

Public Document Pack

Date Thursday, 3rd April, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Supplementary Agenda Planning Committee

PART 1– OPEN AGENDA

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| 3 | Application for Major Development - Land Off Watermills Road, Chesterton; Carden Development Limited/ Les Stephan Planning; 13/00974/OUT | (Pages 1 - 4) |
| 4 | Application for Major Development - Land to Rear of Rowley House, Madeley; Ian Moreton / Peter Jackson Associates; 13/00990/OUT | (Pages 5 - 6) |
| 6 | Application for Minor Development - Land Adjacent to Sainsburys Store, Liverpool Road; Marston Inns and Taverns & Wildgoose Construction / Peacock and Smith; 13/00807/FUL | (Pages 7 - 10) |
| 8 | Application for Other Development -Land Off Pinewood Drive, Loggerheads; Mr R Newton Cross; 14/00053/OUT | (Pages 11 - 12) |
| 9 | Application for Other Development - Swift House, Liverpool Road; auto Accept Finance; 14/00055/FUL and 14/00056/ADV | (Pages 13 - 14) |
| 10 | Application for other Development; Former Sainsburys Site; NuLBC; 14/00188/DEEM4 | (Pages 15 - 16) |
| 11 | Application for Financial Assistance (Historic Buildings Grant) -13/14015/HBG Audleys Cross Farm, Loggerheads - Grant Application for Reinstatement of Timber Windows | (Pages 17 - 18) |

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd April 2014

Agenda item 3

Application ref. 13/00974/OUT

Land off Watermills Road, Chesterton

Following the publication of the National Planning Policy Guidance (NPPG) on 6th March 2014, Circular 11/95 – The Use of Conditions in Planning Permissions (1995) is no longer a material consideration. Guidance on the use of conditions is included in the NPPG.

Since the preparation of the agenda report, revised comments from the **Highway Authority** have been received. They have no objections to the proposal subject to conditions requiring the completion of the access to the site prior to the commencement of the remainder of the development, submission and approval of details of a footway on either side of the access road, appropriate access routes for construction traffic, wheel cleaning/washing facilities for heavy goods vehicles during construction, layout of the site, swept path analysis to cater for 12m long refuse vehicle and means of surface water drainage. A contribution of £40,079 towards the Newcastle-under-Lyme Transport and Development Strategy (NTADS) is also sought.

The comments of **Severn Trent Water** have been received. They raise no objections subject to the imposition of a condition requiring the submission, approval and implementation of drainage plans for the disposal of surface water and foul sewage.

Correspondence has been received from the **applicant's agent**. It has also been sent to all members of the Planning Committee. A summary of the comments made is as follows:

- It is confirmed that although reasons 2-5 relate solely to the absence of a secured planning obligation, it has always been advised that the applicant would be happy to provide any necessary contributions and draft Heads of Terms were submitted. It was expected that any decision would be subject to the signing of an appropriate S106 Agreement but a draft obligation has now been prepared and submitted. It is stated that reasons 2-5 are therefore no longer relevant.
- Paragraph 22 of the NPPF is highlighted and it is contended that in the report the Planning Officer does not consider the site to be good quality employment land in terms of Policy E11. The site has had the long term protection of Policy E9 despite unsuccessful marketing over the past 6 years and in accordance with the NPPF, alternative land uses should be considered and supported where sustainable.
- A wealth of information has already been provided relating to the financial and marketing history of the site. A summary is as follows:
 - The site was first marketed in October 2008 and although a single offer was received it did not even meet the costs of the land purchase.
 - Butters John Bee (BJB) were instructed to market the site in July 2009 and no formal offers were received.

- Mounsey Chartered Surveyors were engaged in September 2011 and despite some progress on an offer, this was pulled at Board level by the purchaser.
 - Pressure was made by Yorkshire Bank to sell the land and it was sold to Carden Developments Ltd in September 2012.
 - This demonstrates that this site is not viable in its current form and has resulted in continued financial loss to the landowners over the past 6 years.
 - Recent letters from Richard Mounsey and Glenn Hammond (formerly BJB) confirmed the above and their independent professional view that the site is no longer marketable as employment land.
- Further advice has been received from Glenn Hammond and Richard Mounsey (Chartered Surveyors) which relates to Para. 2.10 of the Committee Report. Their letters are summarised below.
 - Enquiries were made regarding other possible land uses and it was decided to test the waters with an outline planning application. Therefore whilst aggressive marketing has not continued since the purchase, the landowners felt it more worthwhile investing money into finding an alternative more viable land use. Marketing has however remained active and no interest in the site has been made for employment purposes.
 - This reasonable quality employment site should no longer be afforded protection under Policy E9/E11 when it has been demonstrated that there is no reasonable prospect of this site being used for employment purposes and its continued marketing is resulting in financial loss to the landowners.
 - No statutory consultees or local residents have raised objection.
 - The site is enveloped by an Area of Landscape Regeneration and Apedale Country Park is to the south-west. A residential use on this site would be much more appropriate to these environmental designations than an employment use.
 - The Officer's report concludes that the site represents a sustainable location.
 - Approval of this application will contribute to the provision of housing.
 - This application differs only marginally from the site on London Road, Chesterton for 14 dwellings approved by the Planning Inspectorate in August 2013. However in that case the Officer recommended that the re-use of a brownfield site was acceptable in principle (which included the demolition of an existing building currently in use).
 - This application should be approved on the basis of it being a brownfield site within a sustainable location, providing community benefits in terms of open space and housing, and aiding the developer with finding a viable use for this long-standing redundant site.

A letter has been received from **Glenn Hammond of Hammond Chartered Surveyors** (formerly of **Butters John Bee**). He states that he believes that there are several reasons why there has been little interest in the site and why it is not attractive as a commercial development site. These are:

1. Location - the site is away from the primary road network, it is neither prominent nor easily accessible, and other sites in the area are better located
2. Size - sites of this size have limited appeal to developers
3. Development costs - small design and build projects for B1(c), B2 and B8 uses are not price competitive in the current market due to the fall in the value

- of existing buildings, the generally more cautious approach by banks, and the increase in the cost of new construction particularly for smaller units
4. Competition - there are many competing sites located across the Newcastle-under-Lyme and Stoke-on-Trent area and also in nearby Crewe which offer better prospects.

He states that he is not aware of anything that could have been done to make the site more attractive to potential purchasers. The site was extensively marketed by experienced commercial chartered surveyors and was promoted by all of the usual methods over a period of years including the pre-credit crunch years, yet still failed to find a purchaser. It is his professional opinion that there is no commercial market for the site for the reasons stated above and that it may now be better to look towards alternative uses. It is believed that continued promotion of the site for commercial development will not deliver a positive solution for some years to come.

Correspondence has also been received from **Richard Mounsey of Mounsey Surveyors**. He states that in his opinion the site is poorly located when compared to those sites and opportunities on the A34, A500 and A50. During the period of their marketing they have seen very few enquiries actively looking for land or units in the Chesterton area and even fewer on Apedale Business Park. Coupled with the relatively remote position of the site, the scale of the site is on the small side for industrial development. The site is not big enough to offer development where economies of scale impact upon build costs and therefore any development would be expensive to build and only really be targeted at small to medium sized industrial accommodation. For this type of accommodation there is already an industrial scheme lower down Watermills Road where a number of units have been built and some of which still lie empty. Furthermore there is surplus land still undeveloped at this scheme which this developer intends to build out when market conditions improve and therefore this will satisfy whatever limited demand there is for units of this size. The supply of industrial units on Parkhouse Industrial Estate (East & West), High Carr Business Park and Lymedale Business Park also offer a better range of opportunity, in better locations and are much more accessible than the land in question. It is concluded that this site is not suitable for industrial use.

Your Officer's comments

The applicant's agent has confirmed, now that the NTADS position is known, that they are prepared to enter into an agreement securing all the required S106 contributions. A draft Section 106 Agreement has been received however as it is only in draft form and has not been completed, reasons 2 – 5 of the recommendation within the agenda report remain unchanged and appropriate *if* members agree with the first of the reasons for refusal. Your officers furthermore have had no reasonable opportunity to confirm that appropriate enquiries as to title of the land have been made.

The majority of the matters referred to by the applicant's agent have been considered in full within the agenda report and therefore it is not considered necessary to comment further now. Reference has been made to an application relating to a site on London Road, Chesterton for 14 dwellings (Ref. 12/00118/OUT). The agent states that in that case your Officer recommended that the re-use of a brownfield site was acceptable in principle (which included the demolition of an existing building currently in use). The principle of residential use of that site (Midland House) was established in 2005 when a change of use from light industrial use to residential was granted. In consideration of the subsequent application referred to by the applicant's agent, it was considered that the introduction of the CSS and the NPPF did not raise

significant issues that would lead to the site being considered inappropriate for residential use, or render the loss of the employment use at this site unacceptable. Contrary to the current application site, Midland House is tightly constrained, has poor access for deliveries and is sited in very close proximity to residential dwellings. It is not considered therefore that any meaningful comparison can be made between the two sites.

It is not considered that the further letters received from Hammonds Chartered Surveyors and Mounsey Surveyors include any additional evidence to convince your Officer that it is unlikely that the site will be developed for employment. Indeed with respect to the other site on Watermills Road to which they refer, members may wish to note that an application for planning permission for the further development of that site (with smaller units) has very recently been submitted. Your officers would make the observation that it would be extremely unlikely that the developer would be advancing these proposals were they not confident that market conditions were not appropriate – i.e. that there is a market for small units on the Watermills Road industrial estate.

The RECOMMENDATION therefore remains as set out within the main agenda report

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

3rd April 2014

Agenda item 4

Application ref 13/00990/OUT

Land Adjacent to Rowley House Moss Lane Madeley

Following the publication of the National Planning Policy Guidance (NPPG) on 6th March 2014, Circular 11/95 – The Use of Conditions in Planning Permissions (1995) is no longer a material consideration relevant to the determination of this application. Guidance on the use of conditions is included in the NPPG.

Since the preparation of the agenda report a further letter of objection has been received, this raises no fresh issues to those already reported in and considered in the main report.

As anticipated in paragraph 10.4 of the agenda report clarity has also been sought in respect of the location and infrastructure which any financial contribution secured towards off site public open space improvements would go towards. The Landscape Development Section has advised any contribution secured would be spent on improvements to land around Madeley Pool and College Gardens. Given the physical proximity of these sites to the proposal site, and the nature of the works proposed, such contributions would, in your planning officer's opinion be consistent with the provisions of the NPPF and meets the tests of the CIL Regulations as set out in the agenda report

The agenda report refers in paragraph 2.10 to the types and range of services and facilities available in Madeley, these are, together with their locations, are as follows:

Primary School – Sir John Offley Church of England (Voluntary Controlled)
Secondary School – Madeley High
Doctors Surgery Moss Lane
Dental Practice Greyhound Court
The Madeley Centre offering a wide range of community facilities and activities
Places of Worship – All Saints Church Vicarage Lane / Methodist Church Poolside
Public Open Spaces – Madeley Pool / College Gardens
Post Office Newcastle Road
Pharmacy Newcastle Road
Convenience Stores – One Stop Poolside / Co-Op Morningside
Butchers Poolside
Newsagents Greyhound Court
Hairdressers Greyhound Court
Vehicle spares store Greyhound Court
Off License Greyhound Court
Public House - Offley Arms Poolside
Takeaways/Restaurant/Café - Greyhound Court/Poolside
Nearest **Bus Stop** Moss Lane
Nearest **Post Box** Moss Lane

The list above indicates a wide range of services and facilities are available within Madeley, justifying its status within the Core Spatial Strategy as Rural Service Centre, where a greater level of services and facilities can be found.

The recommendation on the application, to be found within the agenda report, remains unchanged.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

3rd April 2014

Agenda item 6

Application ref 13/00807/FUL

Land Adjacent to Sainsbury's Store, Liverpool Road

Further comments of the **Environmental Health Division** and information from the **applicant** regarding the provision of a pedestrian link and the relationship of the windows of the manager's flat and those within the dwellings on Ashfields New Road have been received.

The **Environmental Health Division** (EHD) recommends the following conditions;

- Prior approval of details of facilities to prevent the deposition of extraneous matter (mud, debris, etc.) on the public highway before commencement of development and implementation in accordance with the approved details.
- No machinery to be operated or process to be carried out in the construction of the development, and no construction traffic to enter or leave the site between 1800 hours and 0700 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 1300 hours in Sundays.
- The residential element shall remain in the same ownership as the commercial activity unless otherwise approved by the Local Planning Authority (LPA).
- Construction, glazing and ventilation of the residential element to be in accordance with the Noise Report.
- Noise mitigation measures for the mechanical services servicing the development to be in accordance with the Noise Report.
- Installation of a noise limiting device, to be maintained thereafter, to control internal noise levels from amplified music to the level agreed by the LPA.
- Deliveries restricted to between 0700 and 2100 hours on any day.
- Acoustic screen to be erected prior to commencement of commercial activities in accordance with the details in the Noise Report.
- Noise mitigation measures for deliveries as set out in the Noise Report shall be employed.
- Empty bottles to be stored and handled, and presented for collection as set out in the Noise Report.
- Means to prevent grease, fat and food debris from entering the foul drainage system to be implemented in accordance with approved details.
- Prior approval of an odour abatement system for the kitchen before commencement of development and implementation in accordance with the approved details. Cooking process to cease at any time the extraction system fails to operate.
- Submission and implementation of a lighting assessment.

The **applicant's** comments are summarised as follows:

- There is a 2-2.5m change in levels between the footpath and the pub slab level. The building has been pulled to the front of the site to meet the LPA's ambitions of creating a gateway feature development. This has left the site reasonably tight.
- To meet DDA requirements any pedestrian access point has to be at a gradient of 1:20. Alternatives have been considered, but ultimately the ramp would need to be 50m in length to address DDA requirements.
- The first approach would be to run the ramp along the length of the frontage, requiring the pub to be moved back to the detriment of the urban design objectives. It would also require a structural feature which would add a cost and would not address the public house well.

- The second alternative is a switch back ramp. The footpath is required to be 1.2m in width and with the retaining structure this would be wider, and would take up significant land. They consider that this would be an overly dominant feature from Liverpool Road, and from within the site.
- Several iterations of these ramps have been considered but ultimately affect the number of parking spaces, the ability for delivery vehicles to circulate satisfactorily and design objectives. Furthermore it would add a significant cost element.
- In any event at 50m in length, the distance savings are not significant enough to justify providing such an alternative pedestrian route into the site to that proposed from the main access into the site.
- The distance from the living room windows of the manager's flat and the two affected properties on Ashfields New Road is 25m and as such complies with guidance in the Space Around Dwellings document.

Your Officers' comments

The conditions recommended by the EHD are, largely, reasonable and appropriate for the proposed development and will suitably address environmental issues that arise. It is, however, considered more appropriate to restrict the occupation of the flat to someone in employment at the public house rather than, as recommended by EHD, to require that the ownership of the flat remains the same as the public house.

It is noted that the EHD have not recommended a condition that restricts the hours of opening of the public house. The hours of opening are addressed through the licensing regime and as such the imposition of hours through a planning condition would be a duplication of control and is not, therefore, necessary.

The reasons advanced by the applicant as to why a pedestrian link from the A34 are noted, however the information provided does not demonstrate that such a link could not be achieved. The provision of such a link remains highly desirable in the interests of securing an integrated and inclusive design, particularly in the knowledge that only proposed pedestrian access into the site, via the same route as vehicles, would not be DDA compliant (because of the steepness of the slope down towards the Sainsburys car park. As such a condition is recommended which requires the provision of such a link in accordance with details to be agreed.

Whilst there may be a 25m separation distance between the living room windows of the manager's flat and the windows in the main rear elevation of the dwellings on Ashfields New Road, there is only 18-19m separation distance to the first floor windows in the two storey outriggers of the affected properties which are considered to be principal bedroom windows. A further condition is therefore recommended requiring revised elevation plans repositioning the principal living room windows of the manager's flat to address the issue.

The RECOMMENDATION remains as set out within the main agenda report with additional conditions recommended by EHD, subject to the amendment referred to above; a condition requiring the provision of a pedestrian link in accordance with details to be approved; and revised elevations to reposition the principal living room windows of the manager's flat.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd April 2014

Agenda item 8

Application ref 14/00053OUT

Land of Pinewood Drive, Loggerheads

Following the publication of the National Planning Policy Guidance (NPPG) on 6th March 2014, Circular 11/95 – The Use of Conditions in Planning Permissions (1995) is no longer a material consideration. Guidance on the use of conditions is included in the NPPG.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

3rd April 2014

Agenda item 9

Application ref: 14/00055/FUL

Auto Accept Finance, Swift House, Liverpool Road, Newcastle

Since the preparation of the agenda report on this item the applicant has submitted an amended site plan with a space for the selling of a car at the front of the application site being removed. The Highways Authority detail that this is now acceptable as it addresses their concerns about the impact on highway safety that is detailed in the main agenda report.

Your Officer's comments

As the amended plans satisfactorily the concerns detailed in the main agenda report regarding the impact on highways safety the first condition as set out within the recommendation in the agenda report is no longer required.

The RECOMMENDATION on application 14/00055FUL is therefore amended as follows

PERMIT subject to the following conditions:

- **Development to be carried out in accordance with the approved, amended plan.**
- **All other conditions of 12/00770/FUL continuing to apply.**

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

3rd April 2014

Agenda item 10

Application ref 14/00188/DEEM4

Former Sainsbury's Site, Ryecroft

Comments of the **Environmental Health Division** and the **Highway Authority** were have been received.

The **Environmental Health Division** (EHD) indicates that there is a significant potential for noise and vibration to cause disturbance to the surrounding area. They advise that these issues will be controlled through the tendering and contractual arrangements that will be in place as the contractor will be responsible for applying to the Council for prior consent under Section 61 of the Control of Pollution Act 1974. Additionally the hours in which demolition work may take place will be restricted as the selected contractor will need to be registered to an appropriate site management/good neighbour scheme. The tendering and contractual arrangements also require the contractors to mechanically sweep the road from the site to address mud and dust on the highway. Due to the proposed hours of work, it is unlikely that any light nuisance would occur. They have no objections to the application.

The **Highway Authority** (HA) have no objections subject to a condition requiring the submission of a Traffic Management Plan detailing the management and routeing of demolition traffic, delivery times, internal compound arrangements and wheel wash facilities.

The **Conservation Advisory Working Party** have no objections to the demolition but has concerns over the loss of car parking and does not want solid boarding

Your Officers' comments

The EHD highlight that whilst the proposed demolition has the potential to create noise/vibration, mud and dust and light nuisance these are suitably controlled through other legislation or are specified in the method of demolition and restoration included within the submission. As such the matters that are raised do not need to be addressed through conditions on any prior approval that is granted.

The HA recommend a condition that relates to highway safety, which is not a matter that can be addressed through this application process. The comments of the HA should be passed to the applicant for information, however.

Whilst CAWP is concerned about the loss of car parking, there is no loss relative to that currently provided (the upper floors of the multi-storey having been closed for sometime), and the loss of car parking is not considered to be a matter that can be addressed through this particular application process anyway. The submission indicates that the security boarding, to a height of 1.8m, may be erected if it is considered that the appearance of the site is not aesthetically suitable without it. To ensure that consideration is given to the final appearance of the boarding it is recommended that a condition is attached requiring details of any hoardings that may be erected to be approved by the Local Planning Authority.

Recommendation (a) remains as set out in the main agenda report, recommendation (b) is amended so to remain one of approval but to now include the condition referred to above, and an additional recommendation is made that the comments of the HA are passed to the applicant with any decision.

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
4TH APRIL 2014

Agenda item 11

Application ref 13/14015/HBG

Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Audley's Cross Farmhouse, Newcastle Road, Market Drayton, (Ref: 13/14015/HBG)

The Conservation Advisory Working Party at their meeting on 25th March resolved to recommend to the Planning Committee that a grant of £2,334 be approved, subject to the appropriate standard conditions and a condition that the windows should be replaced and the grant offer taken up within 3 months of the date of the decision to award the grant.

Your Officer's recommendation with respect to this item remain unaltered.

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