordshire County Council as the **Public Rights of Way Authority** notes that the development proposal will directly impact Public Footpath No. 66 Loggerheads Parish which runs through the proposed application site inside the eastern and western boundaries. They acknowledge that the applicant intends to divert the footpath around the development, however the plans do not show the path in its current alignment on the plans or on the diversion plan. They draw the applicant's attention to the appropriate guidance and legislation in relation to the diversion and obstruction of Public Rights of Way.

The **County Minerals Authority** has no comments to make on the application.

Representations

None

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00232/FUL>

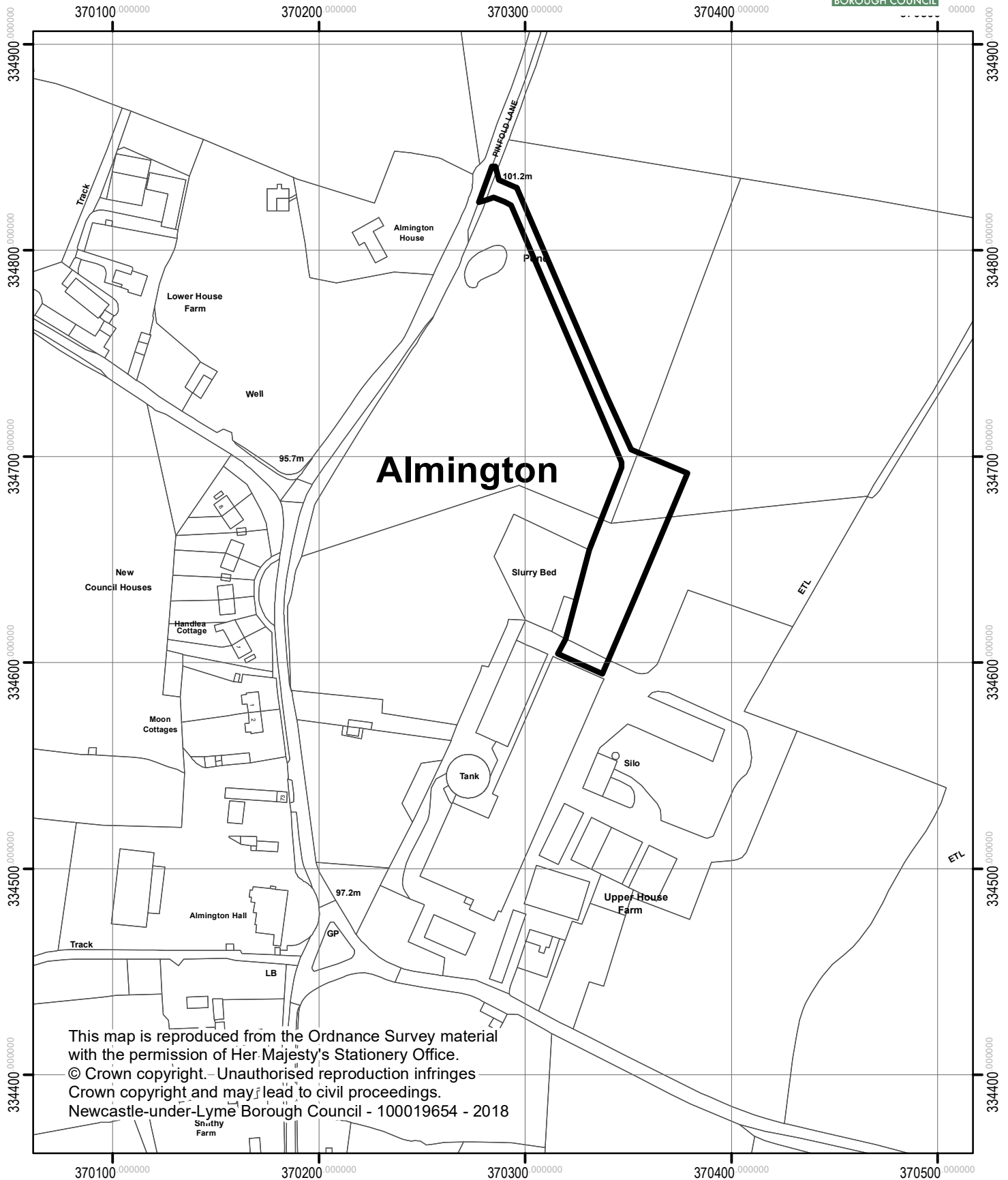
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

2 September 2020

Upper House Farm, Pinfold Lane
Almington, Market Drayton, TF9 2PL



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 238 & 244, ORME ROAD, NEWCASTLE-UNDER-LYME
MR JAVEED ABID

20/00195/OUT

The application is for outline planning permission for the erection of an apartment block comprising 8 x 2-bed units and a pair of 2-bed semi-detached houses. Details of layout, scale and appearance are provided for approval as part of this application with the details of access and landscaping reserved for subsequent approval.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds of over intensification, impact on neighbouring properties, inappropriate design and layout and history of subsidence on the plot.

The 8 week determination period expired on the 12th June 2020 but an extension of time to 18th September has been agreed.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The apartment block, due to its siting and scale, would comprise overdevelopment of the site that would appear as an incongruous addition to the streetscene, out of keeping with the prevailing character of the area.**
- 2. Adverse impact on the amenity levels of the neighbouring properties by virtue of disturbance caused by the use of the proposed access and car parking area.**
- 3. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the improvement of public open space.**

Reason for Recommendation

This site is in a sustainable location within the urban area and therefore the principle of residential development is acceptable. Following the receipt of additional information, it is not considered that an objection could not be sustained on highway safety grounds. However, the proposed apartment block would comprise overdevelopment that would be out of keeping with the character of the area and the proposed access and car parking area would have an adverse impact on the amenity levels of the neighbouring properties.

The development would result in additional pressure on public open space in the area and in the absence of a financial contribution such adverse impacts would not be appropriately mitigated against. Whilst that could be done via a planning obligation, no agreement is currently 'on the table'.

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

Additional information has been sought and received but it is considered that the applicant is unable to overcome the principal concerns in respect of this development.

KEY ISSUES

The application is for outline planning permission for the erection of an apartment block comprising 8 x 2-bed units and a pair of 2-bed semi-detached houses. Details of layout, scale and appearance are provided for approval as part of this application with the details of access and landscaping reserved for subsequent approval.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

Although reference has been made to a history of subsidence on the plot, the Coal Authority raises no objections to the proposal subject to the imposition of conditions and as such there is no basis upon which it can be concluded that the site should not be developed due to issues of instability.

The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- What, if any, planning obligations are necessary to make the development policy compliant?

Is the principle of residential development on the site acceptable?

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

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

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

Although this is not a previously developed site, it is in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle town centre and there are regular bus services that run frequently and close by the site.

The Council is currently 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. Development for residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for residential development.

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

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

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's

identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

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

The site comprises a grassed area between existing residential properties. The development would therefore result in the loss of a piece of informal open space that provides a break in the built form. Whilst the loss is unfortunate, the area is small and it is considered that its loss would not be significant in the context of the character and form of the area.

A pair of semi-detached dwellings is proposed to the front of the site in line with the dwellings to either side. The dwellings would be 2-storey and would be simple in design comprising facing brickwork and render. The design of the dwellings would be in keeping with the existing properties and it is considered that the layout and design of the semi-detached dwellings would be sympathetic to the character of the surrounding area.

A 4-storey apartment block is proposed to the rear of the site. Although the site slopes down from front to rear and therefore the building would be set down approximately 4 metres below the level of the road, at 4 storeys high and extending across the full width of the site, the apartment block would be significant in scale and massing. Orme Road, and in particular its eastern side, is characterised by 2-storey dwellings close to the highway with long rear gardens. It is considered that the proposed apartment block would comprise overdevelopment and would appear as an incongruous addition to the streetscene that would be out of keeping with the prevailing character of the area.

Would there be any adverse impact on residential amenity?

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

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

There would be approximately 30m between the principal windows in the front elevation of the apartments and the rear elevations of No. 238 Orme Road and the proposed 2-storey dwellings. The SPG recommends 21m between principal windows for a one or two-storey building facing a building of the same height. It states that where one or both dwellings are over two storeys high the distance between principal windows should be 21m plus an additional 3 metres for each additional storey. Although in this case the apartments would be 4-storeys high, the ground level of the apartments would be set down by 4m below that of the dwellings so the height is equivalent to 3-storeys. Notwithstanding this, the distance of 30m exceeds 21m plus an additional 3m for each of the two additional storeys.

The proposed access would run adjacent to the dwelling and rear garden of No. 238 and to one of the proposed semis. The access would be likely to be used at several times during the day and evening and it is considered that the disturbance caused by regular car movements, opening and shutting of car doors and revving of engines would have an adverse impact on the occupiers' peaceful enjoyment of their home and garden. It is considered that such a relationship would be unacceptably harmful.

Sufficient space would be provided for the occupiers of both the existing and proposed dwellings to sit out, hang washing out and for children to play and therefore it is considered that an acceptable level of private amenity space would be provided.

Is the proposal acceptable in terms of highway safety?

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

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

Although access is a reserved matter, given that the layout of the site is for consideration at this stage and dictates the location of the access, the acceptability of the access needs to be considered. The application is accompanied by a Technical Note, a Speed Survey and details of visibility splays. The Highway Authority raises no objections to the proposed access subject to the imposition of conditions.

The parking standards identified in the Local Plan indicate that for dwellings with 2 or 3 bedrooms a maximum of 2 parking spaces shall be provided. The semi-detached houses would each have two parking spaces and the proposed flats would each have one. Although the number of spaces would be below the maximum recommended, the site is in a sustainable location with bus services operating on Orme Road to the town centre and cycle storage is proposed for the flats.

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

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

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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 Landscape Development Section (LDS) has requested a contribution towards public open space improvements and maintenance. This development of 2 and 3-bed dwellings would put pressure on nearby areas of public open space given that such needs are not satisfied on site and therefore it is considered that in principle a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD. The LDS has indicated that any financial contribution that is secured would be used for improvements to nearby playground facilities at Thistleberry Parkway which is a 215m walk from the site. Given the proximity of the application site to the Parkway, this is considered acceptable as it would be directly related to the development.

APPENDIX

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

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

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

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

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

[Relevant Planning History](#)

None

[Views of Consultees](#)

The **Coal Authority** has no objections subject to a condition requiring further intrusive site investigation works.

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

The **Waste Management Section** states that both the semi-detached properties and the flats would need off-street storage. Swept path work is required to show that a freighter can enter the site and turn without obstacles.

The **Highway Authority** has no objections subject to conditions regarding provision of the access and visibility splays, details of surfacing materials and delineation of the parking bays, details of secure weatherproof parking, details of a bin storage area and submission of a Construction Management Plan.

The **Landscape Development Section** has no objections subject to conditions regarding tree protection and landscaping. A public open space contribution of £5,579 per dwelling is requested for improvements to nearby facilities at Thistleberry Parkway which is a 215m walk from the site.

Representations

One letter of representation has been received objecting to the flats on the following grounds:

- out of keeping with the area
- overlooking and impact on privacy
- parking concerns

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00195/OUT>

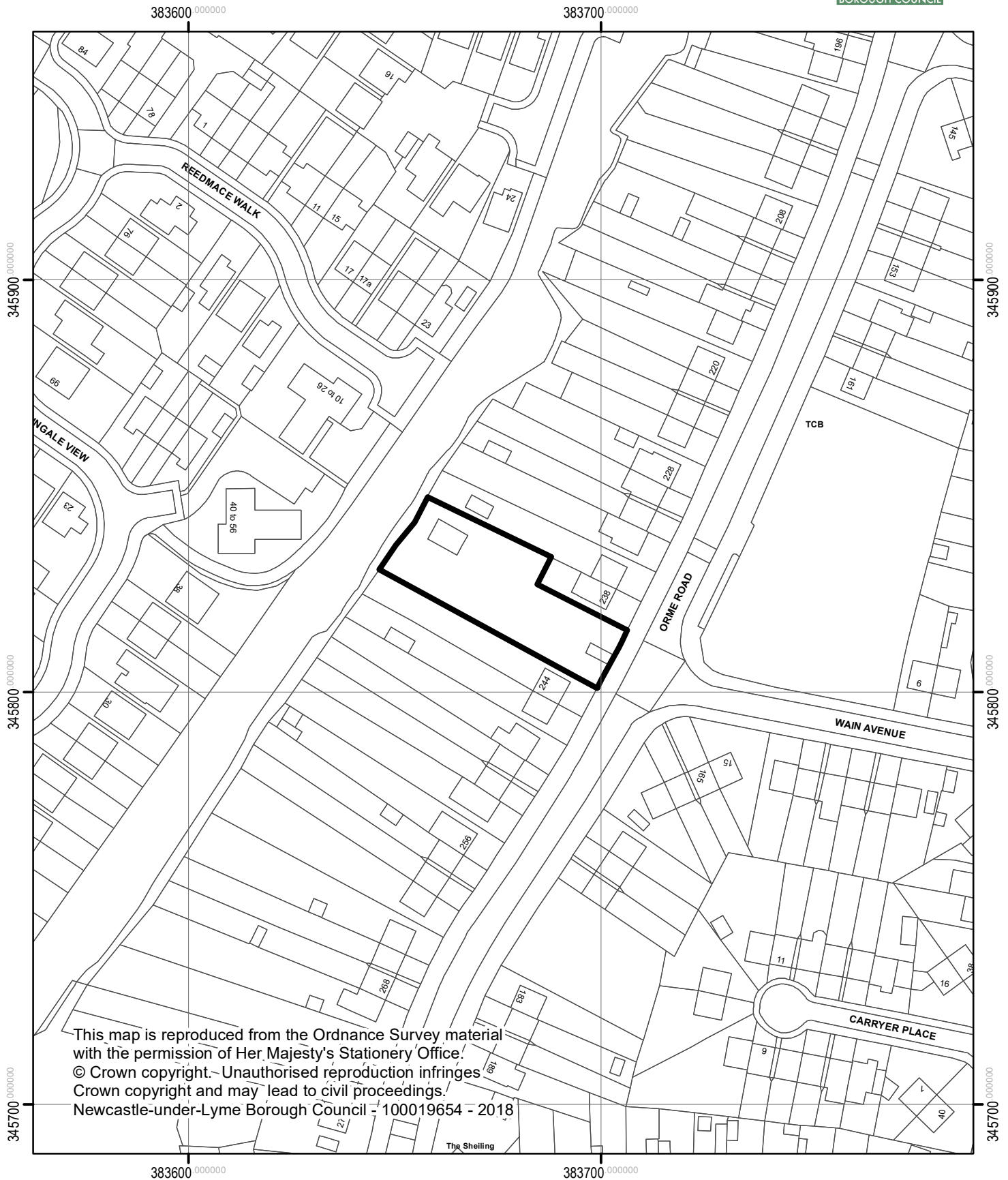
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st September 2020

Land Between 238 And 244
Orme Road, ST5 2PB



This page is intentionally left blank

WILLIAM RILEY AND SONS LTD, HIGH STREET, HALMEREND
WILLIAM RILEY AND SONS LTD

20/00388/OUT

The application seeks outline planning permission for the demolition of an existing retail unit/ post office local and warehouse buildings and replacement with a residential development comprising the erection of 8 no. dwellings.

The access, scale and layout are all submitted for approval with the appearance and landscaping reserved for subsequent approval.

The application site is primarily located within the rural area, within the village envelope of Halmerend, but part of the site does fall within land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Public Footpath no. Audley 66 runs through the site.

The 8 week period for the determination of this application expired on the 10th August and the applicant has agreed an extension of time to the statutory determination period to the 25th September 2020.

RECOMMENDATIONS

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

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;**
- 2. Approved plans;**
- 3. Removal of permitted development rights for extensions and outbuildings for plots 4-8;**
- 4. Prior approval of a surface water drainage scheme;**
- 5. Foul and surface water shall be drained on separate systems;**
- 6. Prior approval of a construction phase tree protection plan;**
- 7. Prior approval of an Arboricultural method statement;**
- 8. Any reserved matters for landscaping of the site to include replacement tree planting;**
- 9. Any reserved matters for landscaping of the site to include refuse collection arrangements;**
- 10. Any reserved matters for landscaping of the site to include all boundary treatments and hardstandings;**
- 11. Provision of access, parking and turning areas;**
- 12. Provision of driveway and parking area for each dwelling prior to occupation;**
- 13. Cycle parking for each dwelling;**
- 14. Provision of an uncontrolled pedestrian crossing;**
- 15. Clear delineation of roads and footways to be offered for adoption;**
- 16. Construction Vehicle Management Plan (CVMP);**
- 17. No surface water shall be discharged on to the public highway;**
- 18. Electric vehicle charging provision;**
- 19. Design measures to restrict impact on noise levels;**
- 20. Full contaminated land conditions;**
- 21. Permitted construction hours;**
- 22. Recommendations and enhancements as per the submitted ecological report**

Reason for Recommendation

The redevelopment of the site and the construction of 8 new houses in a sustainable rural location is considered to comply with local and national planning policy. It is accepted that the loss of the post office local would not be contrary to local and national planning policy and whilst a small part of the development represents inappropriate development within the Green Belt, it is concluded that there are very special circumstances which would outweigh any limited harm to the openness of the Green Belt from this development. It is therefore considered that very special circumstances exist that justify

approval of planning permission for this aspect of the scheme. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of existing and future occupiers or cause highway safety implications..

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

Officers sought amendments to the scheme to address fundamental concerns with the original proposals and revised plans were submitted. Additional supporting information was also requested and subsequently submitted. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

The application seeks outline planning permission for the demolition of an existing retail unit/ post office local and warehouse buildings and the replacement with a residential development comprising the erection of 8 no. dwellings.

The access, scale and layout are all submitted for approval with the appearance and landscaping reserved for subsequent approval.

The application site is primarily located within the rural area, within the village envelope of Halmerend but part of the site does fall within land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Public Footpath no. Audley 66 runs through the site.

Amended plans have been submitted during the consideration of the application which reduce the number of dwellings down from nine to eight.

The key issues in the determination of the development to consider are:

- Is the part of the development that is located within the Green Belt appropriate or inappropriate development?
- The principle of the development, including the loss of a post office local,
- The design of the proposals and the impact on the visual amenity of the area,
- Impact on neighbouring residential amenity levels,
- The parking provision and the impact on highways safety,
- Impact on the public footpath, and
- If inappropriate development, do the very special circumstances exist to overcome the harm to the Green Belt?

Is the development appropriate development in the Green Belt?

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

The application site is primarily within the village envelope of Halmerend but land towards the east and south (side and rear) does fall within the Green Belt.

The part of the site that falls within the Green Belt forms part of the yard area for the existing warehouse building and is laid with hardstanding. According to Council records, this area was a previous railway cutting but became curtilage to the warehouse in the 1990's.

The scheme has been amended during the consideration of the application due to three of the previously proposed nine dwellings encroaching into the Green Belt. The amended scheme is now for eight dwellings and a small proportion of a single storey outrigger of plot no. 8 encroaches into the Green Belt, as do the proposed rear garden areas for plots 4-8.

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

e) limited infilling in villages; and

g) The limited infilling or the partial or complete redevelopment of previously developed sites which would

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

Paragraph 146 of the NPPF also advises, amongst other things, that changes of use (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) of land are not inappropriate development within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

As discussed, a small part of a single storey outrigger to plot no. 8 encroaches into the Green Belt. This would not meet any of the exceptions listed and the conclusion is that this element of the scheme is inappropriate development and should not be approved except in very special circumstances.

The proposed garden areas would have no greater impact on the openness of the Green Belt than the existing hardstanding that forms the yard area of the warehouse and this element of the scheme is considered to comply with the guidance and requirements of the NPPF. However, it is considered appropriate to remove permitted development rights for extensions and outbuildings for plots 4-8 by condition to ensure that further development does not damage the openness of the Green Belt caused by encroachment. It is considered that this condition would meet the tests set out in paragraph 55 of the NPPF, along with paragraph 017 of the planning practice guidance which states that conditions to restrict the future use of permitted development rights may not pass the test of reasonableness of necessity. They should only be used in exceptional circumstances with the scope precisely defined by reference to the GPDO to make clear what rights have limited or withdrawn. It is considered that the exceptional circumstances are justified in this instance.

The principle of the development and the loss of a post office local

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

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

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

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

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

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- (Para 11(d))

Planning Inspectors have only given limited weight to NLP Policy H1 and CSS ASP6 in as far as they define the village envelopes (Policy H1 and ASP6) and limit the number of additional dwellings in key rural service centres (Policy ASP6).

The limit on the number of additional dwellings, as set out in policy ASP6 applies to housing developments that are located within defined village envelopes as well as those beyond such boundaries. Even though the village envelopes referred to in ASP6 have to be considered to be out of date, the remainder of the policy (i.e. the requirement for development to be of high design quality and to be primarily located on previously developed land) is not inconsistent with the Framework.

The Council is currently 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.

Halmerend forms one of the villages of the Audley Parish and represents a sustainable rural location for new housing. The application site represents brownfield land (PDL) and much of the site is primarily within the village envelope. Therefore it is accepted that the site is considered to represent a sustainable rural location.

The application will result in the loss of an existing retail unit which is also a post office local. A post office is considered to be a community facility and saved NLP policy C22 – Protection of Community Facilities, details that development that would result in the loss of an important community facility will need to demonstrate that it can be replaced. This is echoed by paragraph 92 of the NPPF which, amongst other things, seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The application sets out that the postal service part of the shop runs as a "Post Office Local" which operates with fewer services and not a traditional style Post Office. There are services also available at other Post Offices within 1.5miles i.e. Post Office local in Audley, Post Office in Bignall End and a community Post Office in Wood Lane. The applicant has an agreement with the Post Office that can be terminated with 6 months notice irrespective of this planning application.

Your officer accepts that the loss of the post office local would be unfortunate but under the circumstances set out by the applicant it is not considered that a fundamental objection can be raised because alternative services are provided in neighbouring villages which are served by public transport. Furthermore the Post Office is actively encouraging the use of online facilities rather than paper and face to face contact.

On the basis of the above it is accepted that the proposal would not be contrary to development plan policies or specific policies and guidance of the NPPF and whilst there would be some minor encroachment of a small part of plot 8 into the Green Belt the majority of the site represents a sustainable and appropriate location for new housing.

The design of the proposals and the impact upon the Area of Landscape Restoration

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

Policy CSP1 of the Core Spatial Strategy 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 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". R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Whilst the proposed development is for outline planning permission the layout and scale of the proposed dwellings are submitted for approval, as is the access arrangements.

The submitted layout shows a block of three dwellings (plots 1-3) that would front High Street. These dwellings would have a small yard area to the front, behind a brick wall and gate. This would be similar to existing terrace properties that also front High Street to the west and whilst appearance is for subsequent approval, it is accepted that this element of the scheme represents an appropriate design solution in the context of the area.

Plots 1-3 would have off street car parking at the rear which will be served off the existing access to the warehouse unit and yard area. This would also serve the remaining plots (4-8) which are proposed to occupy a backland location, currently occupied by the existing warehouse unit and associated yard area. The proposed dwellings would be formed in a block of five with a slightly staggered building line. They would be two or two ½ storeys in height and the indicative elevation details demonstrate that they would have an acceptable appearance.

The backland location of plots 4-8 and the associated car parking area will result in some harm to the character of the area but views of this area would be limited due to it being set on a lower level than High Street. The rear of the site also benefits from existing screening from existing buildings that front High Street, along with trees and vegetation on the site frontage and within the site.

Objections received raise concerns about the type of dwellings proposed and that they would be out of character with the area. However, there are a range and mix of dwelling typed in the area, terrace properties being a fundamental part of the character.

The backland location of the development is also likely to require a bin collection point/ store close to the access onto High Street. This is unavoidable but to limit its impact it could be incorporated into the landscaping scheme which is reserved for subsequent approval. This can be secured via a planning condition.

On balance it is accepted that the application has demonstrated that the proposed development represents a good quality design that would not harm the character and appearance of the area. It is therefore in accordance with policy CSP1 of the CSS, the guidance and requirements of the NPPF and the urban design SPD.

Would there be any adverse impact on residential amenity?

The Framework states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The submitted plans demonstrate that all principal windows are proposed on the front and rear elevations and these would adhere to the guidance of the SPG.

An acceptable amount of private amenity space would be achieved for plots 4-8 which will have large gardens. However, plots 1-3 will have a small yard area only and this is a concern.

The yard areas would allow future occupiers to sit out and dry washing. This type of yard area is not uncommon for a terrace property and it would add to the range of types of property on offer as not everyone wants a sizeable garden that requires maintenance. The site also has public open space in walking distance and a number of public footpaths for future occupiers to enjoy.

In summary, there would be no significant impact on the residential amenity of neighbouring properties in terms of loss of privacy, overbearing impact or loss of light to principal windows. An acceptable level of amenity would also be achieved for future occupiers. The conditions advised by the Environmental Health Division would also protect amenity levels.

The proposed development is considered to be in accordance with the Council's SPG and the guidance and requirements of the NPPF.

The parking provision and the impact on highways safety

Access is for approval and the proposed development seeks to utilise the existing access onto High Street. All 8 dwellings will have off street car parking served by the access, including the block of three dwellings that front High Street. .

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

The Highways Authority has raised no objections subject to a number of conditions to ensure that the access and car parking arrangements are acceptable. In particular details of bin storage arrangements, due to the backland location of five of the plots, are required. This is likely to require a bin collection point at the site access. This is not ideal but suitable alternatives are unlikely to be possible in this instance.

Objectors have raised concerns about existing on street car parking problems on High Street. However, the submitted plans demonstrate that all plots will have off road car parking provision for two cars which would accord with policy T16 of the local plan. Therefore, the proposed development is unlikely to exacerbate an existing on street car parking problem.

The site is within a sustainable rural area with links to public transport, a school and cycle storage provision is requested by HA to encourage none motor vehicle travel.

Impact on the public footpath

A set out, Public Footpath no. Audley 66 is shown on the Definitive Map of Public Rights of Way (PRoW) as passing through the site. However the applicant has shown the PRoW as running beyond the rear boundary, which is an accurate position of the PRoW as exists on the ground. The PRoW is set behind existing fencing which surrounds the site.

The County Council Public Rights of Way officer has advised that the plans do not show the PRoW in its correct alignment and the development will affect the PRoW.

It is clear that the PRoW has been diverted previously but that records have not been updated via a formal procedure. Therefore, the applicant will need to formally divert the footpath under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way.

Do very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt, and any other harm?

As it has been concluded that a small part of a single storey outrigger to plot no. 8 is inappropriate development it is necessary to consider whether there are very special circumstances that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

Paragraph 144 of the NPPF sets out that; “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

In this instance only a small part of the outrigger encroaches onto Green Belt land and this is less than 10 cubic metres in volume. Therefore the harm to the openness of the Green Belt would be minimal.

The design of plot 8 could be amended to ensure that any part of the outrigger does not encroach onto the Green Belt but this would be at the expense of the design of the scheme and/ or the living conditions of future occupiers. Alternatively the scale of the development could be lessened through the loss of a further plot but that would reduce the level of contribution of the development to housing supply and it is considered that the minimal impact on the Green Belt arising from the development does not justify such an amendment.

Given the circumstances, including the very limited size of the structure and its acceptable appearance, it is considered that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

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

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy C22: Protection of Community Facilities
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

N12014 (1983) Replacement garage/warehouse Permitted

N12666 (1983) Filling of old railway cutting and formation of new access Permitted

N16258 (1987) Warehouse extension Permitted

N21585 (1992) The erection of a seed store Permitted

Views of Consultees

Audley Parish Council supports the application for residential starter homes, providing that the Green Belt land is preserved and untouched. There were some concerns raised about the ability to safely leave the site from the proposed entrance.

The **Environmental Health Division** raises no objections subject to conditions which secure the following matters;

- Full contaminated land;
- Construction hours;
- Waste collection and storage arrangements;
- Electric charging provision, and

- Design measures to protect against noise.

Landscape Development Section raises no objections subject to the prior approval of a tree protection plan, arboricultural method statement and a landscaping scheme to include replacement trees.

The **Highways Authority** raises no objections subject to conditions which secure;

- The access, parking and turning areas;
- Provision of driveway and parking for each dwelling;
- Provision of cycle parking for each dwelling;
- Provision of an uncontrolled pedestrian crossing including tactile paving at the radii access into the development;
- Prior approval of roads and footways to be offered for adoption and bin storage area
- Prior approval of Construction Vehicle Management Plan (CVMP); and
- No surface water shall be discharged on to the public highway.

United Utilities raises no objections subject to conditions to secure a sustainable surface water drainage scheme and foul and surface water being drained on separate systems.

The **County Council Public Rights of Way Officer** advises that the application plans show the existence of Public Footpath No. 66 Audley Parish which runs across the proposed development. However, the plans do not show it in its correct alignment. It appears from the planning documents that the development proposals may directly impact on the public rights of way. The attention of the applicant should be drawn to the correct alignment of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public paths. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion.

Staffordshire County Council as the **Minerals and Waste Planning Authority** advises that they have no comments to make on this application.

Representations

Five representations have been received, three **objections** and two **supporting** the application.

The three **objections** raise the following concerns and observations;

- The sewage system cannot cope with new dwellings;
- On street car parking;
- There is already a high number of terraced properties in the area;
- The area is through route for many commuters;
- Strain on local services, utilities, roads;
- Other new developments in the area were not in-keeping and did not meet local need;
- There is a need for larger dwellings for the area to develop further;
- Overlooking and loss of privacy;
- Loss of light to neighbouring properties;
- Increased noise impact; and
- Loss of property value;

The two representations of **support** advise that there is a need more sustainable, affordable housing and all the proposed new properties will have their own designated parking area, well away from the High Street.

Applicant's/Agent's submission

The application is accompanied by a Planning Statement, Highways Statement, an Ecology Report, Tree Survey and a Phase 1 Ground Investigation Report.

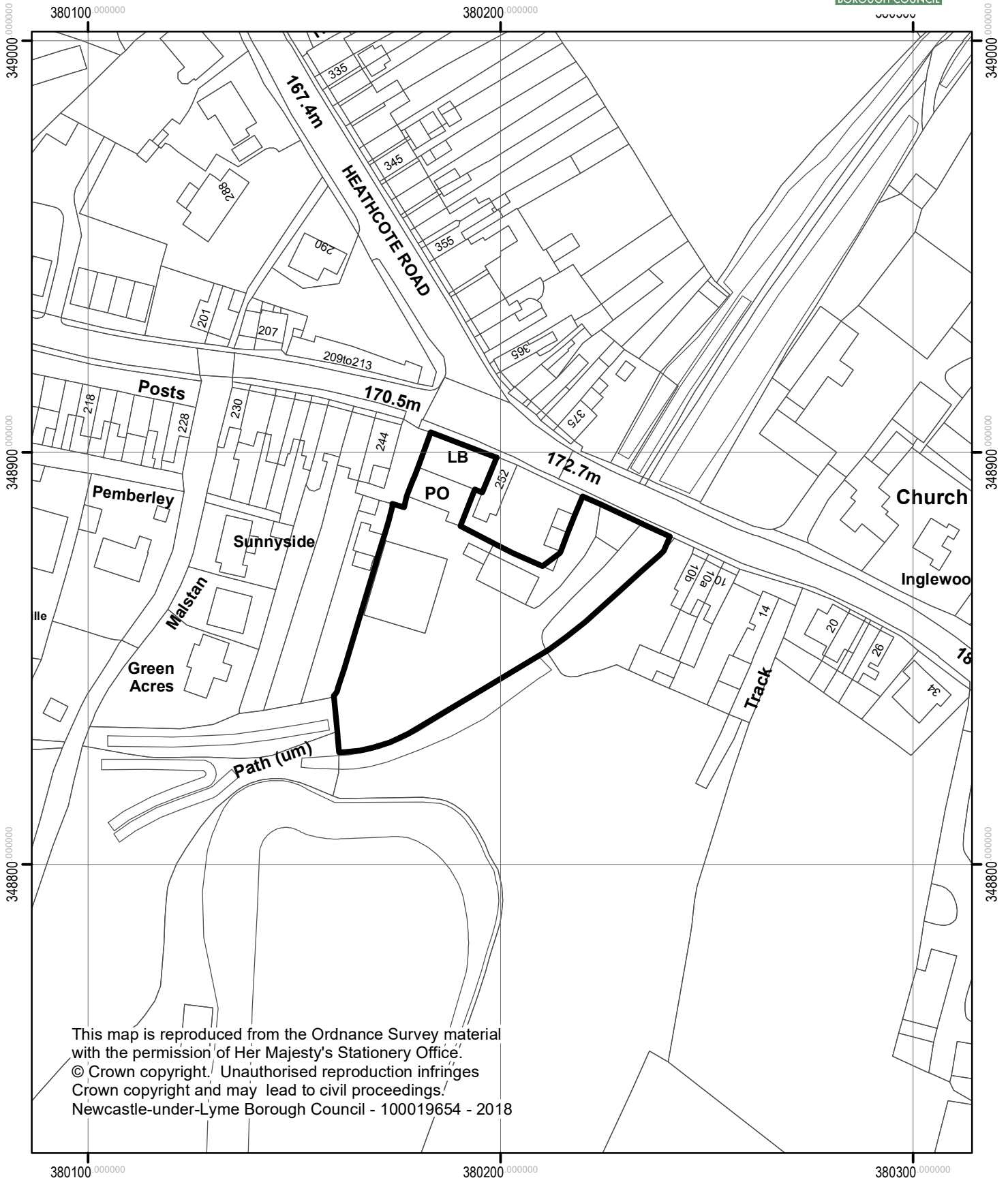
All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00388/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd September 2020



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

Published 11 September, 2020

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th September 2020

Agenda Item 7

Application Ref. 20/00388/OUT

William Riley & Sons High Street Halmerend

Since the publication of the main agenda, three further representations have been received.

One is in support of the application and one objects on the grounds of encroachment of the development into the Green Belt and the associated harm that this will cause.

The third representation raises concerns about land outside of the red edge application site which is not a material planning consideration in the determination of this planning application.

The RECOMMENDATION is remains as set out in the main agenda report.

This page is intentionally left blank

PEACOCK HAY, PEACOCK HAY ROAD, TALKE
VOYAGE CARE - MR CARL WILKINSON

20/00566/FUL

The application is for full planning permission for the retention of a timber outbuilding to house new water storage tanks in the grounds of a registered care home.

The site is located on the edge of the urban area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on the 10th September but the applicant has agreed to an extension of time until the 22nd September 2020.

RECOMMENDATIONS

PERMIT with no conditions.

Reason for Recommendation

Whilst the development represents inappropriate development within the Green Belt, it is accepted that there are very special circumstances which would outweigh any limited harm to the openness of the Green Belt from this development. It is therefore considered that very special circumstances exist that justify approval of planning permission. In all other respects the development accords with local and national planning policy.

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

Additional information has been requested during the consideration of the application and the applicant has submitted details to satisfy any concerns. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

The application is for full planning permission for the retention of a timber outbuilding to house new water storage tanks in the grounds of a registered care home.

The site is located on the edge of the urban area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map.

The site is within a High Risk Coal Mining area but due to the nature of the works it is considered that it falls under the Coal Authority exemptions list and the application does not need to be supported by a desk based Coal Mining Risk Assessment

The key issues in the determination of this planning application are considered to be;

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

Is the proposal appropriate development within the Green Belt?

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

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

The timber outbuilding that has been applied for has already been erected on the land and houses water tanks.

The development does not meet any of the listed exemptions set out within the NPPF and on this basis it represents inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

Design and impact on the character and appearance of the landscape

Paragraph 124 of the National Planning Policy Framework (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.

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

Policy CSP1 of the Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

The timber outbuilding is a modest structure which measures 2.45 metres by 1.83 metres in width and length respectively with an overall height of 2.25 metres.

The building has the appearance of a shiplap timber garden shed. It is located to the rear of the main building and there would be minimal views of it from any main vantage points. Therefore it is not considered that it would harm the character and appearance of the landscape and it accords with Policy N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

Do very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt, and any other harm?

As the development is considered to represent inappropriate development in the Green Belt, very special circumstances are required that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

Paragraph 144 of the NPPF sets out that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The building is of a modest size with an approximate volume of 10 cubic metres, therefore the impact on the openness of the Green Belt would be limited.

The applicant has set out that there used to be a 5000L cold water storage tank situated in the current position of the shed that has now been erected but that its location in the open was a health and safety risk. It was also exposed to adverse weather such as frost. Therefore the tanks needed to be housed in a building and there is not enough space within the boiler house to accommodate them. The timber building provides the secure and safe environment for the water tanks.

Given the circumstances and justification provided, along with the limited size of the structure and its acceptable appearance, it is considered that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

APPENDIX

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

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

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

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

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

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

06/00055/COU Change of use from guest house to a seven bedroom care home for young adults with learning disabilities Permitted

[Views of Consultees](#)

Kidsgrove Town Council have not responded by the due date of the 12th August 2020 and it is assumed that they have no observations to make on the application.

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

[Representations](#)

None received

[Applicant's/Agent's submission](#)

The submitted plans and justification for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00566/FUL>

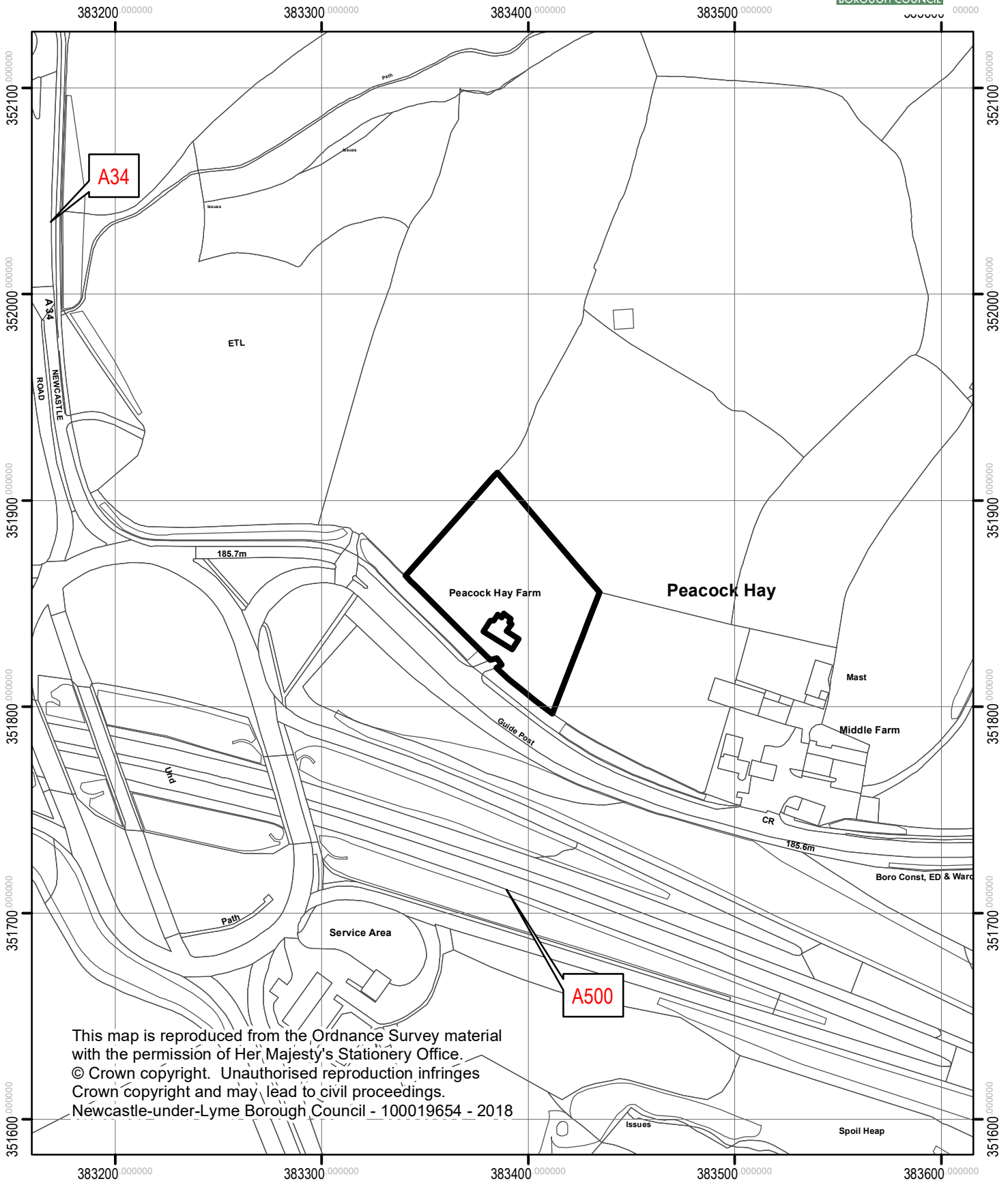
[Background papers](#)

Planning files referred to
Planning Documents referred to

[Date report prepared](#)

28th August 2020

Peacock Hay, Peacock Hay Road
Talke, ST7 1UN



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 Planning Committee 15 September 2020

5 year Housing Land Supply Statement for the Borough of Newcastle-under-Lyme covering the 5 year period from 1 April 2019 to 31 March 2024

Purpose of the Report

To present updated information on the current 5 year housing land supply position (at 31 March 2019) as set out in accompanying statement.

Recommendations

- 1) That members note the content of the 5 year Housing Supply Statement and agree that it represents the current position of the Council.
- 2) That members note the significance of the 5 year supply position for Development Management decision making.

Reasons for recommendations

To ensure the Council calculates its 5 year Housing Land Supply Statement in accordance with current government policy, planning practice guidance and reflects the most up-to-date position regarding its supply of deliverable housing sites.

1. Member's attention is drawn to the accompanying 5 year Housing Land Supply Statement and its Appendix A. The purpose of this report is not to repeat the content of the Supply Statement, but rather to draw attention to key elements of it.
2. The 5 year Supply Statement is a measurement of Borough's supply of deliverable housing sites against the Borough's local housing need. Local housing need is required to be calculated using the standard method set out in the Planning Practice Guidance.
3. The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (Local Plan) was adopted more than five years ago (October 2009), and the emerging Local Plan has not yet been subject to examination. Therefore, the standard method should be used to calculate the housing need.
4. The Borough's annual housing requirement is **371 homes per annum** or 1,854 homes over the five year period 2019-2024. This is based on the standard method including adjustment for accumulated shortfall since 2016-17 and the application of a 5% buffer.
5. To be included in the Borough's 5 year housing land supply statement, sites have to be deliverable which means that they should be available now, offer a suitable location for development now, and be achievable with a reasonable prospect that housing will be delivered on the site within the 5 years and in particular that development of the site is viable. Sites which are not categorised as major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example, if they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the

development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.

6. As at 31 March 2019, the Council is able to demonstrate **7.3 years of housing land supply** taking into account accumulated shortfall since 2016/17 and the application of a 5% buffer. This means that, in accordance with Paragraph 11 of the National Planning Policy Framework (NPPF) [February 2019], relevant policies that relate to the supply of housing continue to be considered up-to-date.
7. The Council's supply exceeds the 5 year figure by 2.3 years or 853 units. The figures are considered to be robust and defensible. Most significantly, the Council is able to demonstrate a 5 year housing land supply [5.1 years] even if student accommodation units are excluded from its supply.
8. Officers acknowledge that this report has been delayed; it is reporting the housing land supply position at 31 March 2019 on 15 September 2020. To prevent future delays, we have already commenced our annual monitoring process to ascertain the housing land supply position at 31 March 2020. We expect this process to be completed by November 2020.



Newcastle-under-Lyme Borough Council

Five Year Housing Land Supply Statement: 2019-2024

Contents

1. Background
2. National Policy and Guidance
3. Local Housing Need
 - Application of an Appropriate Buffer and Addressing Shortfall
4. Local Housing Need 2019 to 2024
5. Housing Land Supply
 - Assessment of Deliverable Sites
 - Detailed Planning Permission
 - Outline Planning Permission
 - Planning Applications with Resolution to Grant
 - Windfall Development and Allowance
 - Student Accommodation
 - Overview of Housing Land Supply Components
6. Five Year Housing Land Supply Position
7. Summary

Appendix A – Housing Land Supply Site Schedule

1. Background

- 1.1 This is the seventh detailed annual statement of the five year housing land supply that Newcastle-under-Lyme Borough Council has produced. It sets out new information on the availability of land for housing development looking forward over the next five years from 2019 to 2024.

2. National Policy and Guidance

2.1 The National Planning Policy Framework (NPPF) states:

2.2 "...Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old..."(National Planning Policy Framework, February 2019: para. 73, p20).

2.3 Local housing need is required to be calculated using the standard method set out in the Planning Practice Guidance.

2.4 The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (Local Plan) was adopted more than five years ago (October 2009), and the emerging Local Plan has not yet been subject to examination. Therefore, the standard method should be used to calculate the housing requirement.

2.5 Paragraph 60 of the NPPF (February 2019) states that in order to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance¹ – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

2.6 As Newcastle-under-Lyme Borough Council's existing strategic policies are more than five years old, the Borough's local housing need should be applied for the purposes of assessing the Borough's five year housing land supply. The NPPF (February 2019) glossary defines local housing need as "the number of homes identified as being needed through the application of the standard method set out in national planning guidance"², or a justified alternative approach.

2.7 Furthermore, with regard to Local Housing Need Assessment, Planning Practice Guidance³ provides greater detail on the approach to be adopted in prescribed circumstances. Planning Practice Guidance directs all local authorities with strategic policies older than 5 years, or where strategic housing policies have not been reviewed and found to be up-to-date, to use the Government's method as the starting point for calculating the 5 year housing land supply.

¹ MHCLG Planning Practice Guidance Paragraph: 001 Reference ID: 2a-001-20190220

² MHCLG Planning Practice Guidance Paragraph: 002 Reference ID: 2a-002-20190220

³ MHCLG Planning Practice Guidance Paragraph: 003 Reference ID: 2a-003-20190220

2.8 The NPPF (February 2019) Annex 2: Glossary defines 'deliverable'. To be considered 'deliverable', sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Specifically:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years (NPPF, February 2019: p66).

2.9 The NPPF (February 2019) sets out the Housing Delivery Test (HDT). Fundamentally, the result of the test is expressed as a percentage arrived at by dividing the minimum number of total dwellings required to have been built over the preceding 3 year period by the total number of dwellings that were built during the same period. The Housing Delivery Test result is used to determine the application of an appropriate buffer to the Borough's supply of deliverable sites, along with determining what other measures are required, according to National policy, to address under-delivery.

3. Local Housing Need

3.1 Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are working in partnership to produce a Joint Local Plan. This will replace the Core Spatial Strategy and will set a new housing requirement which will take into consideration a full, up-to-date objective assessment of housing need for both authorities' administrative areas, and constraints to development.

3.2 Evidence relating to the housing need for both local authorities is published in the Strategic Housing Market Assessment (SHMA), 2015 and the Strategic Housing Market Assessment Review, 2017⁴. At this stage this evidence forms a recommendation of housing need. Both documents were published, as part of the Joint Local Plan Strategic Options public consultation exercise (17th July to 22nd August 2017)⁵, the Preferred Option document (consulted 1st February to 1st March 2018)⁶. [Please note, there is a forthcoming public consultation for the Draft Local Plan].

3.3 These studies indicate that Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council share a single housing market area (HMA). The SHMA Review, 2017, recommends a full Objectively Assessed Need (OAN) of 1,390

⁴ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/joint-local-plan/>

⁵ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy>

⁶ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy>

dwellings per annum across the HMA for the period 2013 to 2033. This need draws on the implications of employment growth on housing need and supporting a return to a higher level of household formation for younger people.

3.4 The SHMA Review, identified a recommended OAN for the housing market area, and is based on a more recent assessment of Newcastle’s housing need than the Adopted Core Strategy. The SHMA Review’s recommended assessed housing need for Newcastle-under-Lyme is 586 dwellings per annum from 2013 through to 2033. However, this assessment does not represent a full OAN as the recommended requirement does not apply across the HMA. Essentially, the recommended figure of 586 dwellings per annum is the Borough’s component of the wider HMA’s recommended OAN.

3.5 While not a full objective assessment of housing need, the 2017-2022 Five Year Statement was based on the Newcastle’s housing requirement as recommended by the SHMA Review as, at the time of writing, this was considered to form the most up-to-date assessment of local housing need available. Essentially the recommended SHMA OAN was adopted as an interim housing requirement with which to assess the Borough’s housing land supply against in the absence of a suitable alternative. The 2017-2022 statement acknowledged that the SHMA OAN housing requirement did not represent a NPPF compliant housing requirement set out in an adopted up-to-date Local Plan.

3.6 However, following the introduction of the National Planning Policy Framework (February 2019) and updated Planning Practice Guidance (PPG) [Paragraph: 002 Reference ID: 2a-002-20190220; Revision date: 20 02 2019], the Government’s standard method for assessing local housing need is the prescribed method for calculating a five year housing land supply.

3.7 At present the Councils do not consider there to be compelling circumstances to justify an alternative approach to the Government’s standard method⁷. A departure from the Government’s method would have to be robustly justified and will be subject to examination as part of the emerging Joint Local Plan. It is accepted that there may potentially come a point prior to the adoption of the Joint Local Plan – for example at the point of approval of the Draft Local Plan - at which, if the Councils take the view that evidence supports an alternative approach to assessing housing need, they may consider applying that alternative for the purpose of calculating the five year housing land supply. This matter will form the subject of a future report/more detailed consideration at the appropriate time.

3.8 Figure 1 below indicates the Borough’s local housing need according to the Government’s standard method to assess housing need:

Figure 1: Local Housing Need- Government’s Standard Approach

Step 1- Setting the baseline

Average household growth in Newcastle-under-Lyme between 2019-2029

58,567 households in 2029 and 55,437 in 2019. 3,130 household growth.

⁷ RNPPF Paragraph 60

$$313 \text{ (Annual Household Growth)} = \frac{58,567 - 55,437}{10}$$

Average annual household growth= 313

Step 2 - An adjustment to take account of affordability:

2018 median workplace-based affordability ratio for Newcastle-under-Lyme: 5.83

$$\left(\frac{\text{Local affordability ratio} - 4}{4} \right) \times 0.25 + 1$$

$$5.83 \text{ (local affordability ratio)} - 4 = 1.83$$

$$1.83 / 4 = 0.4575$$

$$0.4575 \times 0.25 = 0.114375$$

$$0.114375 + 1 = 1.114375$$

Adjustment factor= 1.114375

The minimum annual local housing need figure for Newcastle-under-Lyme:
 (Adjustment factor) x projected household growth 1.114375 x 313 = 348.8
 The resulting figure is **349** (rounded).

Step 3 - Capping the level of any increase

The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (Local Plan) was adopted more than five years ago (October 2009). A cap may therefore be applied whichever is the higher of:

285 dwellings per annum set out in the 2009 Core Strategy

313 based on average annual household growth 2019-2029 (as per Step 1)

The cap is set at 40% above the higher of the most recent average annual housing requirement figure, or average household growth. In this case, the household growth is the greatest figure:

$$\text{Cap} = 313 + (40\% \times 313) = 438.2$$

The capped figure is greater than the minimum annual local housing need figure and therefore does not limit the increase to this authority's minimum annual housing need figure (i.e. no cap is applicable).

The minimum annual housing need figure for Newcastle-under-Lyme is 349.

Application of an Appropriate Buffer

3.9 Paragraph 73 of the NPPF (February 2019) states that "the supply of specific deliverable sites should in addition include a buffer (moved forward from later in

the plan period)” (NPPF, February 2019, Para. 73, p20). The appropriate buffer for Newcastle-under-Lyme Borough Council is “a) 5% to ensure choice and competition in the market for land” (*Ibid.*). This is justified by the Borough’s 2019 Housing Delivery Test Result of 98% as per below calculation.

891.9 (total net additional homes delivered 2016/17⁸ to 2018/19⁹)
 911.4 (total number of net homes required 2016/17 to 2018/19)

Addressing any shortfall

- 3.10 The Planning Practice Guidance indicates that any shortfall should also be included in the requirement for the first five years. This results in a five year supply requirement in excess of the local housing need figure.
- 3.11 The 2018 NPPF introduced the Government’s standard method for calculating local housing need. Prior to this, the most up-to-date evidence was the 2017 Strategic Housing Market Assessment (SHMA) which indicated an objectively assessed housing need of 586 homes per year for Newcastle-under-Lyme. The SHMA evidence is outdated.
- 3.12 Therefore, to assess the five year housing land supply, it is relevant to assess housing delivery during the 2016/17-2018/19 period against the housing requirement. This corresponds with the results of the Housing Delivery Test: 2019 measurement published by the Ministry of Housing, Communities & Local Government (MHCLG).

Year	Number of Homes Required	Number of Homes Delivered	Shortfall/Surplus (cumulative)
2016-17	252	422	170
2017-18	315	232	87
2018-19	344	236	-21
Total	911	890	-21
<i>Source:</i> Housing Delivery Test: 2019 measurement, Ministry of Housing, Communities & Local Government			

3.13 The table above shows that a shortfall of 21 homes should be added to the five year housing land supply requirement.

⁸ <https://www.gov.uk/government/collections/net-supply-of-housing> - published by MHCLG annually during November

⁹ <https://www.gov.uk/government/publications/housing-delivery-test-2019-measurement>

4. Local Housing Need 2019 to 2024

4.1 Figure 1 indicates the annual Local Housing Need figure according to the Government's standard method to assessing housing need. In accordance with the NPPF (February 2019) and Planning Practice Guidance regarding housing delivery and 5 year housing land supply, the Borough's minimum housing need has been calculated using the standard method. This amounts to a local housing need of 1,852 homes over a 5 year period, as set out in Figure 2, with which to assess the Council's housing land supply against.

Figure 2: Local Housing Need Assessment

Local Housing Need (per annum)	349
Five year Local Housing Need	1,745
Shortfall	21
Five year requirement including shortfall	1,766
Five year requirement including shortfall and 5% buffer	1,854
Annual requirement including shortfall and 5% buffer	371
Total five year housing requirement	1,854

5. Housing Land Supply

Assessment of Deliverable Sites

5.1 The capacities identified in this section were derived having considered the amended definition of 'deliverable' sites as set out in the glossary of the NPPF (February 2019) and Planning Practice Guidance.

5.2 Furthermore, an assessment of all sites within the land supply has been undertaken in accordance with the Councils' Joint SHLAA Methodology¹⁰. This involved engagement with the development industry.

5.3 The approach adopted ensures an up-to-date trajectory and robust deliverable supply having determined which sites are deliverable and the amount of capacity (delivery) that can realistically be expected from each site during the 2019-2024 period.

Detailed Planning Permission

5.4 In accordance with the NPPF (February 2019), sites (including small sites) which have detailed planning permission have been considered deliverable during the

¹⁰ Joint SHLAA Methodology 2017

period their permission remains extant, unless there was clear evidence that the site will not be implemented or commence delivery within the five year period.

Outline Planning Permission

5.5 Sites with outline permission have only been considered as counting towards the deliverable supply where there is clear evidence that housing completions will begin on site within five years (i.e. progression towards reserved matters, discharge of conditions or significant developer interest).

Planning Applications with Resolutions to Grant

5.6 Sites with planning applications with resolutions to grant (outline or full) planning permission subject to a Section 106 agreement or Unilateral Undertaking being completed are considered deliverable. These applications have progressed positively through the development management process with the proposal generally being considered acceptable by the Council and are ready to receive planning permission, subject to the detail of planning requirements being secured in a Section 106 legal agreement or Unilateral undertaking.

Windfall Development and Allowance

5.7 Paragraph 70 of the NPPF (February, 2019) states: “Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area” (NPPF, February 2019: para. 70, p19).

5.8 We have found compelling evidence that windfall sites provide a reliable source of supply in Newcastle-under-Lyme.

5.9 Figure 3 below shows the past trends in windfall site completions since 2008. These typically comprise of changes of use and conversions and sites not already identified in the published SHLAA.

Figure 3: Calculation of the windfall allowance

Windfall Completions			
Year	Change of Use/ Conversions	Sites not identified in the SHLAA	Total
2008-09	18	30	48
2009-10	39	8	47
2010-11	3	18	21
2011-12	16	11	27
2012-13	25	6	31
2013-14	18	15	33
2014-15	24	2	26
2015-16	49	12	61
2016-17	232	20	252
2017-18	11	29	40
2018-19	12	47	59
Total	447	209	645
Average per year			58.64

5.10 Considering the monitoring data presented in Figure 3 a windfall allowance of 58.6 dwellings per year for years 2022/23 and 2023/24 of the five year period is included in the housing land supply calculation. A total windfall allowance of 117 is applied for the last two years of the five year supply period (i.e. years 2022-2024) in order to avoid double counting of existing planning approvals which are likely to be built during the preceding three years.

Student Accommodation

5.11 In recent years, the Council has seen a rise in the number of planning applications proposing significant amounts of purpose built student accommodation. Currently, there are 7 sites with full planning consent¹¹ ranging in scale from 112 to 649 net additional student units. These total 2,578 student accommodation units. Three of the schemes have been submitted on behalf of Keele University, whereas the others are to be delivered by other private sector investors attracted by the perceived strong demand and secure returns offered. The focus of this section of the report is to describe the treatment of new student accommodation in the Council's monitoring process.

5.12 The Planning Practice Guidance states:

5.13 "All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority's housing land supply based on:

¹¹ Planning Application Reference: 16/01014/FUL, 16/01015/FUL, 16/01016/FUL, 18/00183/FUL, 17/00252/FUL, 16/01106/FUL & 18/00483/FUL Online application search

- the amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); and / or
- the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation.

This will need to be applied to both communal establishments and to multi bedroom self-contained student flats. Several units of purpose-built student accommodation may be needed to replace a house which may have accommodated several students.

Authorities will need to base their calculations on the average number of students living in student only accommodation, using the published census data, and take steps to avoid double-counting. The exception to this approach is studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling” (Planning Practice Guidance, Revision Date 22 July 2019: Paragraph: 034 Reference ID: 68-034-20190722).

- 5.14 In accordance with the above guidance, the Council considered it appropriate to count student housing in the housing land supply. This assessment usually involves calculating a ratio to estimate the amount of student accommodation required to free-up or release a conventional self-contained home.
- 5.15 However, the student housing included in this housing land supply assessment consists wholly of studio flats; thereby negating the need base calculations on the average number of students living in student only accommodation, using the published census data, and take steps to avoid double-counting,
- 5.16 For reference, the following method would be applied if student accommodation other than studio flats was to be counted towards the authority’s housing land supply. The assessment centres on deriving a ratio to estimate the amount of student accommodation required to free-up a conventional self-contained home. This approach to account for the effect of committed student accommodation within the five year housing land supply has also been informed by a 2015 High Court decision¹².
- 5.17 Firstly, in accordance with the methodology to be applied by MHCLG to adjust the Housing Delivery Test to reflect the provision of student accommodation¹³, the Council applied the nationally set ratios based on England Census data, to determine the number of students within the Borough who occupy student only households. Figure 4 below provides information on the number of student households in the Borough and the number of households containing 1-7 student occupants.

¹² Exeter City Council vs Secretary of State for Communities and Local Government (Case No: CO/5738/2014

¹³ MHCLG Housing Delivery Test Rule Book Paragraph 9 and 10

Figure 4: Newcastle-under-Lyme Number of Students in Student only Households

All Student only Households	Students in Household						
	1	2	3	4	5	6	7
857	273	196	138	171	67	8	4

Source: CT0773_2011 Census - Number of students in student only household - national to local authority level¹⁴

5.18 From the data in Figure 4, it can be assumed that there were 2,174 students in the Borough in 2011, based on the number of properties occupied by 1 to 7 students. Dividing the total number of students living in student only households by the total number of student only households provides the average student household occupancy, which for the Borough is 2.537. This suggests that 2.537 units of student accommodation are required in order to assume the release of one self-contained home.

5.19 Figure 5 indicates that the University's full-time student population in 2018/19 is 675 (8.6%) higher than it was in 2013/14. Therefore, it is considered reasonable to assume that a net increase of student accommodation provision (i.e. halls of residence or self-contained student accommodation) will release a proportionate amount of market housing¹⁵.

Figure 5: Full-time Student Numbers

Full time student numbers (Undergraduate and Postgraduate)	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Keele University	7,890	7,425	7,875	8,365	8,545	8,565

Higher Education Statistics Agency¹⁶

5.20 It is the Council's view that the approach as described results in an accurate ratio with which to estimate the release of market housing through the supply of new purpose built student accommodation. This view is also supported by the fact that the average number of students in student only households in England is 2.5¹⁷.

¹⁴ CT0773_2011 Census - Number of students in student only household - national to local authority level - Office for National Statistics

¹⁵ The number of full time students will continue to be monitored yearly and changes to the full time student population will be factored when reviewing the amount of student accommodation required to release housing to the market.

¹⁶ HESA accessed 18/03/2020

¹⁷ Paragraph 10 MHCLG Housing Delivery Test Measurement Rule Book 2018

5.21 At the time of writing this statement there are 3 sites with planning consent to provide student accommodation, for which there is considered sufficient evidence to conclude they are deliverable¹⁸. Cumulatively these permissions, contribute 822 studio flats. The ratio stated in Paragraph 5.19 (2.537:1) is not applicable as these studio flats can be counted on a one for one basis, releasing 822 residential units within the Borough, to contribute to the Council’s housing supply.

Older people’s housing

5.22 Older people’s housing also contributes to housing land supply. As explained in the Planning Practice Guidance below:

5.23 “Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market” (Planning Practice Guidance, 22 July 2019: Paragraph: 035 Reference ID: 68-035-20190722).

5.24 “Plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data” (Planning Practice Guidance, 26 June 2019: Paragraph: 016a Reference ID: 63-016a-20190626).

5.25 The following table sets out older people’s housing in Use Class C2 which contribute 42 residential units towards the five year housing land supply.

Older people's housing contribution to housing supply		Number of Bedrooms
a	Total (Reference: 18/00693/FUL)	75
b	Average number of adults per household	1.8
c	Contribution from Older people’s housing to five year supply (a/b)	42

Overview of Housing Land Supply Components

5.26 Having described the various components which form the Council’s housing land supply, Figure 6 provides an overview of the Borough’s deliverable housing land supply. Details of the sites which form each component of the housing land supply are provided in Appendix 1 of this document.

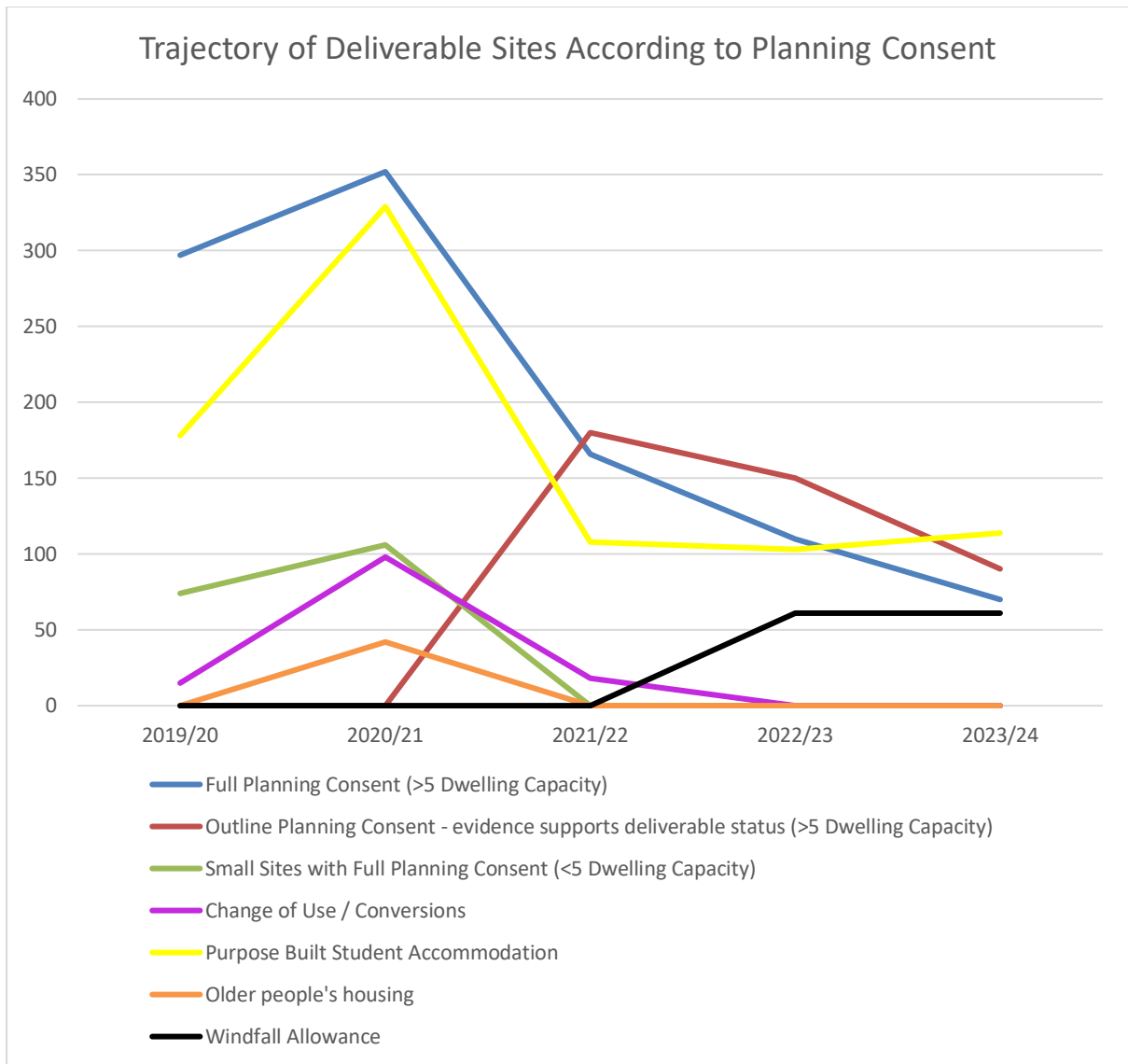
¹⁸ Planning Application Reference: 18/00183/FUL, 18/00483/FUL and 16/01106/FUL Online application search

Figure 6: Five Year Housing Supply

Housing Supply Components	Housing Supply 2019-2024
Full Planning Consent (>5 Dwelling Capacity)	995
Outline Planning Consent – evidence supports deliverable status (>5 Dwelling Capacity)	420
Small Sites with Full Planning Consent (<5 Dwelling Capacity)	180
Change of Use / Conversions	131
Older people’s housing (housing release onto market)	42
Student Accommodation (housing release onto market from deliverable student provision)	822
Windfall Allowance (added to years’ 4 and 5)	117
Total	2,707

5.27 The below chart provides a yearly indication of housing delivery anticipated from each component (planning consent type) of the deliverable housing land supply.

5.28 As the full effects of Covid-19 are unlikely to be known for some time to come, predicating what impact this may have on future housing delivery is challenging. However, an appeal decision on 18 August 2020 (APP/A1530/W/20/3248038) noted that the Covid-19 pandemic's forecast effects on housing delivery were “not directly relevant” to five year housing land supply calculations concerned with deliverability of sites. On this basis, it is considered that Covid-19 impacts on the delivery of residential units do not require any special provisions at the time of writing.



6. Five Year Housing Land Supply Position

6.1 Figure 7 below shows the Council is able to demonstrate 5.1 years of housing land supply (excluding student accommodation) taking into account accumulated shortfall since 2016/17 and the application of a 5% buffer. If student accommodation is included in accordance with Planning Practice Guidance, the Council is able to demonstrate 7.3 years of housing land supply.

Figure 7: Five year housing land supply position

Five Year Supply Calculation for period 2019 - 2024 (Sedgefield Method)		
Calculating the required supply		Dwellings
a	Requirement 2016/17 - 2018/19	911
b	Completions 2016/17 - 2018/19	890
c	Five year Local Housing Need 2019/20-2023/24	1,745
d	Shortfall	21
e	Five year requirement including shortfall	1,766
f	Five year requirement including shortfall and 5% buffer	1,854
g	Annual requirement including shortfall and 5% buffer	371
Identified Supply		
h	Supply over 5 year period 2019/20-2023/24 (including student accommodation)	2,707
i	Supply over 5 year period 2019/20-2023/24 (excluding student accommodation)	1,885
Five year land supply (expressed in years)		
<i>Including student accommodation (h/g)</i>		7.3
<i>Excluding student accommodation (i/g)</i>		5.1

7. Summary

- 7.1 This statement details the approach taken to determine the five year housing land position. The Council has prepared this in accordance the National Planning Policy Framework (NPPF, February 2019) and updated Planning Practice Guidance.
- 7.2 The Council has updated its five year housing land supply position as of 31/03/2019 and has demonstrated a **housing land supply of 7.3 years**.

Appendix A: Housing Land Supply Site Schedule

Full Planning Consent (>5 Dwelling Capacity)												
SHLAA Reference:	Most Recent Planning Application:	Address:	Brief Description:	Total New Dwellings Proposed (net):	Site Status at 01/04/2019	Remaining Site Capacity at 31/03/2019	2019/20	2020/21	2021/22	2022/23	2023/24	Total
HD22	18/00243/FUL	Former Playground Brutus Road Chesterton Newcastle Under Lyme Staffordshire	Construction of 4No 3 bed semi-detached houses and 1No 4 bed detached house	5	Not started	5		5				5
CH4	17/00281/FUL	Land Around Wilmot Drive Estate Lower Milehouse Lane Newcastle Under Lyme Staffordshire ST5 9AX	Development of 276 dwellings, public open space and associated infrastructure works	276	Under construction	273	50	50	50	50	50	250
KL16	18/00262/REM	Land North Of Pepper Street Keele Newcastle Under Lyme Staffordshire	Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings	100	Not started	100		30	30	30	10	100

CT13	18/00559/FUL	Land Off Sandford Street Newcastle-under-Lyme Staffordshire ST5 7EB	Proposed 10 no. two bedroom self-contained flats with associated parking	10	Under construction	10	10							10
KS24	18/00443/FUL	Land Off St Bernards Road Knutton Newcastle Under Lyme Staffordshire	The Construction of 8 houses for affordable rent	8	Not started	8		8						8
LW13	18/00314/FUL	Land South Of Mucklestone Road Loggerheads Market Drayton TF9 4ES	Erection of five residential dwellings, access and associated works	5	Not started	5		5						5
LW13	18/00315/REM	Land South Of Mucklestone Road And West Of Price Close Loggerheads Market Drayton TF9 4ES	Reserved Matters application for layout, internal access arrangements, scale, appearance and landscaping details for 73 dwellings	73	Under construction	73	30	30	13					73

LW34	17/01001/FUL	Land To The North East Of Eccleshall Road South East Of Pinewood Road And North West Of Lower Road Hook Gate Market Drayton Shropshire TF9 4QJ	Erection of 22 houses and bungalows with associated access roads and drainage (Amended plans received 26.02.2018)	22	Not started	22		22						22
KG16	18/00686/REM	Lock Up Garages Sussex Drive Kidsgrove Stoke-On-Trent Staffordshire	Reserved matters application for the access, appearance, landscaping, layout and scale for erection of 6 town houses	6	Not started	6		6						6
NA	18/00967/FUL	Site At Loomer Road Chesterton Newcastle Under Lyme Staffordshire ST5 7LB	Proposed residential development consisting of 5 No. 2 bed detached bungalows with new accesses	5	Not started	5		5						5

LW33	13/00426/OUT 16/00676/REM	Land At End Of Gateway Avenue Baldwins Gate Newcastle Under Lyme Staffordshire	Residential development of 109 dwellings	109	Under construction	54	30	24					54
CT3	18/00854/REM	Land Off Deans Lane And Moss Grove Red Street Newcastle Under Lyme Staffordshire	Outline Planning Consent for the development of up to 50 dwellings (Resubmission of 16/00634/DEEM4)	50	Not started	50		30	20				50
KL16	18/00262/REM	Land off Pepper Street, Keele	Residential development (maximum of 100 dwellings)	100	Not started	100		30	30	30	10		100
RC8	15/00818/FUL	Land Off Liverpool Road Kidsgrove Stoke-On-Trent Staffordshire ST7 4EH	Residential development	8	Not started	8		8					8
HM24	15/00588/REM	Land Rear Of Boars Head High Street Halmerend	Erection of 8 dwellings	8	Under construction	8	8						8
BL21	15/00916/REM	Land South Of West Avenue, West Of Church Street And Congleton Road, And North Of Linley Road, Butt Lane, Kidsgrove	Residential development of 171 dwellings	171	Under construction	22	22						22
TK4	16/00874/FUL	Land West Of Barrie Gardens Talke Stoke-On-Trent Staffordshire	10 Single storey 2 bed dwellings (Resubmission of planning application 15/00956/FUL)	10	Not started	10		10					10

AB11	16/00273/FUL 16/00727/FUL	Land West Of Ravens Close Newcastle Under Lyme Staffordshire	Erection of 6 dwellings	6	Under construction	6	6						6
HD18	09/00155/FUL	London Road, Chesterton (Bennett Arms)	Demolition of a public housing and erection of seven dwellings	7	Under Construction	7	7						7
TC32	14/00477/FUL	Newcastle Baptist Church, London Road, Newcastle	Erection of 22 residential apartments	22	Under Construction	22	22						22
WL15	14/00284/FUL	Priory Day Centre, Lymewood Grove, Newcastle	Demolition of day care centre and the construction of 13 new single storey dwellings	13	Under construction	13	13						13
KL17	15/01004/FUL & 17/00953/FUL	University Of Keele Keele Newcastle Under Lyme Staffordshire	Proposed student accommodation with carparking (Barnes, Keele Campus) and proposed residential development of 83 dwellings with school drop off point, shop and areas of greenspace (The Hawthorns, Keele Village).	83	Under construction	83	30	30	23				83
KG6	11/00494/FUL	William Road, Kidsgrove (site of the Galley PH)	10 dwellings	10	Under Construction	10	10						10
HM3	08/00631/FUL	Wrinehill Garage, Main Road, Betley	7 residential units	7	Under construction	7	7						7
TB22	15/00077/OUT 16/00405/REM	Land To The Rear Of Former Randles Garage Higherland Newcastle Under Lyme Staffordshire ST5 2TF	Erection of up to 12 dwellings.	12	Not started	12		12					12

CT9	17/01033/FUL	Land At Birch House Road, Holly Road And Whitethorne Way Chesterton Newcastle Under Lyme Staffordshire ST5 7BL	Demolition of former Community Centre and construction of 30 dwellings	30	Not started	30		30						30
Total				1229		1018	297	352	166	110	70		995	

Outline Planning Consent - evidence supports deliverable status (>5 Dwelling Capacity)												
SHLAA Reference:	Most Recent Planning Application:	Address:	Brief Description:	Total New Dwellings Proposed (net):	Site Status @ 01/04/2019	Remaining Site Capacity at 31/03/2019	2019/20	2020/21	2021/22	2022/23	2023/24	Total
LW17	16/00866/DEEM4	Land Off Eccleshall Road Loggerheads Staffordshire TF9 4NX	Residential development for up to 55 homes, with associated landscaping and infrastructure	55	Not started	55			30	25		55
MD10	17/00514/OUT	Land South Of Honeywall Lane Newcastle Under Lyme Staffordshire	Up to 35 dwellings including associated infrastructure	35	Not started	35			30	5		35

BW16	17/00515/DEEM4	Land To The North Of Bradwell Hospital Talke Road Bradwell	Development of up to 85 dwellings and associated access arrangements	85	Not started	85			30	30	25	85
TB5	14/00948/OUT	Hamptons Metal Merchants And Land Adjoining Keele Road Newcastle Under Lyme Staffordshire ST5 5AA	Residential development of up to 138 dwellings	138	Not started	138			30	30	30	90
CT21	13/00974/OUT 18/00017/REM	Land off Watermills Road, Chesterton	Residential development of up to 65 dwellings	65	Not started	65			30	30	5	65

LW12	15/00015/OUT	Tadgedale Quarry Mucklestone Road Loggerheads Market Drayton Shropshire TF9 4DJ	Erection of up to 128 dwellings	128	Not started	128			30	30	30	90
Total				506		506			180	150	90	420

Small Sites with Full Planning Consent (<5 Dwelling Capacity)												
SHLAA Reference:	Most Recent Planning Application:	Address:	Brief Description:	Total New Dwellings Proposed (net):	Site Status @ 01/04/2019	Remaining Site Capacity at 31/03/2019	2019/20	2020/21	2021/22	2022/23	2023/24	Total
NA	19/00059/PLD	31 Southlands Avenue Wolstanton Newcastle Under Lyme Staffordshire ST5 8BZ	The development proposed is the demolition of existing bungalow and erection of four town houses (option one).	3	Under construction	3	3					3
NA	15/00309/PLD	Land Adjacent 1 Highfield Avenue, Kidsgrove	Application for a proposed lawful development certificate for the erection of a detached dwelling	1	Under construction	1	1					1

NA	16/00395/PLD	Land Adjacent Woodbury Snape Hall Road Baldwins Gate Newcastle Under Lyme Staffordshire ST5 5HS	Application for a lawful development certificate for proposed single dwelling	1	Not started	1		1					1
NA	15/00637/PLD	Land Between No 89 And 93, Coalpit Hill, Talke	Proposed detached dwelling	1	Under construction	1	1						1
NA	09/00685/EXTN	May Cottage, Brampton Road, May Bank, Newcastle	Erection of two, four bedroom detached dwellings	2	Under construction	2	2						2
NA	17/00798/FUL	The Offley Arms Poolside Madeley Crewe Cheshire CW3 9DX	Erection of 3no. dwellings and conversion of outbuilding to form 1no. apartment	4	Not started	4		4					4
NA	18/00250/FUL	12 Stafford Avenue Newcastle Under Lyme Staffordshire ST5 3BW	Demolition of existing bungalow and erection of two bungalows	1	Under construction	1	1						1

NA	18/00619/FUL	149 High Street Silverdale Newcastle Under Lyme Staffordshire ST5 6LR	Erection of a detached two storey dwelling in existing garden	1	Not started	1		1					1
NA	17/00988/FUL	26 Seabridge Road Newcastle Under Lyme Staffordshire ST5 2HT	Subdivision of Existing Dwelling to form 2 independent houses, excavation of front garden and installation of retaining walls to create access and parking area	1	Not started	1		1					1
NA	18/00146/FUL	45 Stonebank Road Kidsgrove Stoke-On-Trent Staffordshire ST7 4HQ	Construction of two storey dwelling (resubmission of 17/00531/FUL)	1	Not started	1		1					1

NA	18/00878/FUL	58 Abbots Way Westlands Newcastle Under Lyme Staffordshire ST5 2HF	Proposed detached house and double garage (resubmission of 17/00906/FUL)	1	Not started	1		1					1
NA	18/00774/FUL	8 - 10 High Street Newcastle Under Lyme Staffordshire ST5 1RA	Alterations to building to form 4 no. C4 apartments and use of part of the ground floor for use classes A1, A2, A3, A4, A5 & D1	4	Under construction	4	4						4
NA	18/00910/FUL	Garage Block Rear Cheltenham Grove Silverdale Newcastle Under Lyme Staffordshire	Three detached dwellings	3	Not started	3		3					3
NA	18/00147/FUL	Garages Vernon Avenue Audley Stoke-On-Trent Staffordshire	Construction of three dwellings	3	Not started	3		3					3
NA	19/00008/FUL	Land Adjacent 32 High Street Mow Cop Stoke On Trent Staffordshire ST7 3NZ	Proposed detached house and garage and associated access and parking	1	Not started	1		1					1
NA	18/00016/FUL	Land Adjacent 16 St Giles Road Knutton Newcastle Under Lyme Staffordshire	Construction of 4 flats for affordable rent (resubmission of 17/00602/FUL)	4	Not started	4		4					4

NA	18/00461/FUL	Land Adjacent 25 Arthur Street Knutton Newcastle Under Lyme Staffordshire	Construction of two houses for affordable rent	2	Not started	2		2					2
NA	18/00960/FUL	Land Adjacent Number 86 Buckmaster Avenue Newcastle Under Lyme Staffordshire	Variation of condition 2 of planning permission 18/00152/FUL (for construction of 4 dwellings) to substitute plans so as to amend roof pitches and windows on plots 3 and 4 and siting of garage on plot 4.	4	Not started	4		4					4
NA	18/00454/FUL	Land Adjacent To 125 Mow Cop Road Mow Cop Stoke On Trent Staffordshire ST7 4NE	Erection of a detached dwelling	1	Not started	1		1					1
NA	18/00829/FUL	Land Adjacent To 238 Whitehill Road Kidsgrove Stoke-On-Trent Staffordshire ST7 4DT	Detached dwelling	1	Not started	1		1					1
NA	18/00725/FUL	Land Adjacent To Checkley Grange Checkley Lane Wrinehill Crewe Cheshire CW3 9DA	Proposed 3 bed detached new build dwelling	1	Not started	1		1					1

CL4	18/00126/FUL	Land Adjacent To Falmouth Court Stafford Avenue ST5 4BJ	Residential development consisting of 4no. bungalows, with detached garages and associated access and landscaping.	4	Not started	4		4					4
NA	17/00717/FUL	Land Adjacent 261 Dimsdale Parade West Newcastle Under Lyme Staffordshire ST5 8HS	Proposed dwelling at Plot A - Change of design of previous approval 13/00868/REM	1	Not started	1		1					1
NA	16/01108/DEEM4 18/00482/REM	Land At Wedgwood Avenue Whitfield Avenue Newcastle Under Lyme Staffordshire ST5 2JQ	Reserved matters application for the access, appearance, scale, layout and landscaping for two detached houses and the re-provision of car parking spaces at Whitfield Community Centre	2	Not started	2		2					2
NA	18/00441/FUL	Land Between 155 And 161 Knutton Lane Newcastle Under Lyme ST5 6HD	Construction of two flats for affordable rent	2	Not started	2		2					2
NA	18/00188/FUL	Land Fronting Mow Cop Road Mow Cop Stoke On Trent ST7 4NF	Detached dwelling	1	Not started	1		1					1

NA	19/00037/FUL	Land Off Boyles Hall Road Bignall End Staffordshire ST7 8QG	Erection of a detached dwelling including new site access	1	Not started	1		1					1
NA	16/00462/OUT 18/00455/REM	Land To Rear Of 77 - 83 Castle Street Chesterton Newcastle Under Lyme Staffordshire ST5 7LP	Reserved matters application for the access, appearance, scale, layout and landscaping for a pair of town houses (Resubmission of 18/00199/REM)	2	Not started	2		2					2
NA	18/00184/FUL	Land To The Rear Of 41 Orme Road Newcastle Under Lyme Staffordshire ST5 2ND	Proposed erection of two three bedroom dwelling houses	2	Under construction	2	2						2
NA	17/00516/FUL	Loggerheads Hotel Market Drayton Road Loggerheads Market Drayton Shropshire TF9 4NX	Erection of 3 no. 4 bedroom detached houses with garages and associated turning space and landscaping	3	Not started	3		3					3
NA	16/00639/OUT 18/00985/REM	Rear Of 38 Long Lane Harriseahead Stoke-On-Trent Staffordshire ST7 4LQ	Detached 3 bedroom bungalow with integral single garage	1	Not started	1		1					1

LW23 / LW40	18/00776/FUL	Selbourne Pinewood Road Ashley Market Drayton Shropshire TF9 4PW	Erection of a single dwelling	1	Not started	1		1					1
NA	18/00296/REM	Sunnyside Pinewood Drive Loggerheads Staffordshire TF9 4PA	Application for approval of reserved matters for appearance, landscaping, layout and scale for the erection of 2 detached dwellings relating to outline planning permission 16/00865/OUT	2	Under construction	2		2					2
NA	18/00259/FUL	T K Phillips Workshop Moss Lane Madeley Crewe Cheshire CW3 9PR	Erection of a pair of semi detached houses and a detached house	2	Not started	2		2					2
NA	16/00086/REM	Land Off Watering Close Newcastle Road Baldwins Gate Staffordshire ST5 5DA	4 residential dwellings	4	Under construction	4		4					4
NA	16/00388/FUL	1 And Site Of 2 Walton Place Chesterton Newcastle Under Lyme Staffordshire ST5 7PR	Erection of 4no terraced dwellings.	4	Not started	4		4					4

		Lyme Staffordshire											
NA	16/01029/FUL	Former Garages Off Brick Kiln Lane Chesterton Newcastle Under Lyme Staffordshire	Proposed demolition of former garages and erection of one detached residential dwelling	1	Not started	1		1					1
NA	17/00345/FUL	Garage Rear Of 55 High Street Silverdale Newcastle Under Lyme Staffordshire ST5 6NA	Proposed 2 bedroom bungalow (amendments to 16/00316FUL)	1	Under construction	1	1						1
NA	16/00898/FUL	Garden Of 141 Church Street Butt Lane Kidsgrove Staffordshire ST7 1NX	Proposed new detached dormer bungalow	1	Not started	1		1					1
NA	16/01064/FUL	H E Butters Newcastle Road Baldwins Gate Newcastle Under Lyme Staffordshire ST5 5DA	Demolition of existing workshop, store and garage. Construction of two detached dwellings.	2	Not started	2		2					2
NA	18/00975/FUL	Land Adj 2 Co Operative Lane Halmerend Staffordshire	Detached dormer bungalow with detached double garage.	1	Under construction	1	1						1

NA	10/00705/FUL	Land Adj 4 High Street, The Rookery, Kidsgrove	Erection of detached bungalow	1	Under construction	1	1						1
NA	17/00348/FUL	Land Adj 45 Old Butt Lane Kidsgrove Staffordshire ST7 1NJ	Erection of detached dwelling	1	Not started	1		1					1
NA	17/00462/REM	Land Adjacent 91 Underwood Road, Silverdale	Erection of detached dwelling	1	Under construction	1	1						1
NA	16/00312/FUL	Land Adjacent 133 Smithy Lane Knighton Market Drayton Shropshire TF9 4HP	Erection of detached dwelling	1	Under construction	1	1						1
NA	16/00706/FUL	Land Adjacent 51 Dimsdale View East Newcastle Under Lyme Staffordshire ST5 8EG	Erection of detached dwelling	1	Not started	1		1					1
NA	16/00986/FUL	Land Adjacent Holmcroft Newcastle Road Baldwins Gate Staffordshire ST5 5DA	Erection of a single storey bungalow	1	Under construction	1	1						1
NA	15/00640/FUL	Land Adjacent 118 Apedale Road, Wood Lane, Stoke On Trent	Erection of 3 no. dwellings	3	Under construction	2	2						2

NA	15/00846/OUT 17/00828/REM	Land Adjacent 11A Pennyfields Road Newchapel Stoke-On-Trent Staffordshire	Application for approval of reserved matters of access, appearance, landscaping, layout , scale and parking provisions of planning permission 15/00846/OUT for the erection of detached dormer bungalow	1	Under construction	1	1													1
NA	17/00079/FUL	Land Adjacent 16 St Giles Road Knutton Newcastle Under Lyme Staffordshire	Construction of 2No 2 bed 4 person semi- detached houses	2	Not started	2				2										2
NA	17/00078/FUL	Land Adjacent 178 Orme Road Newcastle Under Lyme Staffordshire	The construction of 2 No 2 bed semi- detached houses	2	Not started	2				2										2
NA	17/00095/FUL	Land Adjacent 183 Orme Road Newcastle Under Lyme Staffordshire	Erection of 4 No 2 bed 4 person houses and associated car parking spaces	4	Not started	4				4										4
NA	13/00402/FUL	Land Adjacent 19 Grove Avenue, Kidsgrove	1 no. Pair of new semi detached properties	2	Under construction	2				2										2

NA	17/00711/FUL	Land Adjacent 190 Old Road Bignall End Stoke On Trent Staffordshire ST7 8QH	Erection of detached dwelling and alterations to vehicular access	1	Not started	1		1					1
NA	08/00225/OUT 13/00847/REM	Land Adjacent 261 Dimsdale Parade West, Wolstanton Newcastle	Erection of two detached dwellings	2	Under construction	1	1						1
NA	15/00231/FUL	Land Adjacent 44 Vale Street, Silverdale	Erection of a 2 bedroom detached dormer bungalow	1	Under construction	1	1						1
NA	17/00301/FUL	Land Adjacent 61 High Street Alsagers Bank Newcastle Under Lyme Staffordshire	Two storey dwelling including demolition of existing dilapidated outbuilding and construction of new 2 car garage.	1	Not started	1		1					1
NA	17/00421/FUL	Land Adjacent 68 Harriseahead Lane Harriseahead Stoke-On-Trent Staffordshire	New Dwelling	1	Not started	1		1					1
NA	16/01065/FUL	Land Adjacent 79 Ravenscliffe Road Kidsgrove Stoke-On-Trent Staffordshire	Detached dwelling	1	Under construction	1	1						1

NA	17/00223/FUL	Land Adjacent 8 The Crescent Silverdale Newcastle Under Lyme Staffordshire	Erection of a pair of semi-detached dwellings	2	Not started	2		2					2
LW23 / LW40	16/00210/FUL	Land Adjacent Braeholm Pinewood Road Ashley Market Drayton Shropshire	Erection of 2 dwellings	2	Not started	2		2					2
NA	16/00470/FUL	Land Adjacent Number 86 Buckmaster Avenue Newcastle Under Lyme Staffordshire	Erection of 3 new detached houses.	3	Not started	3		3					3
NA	17/00486/FUL	Land Adjacent To Halcyon Tower Road Ashley Market Drayton Shropshire TF9 4PY	Erection of a dwelling and formation of new accesses	1	Not started	1		1					1
NA	15/00926/FUL	Land Adjacent To No. 12 Goodwin Avenue, Newcastle	Detached dwelling	1	Under construction	1	1						1

NA	16/00462/OUT 18/00455/REM	Land To Rear Of 77 - 83 Castle Street Chesterton Newcastle Under Lyme Staffordshire ST5 7LP	Outline planning for a pair of town houses	2	Not started	2		2					2
NA	16/00387/FUL	Land To Rear Of 8 9 Park Road Silverdale Newcastle Under Lyme Staffordshire ST5 6LL	The proposed single storey dwelling	1	Not started	1		1					1
NA	15/00693/FUL	Land To The North East Of Birks Drive/North West Of Tower Road, Ashley	Erection of detached bungalow	1	Under construction	1	1						1
NA	17/00465/FUL	M E Pierpoint And Son New Road Bignall End Stoke On Trent Staffordshire ST7 8QF	Demolition of existing building and erection of detached 1.5 storey dwelling	1	Under construction	1	1						1
NA	17/00445/FUL	Plot 37 Birch Tree Lane Whitmore Newcastle Under Lyme Staffordshire ST5 5HS	Erection of a new dwelling house and formation of new accesses	1	Not started	1		1					1
NA	15/00039/OUT 15/00878/FUL	Red Gates, Haddon Lane, Chapel Chorlton	Erection of a detached dwelling	1	Under construction	1	1						1

NA	17/00573/FUL	Wall Farm House 99 Nantwich Road Audley Stoke On Trent Staffordshire ST7 8DL	The building of a single residential unit on the footprint of a pig sty and existing storage barns	1	Not started	1		1					1
NA	15/00129/FUL	Cross Winds, Tomfields, Woodlane	Demolition of existing bungalow and erection of 3 bungalows	2	Under Construction	2	2						2
Total				183		180	74	106					180

Change of Use / Conversions												
SHLAA Reference:	Most Recent Planning Application:	Address:	Brief Description:	Total New Dwellings Proposed (net):	Site Status at 01/04/2019	Remaining Site Capacity at 31/03/2019	2019/20	2020/21	2021/22	2022/23	2023/24	Total
NA	18/00162/FUL	1 Inglewood Drive Porthill Newcastle Under Lyme Staffordshire ST5 0DY	Conversion of single house into four apartments (inc. 3no. one beds & 1no. two bed) with associated parking and landscaping (Resubmission of 17/00850/FUL)	3	Not started	3		3				3

NA	18/00615/FUL	101 Liverpool Road Kidsgrove Stoke-On-Trent Staffordshire ST7 4EW	Change of use of shop and associated residential unit into two residential units, with the addition of a two storey side extension and minor demolition works to the rear elevations.	1	Not started	1		1				1
NA	18/00647/FUL	2 & 2A St Johns Way Ashley Market Drayton Shropshire TF9 4LB	Conversion of existing 2 no. dwelling units into a single dwelling house together with construction of new boundary walls to the site and alterations to the elevations forming the new single dwelling unit	-1	Not started	-1		-1				-1
NA	18/00653/COUNOT	3 Dales Green Road Rookery Kidsgrove Stoke-On-Trent Staffordshire ST7 4RH	Prior notification of change of use from agricultural buildings to two residential dwellings	2	Not started	2		2				2
NA	19/00003/FUL	60 Ironmarket Newcastle Under Lyme Staffordshire ST5 1PE	Change of use of first and second floor from retail/ancillary retail storage to 2 residential flats	2	Under construction	2	2					2

NA	18/01012/FUL	Apedale House The Drive Newcastle Under Lyme Staffordshire ST5 6BW	Proposed conversion of commercial premises to a four bedroom dwelling	1	Not started	1		1					1
NA	18/00948/FUL	Chapel Barn Shraley Brook Road Halmerend Stoke-On-Trent Staffordshire ST7 8AH	Conversion of the existing house to form two dwellings including the closure of the existing access, the creation of a new access, and the extension of the existing paved area to provide parking and turning space for the new dwelling.	1	Not started	1		1					1
NA	18/00824/COUNOT	Dales Green Farm 14 Dales Green Road Mow Cop Stoke-On-Trent Staffordshire ST7 4RJ	Prior notification for conversion of existing agricultural building to residential use	1	Not started	1		1					1
NA	18/00752/COUNOT	Farm Building Off Butthouse Lane Chapel Chorlton Staffordshire ST5 5JW	Prior notification of change of use from agricultural buildings to two residential dwellings	2	Not started	2		2					2

NA	18/00136/COUNOT	Hungerford House Farm Hungerford Lane Madeley Crewe Cheshire CW3 9PD	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to residential	3	Not started	3		3					3
	18/00703/COUNOT	Hungerford House Farm Hungerford Lane Madeley Crewe Cheshire CW3 9PD	Prior notification of change of use from agricultural buildings to 5 no. residential dwellings	5	Not started	5		5					5
NA	19/00018/FUL	King William The Fourth Public House High Street Talke Kidsgrove Staffordshire ST7 1PY	Change of use from public house to residential dwelling	1	Not started	1		1					1
NA	17/00984/FUL	Lymewood The Green Newcastle Under Lyme Staffordshire ST5 4AA	Conversion of detached garage and store to two bedroom detached dwelling including external alterations, parking provisions and installation of septic tank	1	Not started	1		1					1
NA	19/00077/COUNOT	Offices 27 Marsh Parade Newcastle Under Lyme	Prior notification of a change of use of offices to dwellinghouse	1	Not started	1		1					1

		Staffordshire ST5 1BT										
NA	18/00430/COUNOT	The Mill Congleton Road Butt Lane Stoke On Trent Staffordshire ST7 1NE	Prior notification of a change of use of offices to 15 dwellings	15	Not started	15		15				15
NA	17/00148/FUL	35 Hassells Bridge Hassell Street Newcastle Under Lyme Staffordshire ST5 1BF	Conversion of single 4 bedroom flat/maisonette into 4no. self contained studio units	3	Not started	3		3				3
NA	03/00800/FUL	39 Watlands View, Porthill	Extension and change of use of former shop to 2 flats	2	Under construction	2	2					2
NA	17/00192/COU	41 Liverpool Road Kidsgrove Stoke-On-Trent Staffordshire ST7 1EA	Conversion of existing first floor flat and roof space into 2 flats	1	Not started	1		1				1
NA	17/00147/FUL	43 Hassells Bridge Hassell Street Newcastle Under Lyme	Conversion of single 4 bedroom flat/maisonette into 4no. self contained studio units	3	Not started	3		3				3

		Staffordshire ST5 1BF										
NA	16/00736/COUNOT	43A Liverpool Road Kidsgrove Stoke-On-Trent Staffordshire ST7 1EA	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use (B1(a)) to a Dwellinghouse (Class C3)	1	Not started	1		1				1
NA	16/00298/COU	46 Church Street Audley Stoke-on-Trent Staffordshire ST7 8DE	Change of use of flat 2 into a commercial office.	-1	Not started	-1		-1				-1
NA	15/00609/FUL	538 Etruria Road, Basford, Newcastle	Change of use from residential dwelling to commercial specialist laser and skin care consulting rooms with associated parking and internal roadway alterations	-1	Under construction	-1		-1				-1

NA	17/00800/FUL	7 King Street Newcastle Under Lyme Staffordshire ST5 1EH	Change of Use from B1 Office to Residential Use (HMO) containing 6 en- suite rooms, communal kitchen and living area	1	Not started	1		1					1
NA	16/00888/FUL	9-11 King St Kingsgrove	Change of use of ground, first and second floors to provide 4no. one-bed residential flats and 3no. two-bed residential flats, subdivision of existing Class A1 shop to provide 2no. Class A1 shops, and external alterations.	7	Not started	7		7					7
NA	15/00613/COUNOT	Barn South East Of Hollycroft Farm, Lordsley Lanes, Ashley, TF9 4EQ	Conversion of existing agricultural building to residential use	1	Not started	1		1					1
NA	15/00098/COUNOT & 16/00099/FUL	Barn, Holly Lane, Harriseahead ST7 4LE	Rebuilding and conversion of existing agricultural building to residential use	1	Under construction	1	1						1

NA	16/00214/COUNOT	Brieryhurst Farm The Hollow Mow Cop Stoke On Trent Staffordshire ST7 3PX	Prior notification of change of use of agricultural building to two dwellings	2	Not started	2		2					2
NA	16/00822/COUNOT	Brieryhurst Farm The Hollow Mow Cop Stoke On Trent Staffordshire ST7 3PX	Prior notification of change of use of agricultural building to a dwellinghouse	1	Not started	1		1					1
NA	17/00292/COUNOT	Brieryhurst Farm The Hollow Mow Cop Stoke On Trent Staffordshire ST7 3PX	Prior notification of change of use of agricultural building to two dwellings	2	Not started	2		2					2
NA	17/01021/FUL	Cornwall House Sandy Lane Newcastle Under Lyme Staffordshire ST5 0LZ	Change of use of Cornwall House Clinic back into a dwelling.	1	Under construction	1	1						1
NA	16/00130/FUL	Finney Green Farm Finney Green Leycett Newcastle Under Lyme Staffordshire ST5 6AB	Conversion of existing farm buildings to 2 No. dwellings	2	Not started	2		2					2

NA	15/00974/FUL	Grange Farm, School Lane, Onneley	Change of use of brick and tile barn into an energy efficient dwelling	1	Under construction	1	1						1
NA	17/00073/FUL	Hazeley Paddocks Keele Road Madeley Heath Crewe Cheshire	Conversion of Barn to Create Single Family Dwelling	1	Under construction	1	1						1
NA	17/00070/FUL	Hey House Manor Road Baldwins Gate Staffordshire CW3 9PS	Conversion of former two-storey stable building and adjoining single- storey outbuildings into a single domestic dwelling	1	Under construction	1	1						1
NA	16/00962/COUNOT	Holloway Farm Aston Market Drayton Shropshire ST5 5EP	Prior notification for conversion of existing agricultural building to residential use	1	Not started	1		1					1
NA	17/00227/COU	Knowl End Farm Barthomley Road Audley Newcastle Under Lyme Staffordshire ST7 8HT	Conversion of 3 vehicle storage building with first floor accommodation into self contained dwelling	1	Not started	1		1					1
	04/01283/EXTN	Land Adjacent The Bradburys Winnington	Change of use of redundant agricultural buildings to single residential unit	1	Under construction	1	1						1

NA	17/00430/COUNOT	Morston House The Midway Newcastle Under Lyme Staffordshire ST5 5SP	Prior notification of conversion of 1st, 2nd, 3rd and 4th floors from offices to form 48 no. residential units (B1 a - C3)	48	Not started	48		30	18				48
	13/00755/FUL	Moss House Farm, Eardley End Road, Bignall End	Change of use of former barn to two residential market housing units	2	Not started	2		2					2
	16/00771/FUL	Offices 1 Nelson Place Newcastle Under Lyme Staffordshire ST5 1EA	Change of Use from Offices to 3 residential apartments	3	Not started	3		3					3
	17/00136/COUNOT	Pigeon House Farm Deans Lane Balterley Crewe Cheshire CW2 5QH	Prior notification of change of use of agricultural building to a dwellinghouse	1	Not started	1		1					1
	17/00076/FUL	The Grange Brodder Lane Peatswood Market Drayton Shropshire TF9 2PL	The conversion of outbuildings to provide a 4 Bedroom single storey dwelling.	1	Under construction	1	1						1

	17/00231/FUL	Wayside Farm Nantwich Road Blackbrook Staffordshire ST5 5EL	Conversion of former horse hospital to residential use	1	Under construction	1	1						1
	16/00151/FUL	White House Farm Deans Lane Balterley Crewe Cheshire CW2 5QH	Conversion of existing dairy into a single one bed dwelling	1	Under construction	1	1						1
	17/00374/FUL	Wrinehill Mill Farm Mill Lane Wrinehill Crewe Cheshire CW3 9DE	The change of use of part of a stable block to create residential accommodation, and associated building works.	1	Not started	1		1					1
	15/00569/FUL 19/00159/FUL	Former Post Office Unit Automatic Exchange, Wilbrahams Walk, Audley	Change of use from business premises to dwelling	1	Under Construction	1	1						1
	15/00750/FUL	123 Liverpool Road, Cross Heath	Change of use including first floor flat	1	Under Construction	1	1						1
	14/00669/FUL	181 Aston Market Drayton Shropshire TF9 4JF	Conversion of barn connected to former farmhouse to residential use	1	Under construction	1	1						1
Total				131		131	15	98	18				131

Purpose Built Student Accommodation												
SHLAA Reference:	Most Recent Planning Application:	Address:	Brief Description:	Total New Dwellings Proposed (net):	Site Status at 01/04/2019	Remaining Site Capacity at 31/03/2019	2019/20	2020/21	2021/22	2022/23	2023/24	Total
TB7	18/00183/FUL 18/00367/LBC	The Orme Centre, Orme Road, Newcastle Under Lyme, Staffordshire, ST5 2TE	Conversion of existing building and erection of new building to provide 112 bed student accommodation	112	Under construction	112	112					112
TC26	16/01106/FUL	Former Bristol Street Ford Garage London Road Newcastle Under Lyme Staffordshire ST5 1LZ	Redevelopment of the site for 499 apartments (comprising of student accommodation)	499	Under construction	499	66	108	108	103	114	499
TC36	18/00483/FUL	Former Savoy Cinema / Metropolis Nightclub Newcastle Under Lyme Staffordshire ST5 1QQ	Demolition of the former Savoy Cinema/Metropolis Nightclub and erection of a part 9, part 12 storey building to provide 211 rooms of student accommodation.	221	Under construction	211		211				211
Total				822		822	178	319	108	103	114	822

Older people's housing												
SHLAA Reference:	Most Recent Planning Application:	Address:	Brief Description:	Total New Dwellings Proposed (net):	Site Status at 01/04/2019	Remaining Site Capacity at 31/03/2019	2019/20	2020/21	2021/22	2022/23	2023/24	Total
WL2	18/00693/FUL	Orchard House, Clayton Road, Newcastle Under Lyme, Staffordshire, ST5 3AF	Specialist accommodation for the elderly comprising of 75 Residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over.	42 (ratio applied)	Not started	42		42				42
Total				42		42		42				42

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

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

RECOMMENDATION

That the information be received.

Since the last meeting, the Planning Inspectorate have confirmed that the appeal hearing is to take place on 6th October 2020. In accordance with the appeal proceedings no later than 2 weeks from before the hearing, notice of the hearing arrangements must be served on those persons, other than the appellant, with an interest in the land, those who made representations during the appeal, those entitled to appear at the hearing and anyone else who is considered to be affected by or interested in the proposed development.

Date report prepared: 1st September 2020

This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th September 2020

Agenda Item 10

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

Since the publication of the main agenda a pre-hearing note has been received from the Planning Inspector appointed by the Planning Inspectorate (PINS) to deal with this case.

The note, attached at Appendix 1, sets out that to limit the spread of Covid-19 PINS has postponed physical hearings and inquiries for the foreseeable future. PINS have started to run hearings and inquiries virtually but recognise that there will be some cases where that could not happen. The note goes on to say that a virtual event for an Enforcement Hearing may not be appropriate in certain circumstances, some of which apply in this case.

The Inspector advises that she is prepared to hold the hearing as a virtual event so long as that would not prejudice any party but at this stage it appears that a virtual event would risk unfairness to the appellant and/or interested parties.

PINS are trialling 'blended events' where there may be a combination of physical attendees in one or more locations, as well as a virtual element which need not take place simultaneously but potentially be staggered in time provided that the proceedings are broadcast and made accessible to those events. The Inspector sets out that this event could be a blended event but that would not be feasible on 6 October.

A change in legislation enables appeals to be determined under 'one or more' procedures so that some matters could be considered at a hearing and others by written representation. The Inspector's view is that in this case the procedure would always need to at least include a hearing.

The note concludes by proposing to postpone the hearing and asks the parties (LPA and appellant) confirm whether

- they agree with this assessment, or
- would wish the hearing to take place virtually on 6 October, or
- prefer that the appeal is dealt with by a different procedure.

The deadline for this response is 17:00 on Wednesday 16th September. The Inspector will decide the procedure before Tuesday 22nd September when the Council would need to notify interested parties of any hearing on 6th October.

This page is intentionally left blank

APPENDIX 1

PRE-HEARING NOTE

8 September 2020

Appeal ref: APP/P3420/C/18/3218107
Appellant: Mr Thomas Maughan
Land at 5 Boggs Cottages, Keele Road, Newcastle-under-Lyme, ST5 5AB

1. The Hearing into the above appeal is scheduled to open at 10.00 hours on Tuesday 6 October 2020 and sit for that single day.
2. However, in order to limit the spread of Covid-19, [the Planning Inspectorate \(PINS\) has postponed physical hearings and inquiries](#) for the foreseeable future.
3. PINS has started to run hearings and inquiries virtually, that is, via video and/or telephone. However, it is recognised that there will be some cases where the hearing or inquiry could not be held virtually. Case officers and Inspectors are currently advised that a virtual event for an Enforcement Hearing may not be appropriate in circumstances which include:
 - *The appellant or any other persons entitled to appear are not professionally represented and the Inspector considers a virtual event would consequently cause injustice to that person.*
 - *The number of sitting days is estimated by the parties to be greater than two.*
 - *The event is likely to include the presentation and discussion of evidence, which includes sensitive personal information or other matters affected by the Public Sector Equality Duty...*
 - *In an appeal on ground (a), there are two or more reasons for refusal or likely main issues which suggest a complexity regarding a highly inquisitorial approach by the Inspector.*
 - *The appellant (or other persons entitled to appear) does not have the technical capability to participate in a virtual event.*
4. It appears to me that at least some of those criteria are likely to apply to this appeal.
 - *Keele Parish Council and the other interested parties are not professionally represented.*
 - *The number of sitting days has been estimated as one, on the basis that the event will be held physically. However, virtual events take longer because frequent screen breaks are required. For that reason and given the number of issues raised in this case as described below, a virtual hearing would take at least two days.*
 - *There is an appeal on ground (a), and the planning issues raised by the parties include: inappropriate development in the Green Belt and the extent of harm to the Green Belt; impacts on local residents; sewage and water contamination; the provision of and need for traveller sites, with regard to the Gypsy and Traveller Accommodation Assessment (GTAA); the availability of alternative sites; the extent to*

which the alleged breach of condition complies with Policy CSP7 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS) – and the weight of any such compliance; personal circumstances; and Green Belt balance.

- *Other matters to discuss at the hearing will include the enforcement notice, the planning history of the site, human rights and equality matters, any planning conditions to be imposed in the event that ground (a) succeeds – and, in case ground (a) fails, the grounds of appeal (f) and (g).*
 - *I do not know whether the appellant and/or interested parties have the technical capability to participate in a virtual event but either way I would expect the appellant to need to liaise with their agent during proceedings, and local residents may also wish to confer.*
5. For the avoidance of doubt, I am prepared to hold the hearing as a virtual event so long as that would not prejudice any party. At this stage, it appears to me that running the event virtually would risk unfairness to the appellant and/or interested parties.
 6. PINS is trialling 'blended events' where there may be a combination of physical attendees in one or more locations, as well as a virtual element where participants can join through video conferencing or telephone. The two elements need not take place simultaneously but could potentially be staggered in time provided that the proceedings are broadcast and made accessible to those who cannot participate in one of the events. Again, I am prepared to hold this hearing as a blended event but that would not be feasible on 6 October.
 7. Section 20 of the Business and Planning Act 2020, which came into force on 22 July 2020, amend s319A of the Town and Country Planning Act 1990 to enable appeals to be determined under 'one or more' procedures so that, for example, some matters could be considered at a hearing and others by written representations. In my view, from the appeal issues and the interest by local residents, the procedure would always need to at least include a hearing.
 8. **I therefore propose to postpone the hearing. I ask the parties to let me know whether they agree with this assessment or would wish the hearing to take place virtually on 6 October or prefer that the appeal is dealt with by a different procedure. Please reply to this email by no later than 17.00 on Wednesday 16 September 2020. I shall decide the procedure before Tuesday 22 September when the Council would need to notify interested parties of the any hearing on 6 October.**
 9. I also ask the parties to clarify in their responses as to whether there has been any negotiation or narrowing of the issues which might affect the procedural decisions.

Jean Russell

INSPECTOR

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

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

RECOMMENDATION

That the information be received.

Latest Information

It appears that the works to the track, granted under planning permission 18/00299/FUL, have recommenced and your officers are monitoring the activities closely to ensure that the works are in accordance with the approved plans and the planning conditions of that permission.

A site visit with the owner has been arranged for the 28th September and he will be reminded of condition 6 of the planning permission which prevents the importation of all material associated with the construction and completion of the track within 24 months from the date of the decision i.e. by the 8th November 2020.

Date Report Prepared – 28th August 2020

This page is intentionally left blank

RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY
Reference 17/00258/207C2

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 28th April 2020, of the progress in relation to a breach of planning control at this location.

RECOMMENDATION

That the information be received.

Following refusal of a planning application to vary condition B8 of outline planning permission 06/00337/OUT which would have removed the requirement to provide a second Locally Equipped Area for Play (LEAP) on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.

Details of a revised play area were subsequently received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018. It was subsequently established that all the approved equipment has been provided within the second LEAP but not the six benches shown on the approved plans.

Your officers were working with the developer to secure the installation of the benches, however following consideration of representations regarding issues of anti-social behaviour at this LEAP Committee resolved, on 21st July, that only two of the benches would now be required to be installed rather than the six approved. In addition Committee resolved to request that the money saved as a result of not having to install four additional benches should be put towards the replacement of the basket swing on the site which is a focal point for the anti-social activity that has been reported.

Following that meeting, the developer has prepared and submitted the costs involved in the installation of the two benches, the removal of the basket swing and its replacement with another piece of equipment. This has demonstrated that the savings arising from the requirement to provide a reduced number of benches does not cover the cost of the replacement of the basket swing. Discussions are ongoing with the developer and an update will be provided before the meeting if progress is made.

Date report prepared: 3rd September 2020

This page is intentionally left blank

UPDATE ON BREACHES OF PLANNING OBLIGATIONS

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 23rd June 2020, of the progress in relation to the pursuance of breaches of planning obligation secured through the following planning permissions:

- 11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale
- 12/00701/FUL - Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access at Former Randles Ltd, 35 Higherland, Newcastle

RECOMMENDATION

That the information be received.

11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale

Non-compliance with obligation requiring payment of financial contributions, as follows, have been reported to Committee

- £66, 689 (index linked to public open space,
- £55, 155 (index linked) towards primary school places and
- £26,244 (index linked) towards the Newcastle-under-Lyme Urban Transport Development Strategy (NTADS)

In addition the S106 agreement secured a financial viability review mechanism should development not be substantially commenced by a certain date, which might lead to a contribution to affordable housing off site.

Evidence of substantial commencement was not received by the Local Planning Authority and on this basis it is concluded that the trigger is not achieved.

The District Valuer has conducted a financial viability appraisal to determine whether the development could support policy compliant planning obligations or any level of contributions towards off-site affordable housing provision. The report received concluded that the development would not be viable to contribute further payment for off-site affordable housing provision and this conclusion is accepted by your Officer. On this basis it is the payments set out above that are required.

Upon receipt of confirmation of the final payment (which requires indexation and the addition of interest due to late payment) the developer will be informed and the outstanding contributions will be sought within a reasonable time frame. If payments aren't made without good cause the matter will be passed to the Council's Legal Section to pursue non-payment through the appropriate process.

12/00701/FUL - Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access at Former Randles Ltd, 35 Higherland, Newcastle

A financial contribution of £36,017 (index linked) towards the Newcastle (urban) Transport and Development Strategy (NTADS) is required to have been paid prior to the commencement of the development. The ground floor of the building has been operating as a Tesco food store for a considerable amount of time. The County Council and the Borough Council have requested the

outstanding amount which will need to have index linking applied, and in the event of payment still not being made further action may need to be taken.

Efforts have been made to contact the owner but no response has been received. The matter has been passed to the County Council's legal/ monitoring section to progress. An update from the County Council on any progress is still awaited.

Date report prepared: 3rd September 2020

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

Purpose of the Report

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

Recommendations

a) That the report be noted

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

Introduction

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

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

This report covers the period between 23rd June 2020 (when the Committee last received a similar report) and the date of the preparation of this report (2nd September 2020).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or in subsequent agreed extensions, and extensions have been agreed with respect to some 4 applications.

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

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

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

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

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

Details of the applications involved are provided below:-

(1) Compound C and Compound E, Lymedale Cross 18/00997/FUL

This application for full planning permission for a warehouse unit and 7 no. business starter units came before the Planning Committee at its meeting on the 3rd December (at around week 31). The resolution of the Committee required an obligation to secure a travel plan monitoring fee of £2,407. The resolution included the requirement that the agreement should be completed by the 8th February.

The Obligation was not completed by the 8th February due to a number of delays on behalf of the Council but a final draft S106 obligation has been with the applicant since early June without a completed S106 Obligation being submitted and the latest period for the completion of the S106 obligation of the 29th June has passed. An update on this case will be provided to the Committee.

Some 68 weeks have now passed since receipt of the application.

(2) Morston House, Newcastle-under-Lyme 20/00282/FUL

This application for full planning permission for the conversion of the lower ground and upper ground floors of Morston House to 31 no. studio flats for students came before the Planning Committee at its meeting on the 23rd June (at around week 11). The resolution of the Committee required an obligation to secure financial contributions of £60,357 towards the enhancement of public open space and £2,443 towards travel plan monitoring. The resolution included the requirement that the agreement should be completed by the 31st July.

The agreement was not completed by the 31st July due to delays by all parties. Your officer agreed a further extension to the period to the 17th August but this date has since passed also. However, progress has been made more recently and an update on this case will be provided prior to the committee meeting.

Some 21 weeks have now passed since receipt of the application.

(3) Former Newcastle Baptist Church, London Road, Newcastle 20/00336/FUL

This application is for the variation of condition 2 of planning permission 14/00477/FUL which granted consent for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development, formation of a new access and associated car parking.

Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the building footprint and elevations.

The Planning Committee at its meeting on the 21st July (at around week 10). The resolution of the Committee required an obligation to preserve the Council's position in respect of obligations secured prior to the grant of permission 14/00477/FUL. The resolution included the requirement that the agreement should be completed by the 28th August.

The Obligation was not completed by the 28th August due to delays on behalf of the Council and a new deadline for completion is now required from your officer in consultation with the Councils Legal Section. An update on this case will need to be provided to the Committee.

Some 16 weeks have now passed since receipt of the application.

(4) St John the Evangelist RC School, Gloucester Road, Kidsgrove 19/00804/FUL

This application for full planning permission for a large extension to the existing school with associated new playground/net ball space, revised car parking provision and access arrangements, new fencing and landscaping came before the Planning Committee at its meeting on the 18th August (at around week 44). The resolution of the Committee required an obligation to secure a financial contribution of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme to promote and encourage sustainable access to the school. The resolution included the requirement that the agreement should be completed by the 1st September.

The Obligation was not completed by the 1st September due to an unexpected issue with Title and your officer has agreed an extension to the period for the completion of the S106 to the 1st October.

Some 46 weeks have now passed since receipt of the application.

Date Report prepared

2nd September 2020

This page is intentionally left blank