

Public Document Pack

Date of meeting Tuesday, 7th October, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- | | | |
|----|--|-----------------|
| 3 | Application for Major Development - Homestead/May Place Day Centre; Wrekin Housing & Wilkinson Architects; 14/00476/FUL | (Pages 3 - 6) |
| 4 | Application for Major Development -Land West of West Avenue, West of Church Street and Congleton Road and North of Linley Road, Butt Lane; Taylor Wimpey; 14/00562/REM | (Pages 7 - 10) |
| 5 | Application for Major Development - St.Quentin, Sandy Lane, Newcastle under Lyme; St. Quentin Residential Home Ltd; 14/00543/FUL | (Pages 11 - 12) |
| 10 | Draft Newcastle under Lyme and Stoke on Trent Statement of Community Involvement 2014 Consultation | (Pages 13 - 14) |
| 11 | Application for Financial Assistance (Historic Buildings Grant) -4 Highway Lane, Keele; 14/15004/HBG | (Pages 15 - 16) |
| 12 | Application for Financial Assistance (Historic Buildings Grant) - Newcastle Methodist Church, Merrial Street; 14/15002/HBG | (Pages 17 - 18) |
| 13 | Application for Financial Assistance (Historic Buildings Grant) - St Thomas Church, Butterton; 14/15003/HBG | (Pages 19 - 20) |
| 18 | 1300056207C2 Land at Doddlespool, Main Road, Betley | (Pages 21 - 22) |

Members: Councillors Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper, Fear, Mrs Hambleton, Mrs Heesom, Northcott, Proctor (Vice-Chair), Miss Reddish, Mrs Simpson, Waring, Welsh and Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

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

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

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

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th October 2014

Agenda item 3

Application ref 14/00476/FUL

THE HOMESTEAD, MAY PLACE, BRAMPTON ROAD, MAY BANK

Since the preparation of the report further comments have been received from the Council's **Environmental Health Division** (in response to the noise survey report that has been submitted). The EHD confirm that in the light of this report they are now able to remove their previous objection regarding external noise levels. They indicate that they are confident that appropriate mitigation measures can be applied to reduce noise levels in some of the external areas, with the exception of the balconies, without affecting visual amenity through the design and selection of appropriate acoustic mitigation measures. Two conditions to secure appropriate measures regarding noise levels and noise generation are recommended.

The first part of this recommendation was anticipated by the inclusion of condition 13 in the list of suggested conditions in the agenda report, and a further condition (regarding noise levels from equipment on site is suggested).

The agenda report advised members that the Landscape Development Section are seeking a contribution of £2943 per unit to pay for off-site improvements to facilities at Brampton Park and that this equates to £191,295 and furthermore that the highway authority are recommending that a travel plan monitoring fee of £2,200.

The agenda report indicated that a conclusion had not been reached on the issue of whether or not the seeking of a financial contribution towards the maintenance of public open space would be justified, nor had the question of its impact upon the viability of the scheme been addressed within the report.

As members will be aware the Council has a Developer Contributions SPD and furthermore that in line with policies within both the Core Strategy and the Local Plan, it is Council policy to seek developer contributions to address the needs of future residents of developments and to mitigate the impact of developments. The 2010 CIL Regulations introduced legal requirements which Section 106 contributions must meet – to be justified and lawful. These are that they should

The position put by the Landscape Development Section is that this extracare scheme should be treated no differently from any other residential development. That said they have recognised in discussions that some of the requirements, say associated with active openspace (ie playingfields) would not arise with this type of development, and that accordingly some reduction on the normal public open space sum per unit would perhaps be appropriate. What such a reduction would be will be advised to members, but it is not that significant. They do however continue to maintain that they anticipate that this type of development could lead to additional demands upon the nearest significant open space – namely the Brampton – by reason of some of the occupants of the proposed extra care scheme fulfilling the role of 'active grandparents'- i.e. that they would in effect provide day care for children and that this would be reflected in the demands on open space, even though the scheme would be for over 55s only.

The applicants response to this issue has been at a number of different levels. First of all they have provided, in response to the active grandparenting argument some information from other similar schemes – to the effect that active day care for children by residents of such an extra care scheme is both most unlikely and furthermore would be unlikely to be acceptable to the Housing Trust – given the nature of the accommodation. They are not saying that children would not be welcome within the scheme but rather that it would be very much on an

occasional visitor basis. As information on what actually happens in other similar schemes this carries significant weight, as opposed to assertion what might be the position. However even when that element as well is taken away from the required developer contribution there still is a significant residual sum per unit.

Another argument made is the significant openspace/gardens that form part of the scheme. It is indeed the case that significant on site provision is being made, but particularly as a significant number of the units will not be occupied by persons in need of care – in order to create a balanced community – and such provision only partially addresses the public open space needs of the residents. Another argument made is that the occupants of the accommodation will most likely come from properties within the Newcastle area – that may well be true but that is not it is considered justification for a public open space contribution being sought.

In summary some form of financial contribution, albeit less than £2943 per unit, is required to make the development policy compliant insofar as public open space is concerned.

The next question is whether or not in the light of financial viability, it is appropriate not to seek such a contribution. The Council's approach to the issue of financial viability is to require both the provision of detailed information and its independent assessment. The applicants have submitted a viability statement that is provided as an Appendix to this update.

Members will note that no viability appraisal has been submitted, but rather the contention is that there are community benefits flowing from the scheme which the LPA should take into account. That may well be the case but such arguments do not provide substantive evidence that the Council's approach requires. The considerations are not ones which go to the issue of whether or not it has been demonstrated that if the contributions were sought the scheme would not be viable. This is what the developer contributions policy seeks.

Your officer's recommendation is that an appropriate contribution should be sought unless there is clear and substantive financial information to support the applicants claim that the scheme would not be viable. As to what that appropriate contribution would be is not yet determined but it is hoped that it will be possible to provide the committee with a figure.

The recommendation accordingly remains that financial contributions towards public open space and travel plan monitoring should be sought

Response on scheme viability

The Extra Care development at the Homestead will deliver 100% social housing. All apartments will be available to rent on an affordable rental basis. The funding for the scheme is heavily dependant upon grant funding from the Homes and Communities Agency. Over recent years the level of grant funding for schemes has virtually halved presenting additional challenges to Housing Associations in delivering social housing at lower costs.

Any viability appraisal for this scheme would need to take into account the maximum level of grant funding that is available per unit of accommodation. The grant allocated to any scheme is fixed which precludes a housing association to go back and request increased funding for any type of additional cost from the Homes and Communities Agency. The Trust will also invest its own capital funding in the scheme and as a not for profit organisation and registered charity it is unable to commit to greater levels of its own funding than its policies dictate. As a charitable body it has an obligation to 'live within its means' and not over commit on the basis of high risk schemes.

This scheme has seen a number of value engineering exercises undertaken to reduce the costs to keep them within the affordable levels. These exercises seek to lower the cost of the development whilst retaining the value they will deliver. Some of this value is directly associated with the residents within the extra care in addition to this there is added value to the wider community. Unfortunately where schemes have financial pressures often the elements associated with delivering added value to the wider community can suffer. This can also be said where a scheme has pressures presented by planning restrictions. The scheme at May Place is no exception to this. The original scheme contained a greater range of community resources which would have delivered a significant range of outcomes, but due to a mixture of issues, predominantly financial, the relationship of the building and its massing on the site and the need to react to site constraints such as tree retention, these have all led to a reduction in the size of the community space. What has been retained will deliver significant community outcomes, albeit not to the extent of the original scheme, but any further financial burden will potentially remove these altogether.

Where additional costs arise on a project a housing association does not have the ability to simply adjust sale values of the units to accommodate additional costs as does a private developer nor do they have the ability to increase rents above an affordable level. The rent level is driven by the HCA rules and the local authorities own rules in relation to housing benefits.

The Wrekin Housing Trust seek to integrate their Extra Care developments into the community. The extent of this integration is dependant on many local factors, location, access and size of the site. In the case of the Homestead, the integration with the community will be through the community rooms provided and the community café and restaurant.

The benefits to the community will include but not be limited to the following:

- A wider range of community support services available to both the extra care residents and the community
- Community integration (residents within the extra care benefit from being part of the wider community and the wider community embraces the extra care without stigma)
- Social activities will involve the wider community
- Outreach health services, health screening available to the community within the community setting
- Wider opportunity for healthy living events
- A joined up approach which will offer the customer a better experience
- Better use of publicly funded assets
- The communal space and café become a heart of the community and a nucleus for community cohesion

The monetary value of these benefits is extremely difficult to determine. We have anecdotal evidence from other schemes that there are health and social benefits.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th September 2014

Agenda item 4

Application ref. 14/00562/REM

Land west of West Avenue, west of Church Street and Congleton Road and north of Linley Road, Butt Lane, Kidsgrove

Since the preparation of the agenda report, the comments of **Kidsgrove Town Council** have been received. Objection is raised on the following grounds:

- The Japanese knotweed on the site needs to be addressed thoroughly and correctly.
- Plots 11-16 will have an overbearing impact on the residents of Church Street and will create major privacy issues.
- The footpath at the rear of Church Street needs to be protected from the developer and the gravel boards on the perimeter should be removed so that residents can enjoy the improved fencing.
- Consideration should be given to the fact that the site entrance on Congleton Road is adjacent to a primary school and it should be stipulated that no heavy site vehicles use the site entrance between 8.30am and 9.15am and between 2.50pm and 3.30pm.
- The widths of the driveways on the Bluebell Croft site are too small and many residents find it very difficult to manoeuvre their vehicles and get in and out of their vehicles safely.
- Huge swathes of trees, shrubs and natural habitats will be removed and there is concern that no proper assessment of the impact on wildlife has been carried out.
- Extra pressure will be put on the sewage works at Red Bull which is already at maximum capacity.
- Butt Lane is becoming congested and strangled by the huge increase in developments in the local area.

Further information has been received from **the Applicant**. They advise that further to discussions with officers on the provision of a link between the higher and lower parts of the site and potential linkages, the following responses are provided:

- A linkage between plots 167/168 has been discussed in detail with the Police Architectural Liaison Officer who would not support this. He believes that it would provide greater opportunities for both crime and anti-social behaviour at the rear of these properties and would also provide an easier egress route for people wishing to escape following criminal behaviour or anti-social behaviour that would be more difficult for people to monitor. Any access through this woodland would also be subject to engineering works and would be likely to result in the potential loss of trees within the woodland area which serves as an important habitat for local wildlife. This option has therefore been discounted.
- A linkage between plots 171 and the apartment block 106-111 is not possible on the basis of levels with engineering issues being a significant constraint. It would also provide a footpath in close proximity to the nearby apartment block which would have a detrimental impact upon the residential amenity of future occupiers of these apartments. Safety would also be of great concern with children being encouraged alongside a long length of high retaining wall that could result in serious injury or fatality should there be a fall if railings/barriers were breached. This option has therefore been discounted.
- In relation to a linkage between the apartment blocks 106-111 and 112-117, due to the significant level differences the only solution would be a significantly engineered stepped access with numerous returns to adhere with building regulations. This would be visually dominant and incongruous, would adversely impact upon the visual

amenity of the area and would be of great concern with numerous large drops potentially accessible for children. This option has therefore been discounted.

- A linkage in front of plots 118-120 would still result in a stepped access with 21 treads up to the start of the open space and a further 12 steps to the adoptable highway. This would not be suitable for young children or those with mobility problems and would result in safety issues and maintenance liabilities as the retaining wall would still be large in scale and would create the potential for children to fall. This option has therefore been discounted.

The **applicant** further indicates that during pre-application discussions, discussions were had with the Landscape Development Section (LDS) regarding the placement of the Local Equipped Area for Play (LEAP) and whether they would prefer smaller areas of play equipment spaced out over the development to provide facilities for both the southern and northern parcels of land. The LDS considered that the most appropriate solution was a full LEAP in the location currently proposed as this would not only provide for both parcels of the development but also the existing first phase that did not require a LEAP.

The LDS has advised them that the Council's adopted Green Space Strategy specifies that a radial distance of 400m is appropriate for a LEAP which this proposal complies with for the whole development. It also specifies that a LEAP should be a walking time of approximately 9 minutes away from the properties that it serves. Although some of the properties in the southern section are outside of this walking time, this is not considered sufficiently great to warrant the inclusion of a stepped footpath link that would create both safety issues and long term management liabilities and would not benefit all users as those with mobility problems and families with pushchairs would not be able to use it. It must also be noted that although there is no formal play equipment within the southern section, two areas of informal play exist that provide an alternative type of play for children.

If a truly central location were to be considered that would meet the radial distances and walking times, it would be situated within the woodland area which would be unsuitable for reasons of anti-social behaviour, the requirement for significant engineering and the loss of trees and habitat.

It is considered by the **applicant** that the current proposal provides the best balance of both formal and informal play in safe and accessible location for both future and existing residents. Some children on the southern section would need to walk a little further to get to the formal play but this is considered safer than encouraging them near to the retaining wall that is intrinsically dangerous by its very nature. To also try and provide an engineered solution adjacent to this retaining wall would detract from the carefully considered approach to include this feature sympathetically within the streetscene.

Your Officer's comments

With respect to the comments of Kidsgrove Town Council, as referred to in the agenda report, issues relating to the impact of a housing scheme of this size upon the surrounding highway network, wildlife and sewage capacity were considered and accepted in relation to the outline consent and therefore, cannot be revisited now. Regarding Japanese Knotweed, the outline consent for the site is subject to a condition requiring the site to be surveyed by an appropriately qualified and experienced environmental consultant and requiring a scheme for its eradication and/or control to be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The issue of residential amenity has been addressed in the report and the width of the driveways on the Bluebell Croft site is not relevant to the consideration of this application.

Further comments formal have been received from the LDS. Most of the points raised have already been covered in the agenda report. With reference to the school boundary hedge, the outline consent for the site is subject to a condition requiring full and precise details of the means of boundary treatments. Other matters such as alignment of a path, in addition to those considered in the agenda report, can be addressed by conditions.

The agenda report highlighted officers' concerns that the scheme currently makes no provision for any direct pedestrian access between the footpath that links the two areas of the site and the higher level dwellings and the Public Open Space on the more elevated section of the northern part of the site, upon which the play area for the whole development would be provided. Your Officer has been in discussions with the developer and their comments regarding the various options are detailed above.

Your Officer acknowledges that the substantial levels differences across this site would result in significant engineering difficulties in the creation of a footpath link. Your officer furthermore accepts that the last three options considered by the applicant all have significant disadvantages, and in the case of the last one limited benefits as well relative to the current proposal.

The dwellings on plots 164 to 171 would be on a very similar level to the woodland to the rear and therefore a link between plots 167 and 168 into the woodland and the footpath between the two parts of the site appears possible in practice. However the Police Architectural Liaison Officer has commented that the footpath would provide greater opportunities for offenders to target properties in that section of the site by providing easier access. Your officer's view is that the properties back onto woodland, more substantial appropriate boundary treatments to these properties will be necessary in any event, and the woodland path would just provide another potential escape route, albeit one that is not overlooked. Whilst neither the crime concern nor that relating to the integrity of the woodland habitat are considered overwhelming arguments they do weigh in the balance against the idea of this link.

On the other side is the issue of accessibility to and from the LEAP, the recommended local standards for play facilities in the adopted North Staffordshire Green Space Strategy recommend a maximum distance of 400m from dwellings to a Locally Equipped Area for Play and a maximum walking time of 9 minutes. Without the additional link referred to above, the distance from a significant number of the properties on the southern site would be between 600m and 700m with a walking time of between 13 and 15 minutes which significantly exceeds the recommendations. With the additional link in place, the distance would be reduced to approximately 500 – 550m and the time would be between approximately 11 and 12 minutes.

That said the LEAP is far from the only public open space within the scheme – there are numerous other options available within the development, including the woodland itself. Taking all of these points into account your officer's view is that the scheme as submitted is acceptable and can be recommended for approval without amendment. .

The RECOMMENDATION therefore remains as set out within the main agenda report, except insofar as the tree related conditions are concerned which will require amendment to address any unjustified removals/minor amendments to improve the scheme.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th October 2014

Agenda item 5

Application ref: 14/00543/FUL

St. Quentin, Sandy Lane, Newcastle

Since the preparation of the agenda report the following information has been received:

1. A letter of representation from **Mr Paul Farrelly MP** objecting to the development on the following grounds:

- The development is harmful to the character and appeal of the area.
- The flat roofed box like appearance of the proposed building is out of keeping with the St Quentin's buildings architecture.
- The development would be visually intrusive and compromise the privacy levels of immediate neighbours due to overlooking of front garden land.
- The extension could be accommodated at the rear of the site.
- Sandy Lane is a very busy road and further vehicles entering and leaving the site resulting from the development would exacerbate the highway safety problems that already exist.

2. A site plan from the applicant's agent which shows buildings that have either:

- Been granted planning permission and have been constructed;
- Been granted permission and are yet to be constructed;
- Or recommended for approval.

which members may find useful in assessing the proposal. The applicants would also like regard to be paid to a letter of support toward the proposal submitted with the application from the partners of the Silverdale and Ryecroft GP surgery who would seek to keep covering the home to the same high standards if the extension is approved.

3. Confirmation from **Environmental Health Division** that there are no contaminated land concerns.

In addition the views of **Housing Strategy** have been sought but no comments have yet been received. A separate verbal update will need to be given regarding their views if they are received in time otherwise it will be assumed that they have no comment to make.

Your officer's views

With respect to **Mr Farrelly's** representation, it is the case that character, impact to neighbouring living conditions and highway safety levels have already been fully addressed in the main report to the item. For the avoidance of any doubt it is confirmed that it is your officer's view that there is no possibility that an extension of this size could be added to the rear of the building due to the limited space available and the need for rear vehicular access and servicing.

The additional plan information provided by the applicant's agent does not alter the view that the development is harmful to the form and character of the area. The support given toward the proposal by the GP is noted but the benefits of the proposal which primarily are linked to providing specialist housing facilities do not outweigh the harm identified.

The recommendation therefore remains as set out in the agenda report.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th October 2014

**Agenda item 10: Draft Newcastle under Lyme and Stoke on Trent Statement of
Community Involvement 2014 Consultation**

That a further report be submitted to a subsequent meeting of the Committee on the outcome of the first phase of public consultation and to approve the next steps.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th October 2014

Item 11 – Application for Financial Assistance (Historic Building Grants) - 4 Highway Lane, Keele (Ref: 14/15004/HBG)

The **Conservation Advisory Working Party** recommends that the Planning Committee approves a grant of £297, to works at the above property, subject to appropriate standard conditions.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

7th October 2014

**Item 12 - Application for Financial Assistance (Historic Building Grants) -
Newcastle Methodist Church, Merrial Street (Ref:14/15002/HBG)**

The **Conservation Advisory Working Party** recommends that the Planning Committee approves a grant of £527, to works at the above property, subject to appropriate standard conditions.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th October 2014

Item 13 – Application for Financial Assistance (Historic Building Grants) – St Thomas’s Church Butterton (Ref: 14/15003/HBG)

The **Conservation Advisory Working Party** recommends that the Planning Committee approves a grant of £1,013, to works at the above property, subject to appropriate standard conditions.

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By virtue of paragraph(s) 1, 6, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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