

Public Document Pack

Date Tuesday, 18th November, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Planning Committee Supplementary Agenda

PART 1- OPEN AGENDA

- 5 APPLICATION FOR MAJOR DEVELOPMENT - CLOUGH HALL TECHNOLOGY COLLEGE, FOURTH AVENUE, KIDSGROVE; STAFFORDSHIRE COUNTY COUNCIL; 14/00770/CPO (Pages 3 - 10)
- 6 Application for Minor Development - Sandfield House, Bar Hill, Madeley; Mr David A.C Barker; 14/00684/FUL (Pages 11 - 12)
- 7 Application for Minor Development -Land to rear of Grindley Cottage, Church Lane, Betley; Mr and Mrs M Cox/Mr T R Tew; 14/00700/FUL; (Pages 13 - 14)
- 8 Application for Minor Development - Land South of Field Farm, Church lane, Betley; Hallmark Power Ltd; 14/00636/FUL (Pages 15 - 16)

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**CLOUGH HALL TECHNOLOGY SCHOOL, FIRST AVENUE, KIDSGROVE
STAFFORDSHIRE COUNTY COUNCIL**

14/00770/CPO

This is a consultation by the County Council as the relevant Planning Authority on an application for planning permission for the demolition of the existing school buildings and the construction of a new three story secondary school building, sports hall, playing field, hard play area, hardstanding and associated infrastructure. The Kidsgrove Sports Centre lies adjacent to the application site.

The site is located within the Newcastle and Kidsgrove Urban Neighbourhood and is adjacent to the Hardings Wood (Trent & Mersey Canal) Conservation Area, as identified on the Local Development Framework Proposals Map.

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

For any comments that the Borough Council may have on this proposal to be taken into account, they have to be received by the County Council by no later than the 19th November 2014.

RECOMMENDATION

The County Council be advised that the Borough Council **OBJECTS** to the application on the grounds that it is not a comprehensive and sustainable solution that provide the school and community with access to fit for purpose recreation facilities, and is thus contrary to the objective of the National Planning Policy Framework

Should the County Council be minded to permit the application then the Borough Council would recommend the following matters should be addressed by conditions:-

1. Contaminated land,
2. Hours of construction,
3. Construction Management Plan,
4. Internal Noise Levels,
5. Details of noise from equipment and machinery,
6. Waste collection and deliveries,
7. Details of kitchen ventilation equipment,
8. Prevention of food and grease debris, and
9. Artificial Lighting
10. Arboricultural Implications Assessment
11. Alignment of utility apparatus (including drainage)
12. Dimensioned Tree Protection Plan
13. Arboricultural Method Statement (detailed)
14. Schedule of works to retained trees (e.g. access facilitation pruning)
15. Arboricultural site monitoring schedule.
16. Landscaping scheme
17. Site must be drained on a separate system
18. No surface water discharged to the combined sewer network
19. Shared car parking scheme, submission and approval

The Borough Council particularly seeks assurances that the School will be required by a condition to submit proposals for approval of a scheme for the shared use of car parking spaces at the School, during the hours of off peak usage by the School and peak usage by the Kidsgrove Sports Centre

Reason for Recommendation

The proposed development has the potential to have a significant harmful impact on the corporate priorities of the Borough Council, including those of securing a healthy and active community and

delivering high value, community driven services. To approve the planning application without an assessment being carried out to determine the full impact of the proposed development on Kidsgrove Sports Centre would not be in accordance with the National Planning Policy Framework or the saved policies of the Newcastle Local Plan.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/ Sport/ Recreation

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy B14: Development In or Adjoining the Boundary of Conservations Areas
Policy B15: Trees and Landscape in Conservation Areas
Policy C22: Protection of Community Facilities

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

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

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

Relevant Planning History

The site has been the subject of a number of applications for developments associated with the education and sporting facilities but none are considered relevant to the determination of this application.

Views of consultees

It is the responsibility of the County Council to carry out consultations on this application. However, the views of the Borough Council's **Conservation and Urban Design Officer**, the **Leisure and Cultural Services Section**, the **Environmental Protection Division** and the **Landscape Development Section** have been obtained.

The **Conservation and Urban Design Officer** has raised no objections to the application indicating that there will be no harm to the Conservation Area due to the removal of buildings and whilst the new 'superblock' is a larger building the scheme will move the building line slightly away from the Conservation Area with the removal of the portacabins which are visible at present through the trees. In general terms the site at present is very untidy with ill-thought out incremental development over the years and a reuse and tidying up of the site will be an improvement for the area. The wide bank of trees along the northern edge of the site travelling east form a significant bank which characterise the area

and screen the buildings of the existing school. Their retention is paramount and these fall within the Conservation Area.

The **Landscape Development Section** detail that the principles used for the design of the layout for this development mean that it could be possible to retain existing trees throughout the construction period of this development however the submission does not include a Tree Retentions and Removals Plan and the proximity of the proposed works (which would include any alterations to paving, levels, proposed treatment of the steps and installation of the proposed turning head) have the potential to impact the above trees and trees within the Hardings Wood Conservation Area. The loss or damage to any trees would not be supported.

Subject to confirmation of the developer's intention to retain and protect the category A and B trees on this site they have no objection to the proposals but conditions for an Arboricultural Implications Assessment, Alignment of utility apparatus (including drainage), Dimensioned Tree Protection Plan, Arboricultural Method Statement (detailed), Schedule of works to retained trees (e.g. access facilitation pruning), Arboricultural site monitoring schedule and full landscape proposals would be appropriate and would help to blend this proposed development with its surrounding setting.

The **Leisure and Cultural Services Section** have concerns about how traffic flow will be managed to the Sports Centre during construction of the proposal whilst also maintaining health and safety for customers that are accessing the Sports Centre. During the construction and post practical completion periods the amount of parking provision available to the Sports Centre may reduce by up to 66 spaces. According to the submission approximately 17 dedicated spaces inclusive of disabled parking will be left for the Sports Centre, and this will potentially have a detrimental impact on the viability of the Sports Centre and could also lead to displaced car parking on residential streets.

The School have indicated informally that they would be prepared for the Sports Centre to use the staff parking area during the construction period and following practical completion of the new school. However the Section are concerned that once the school is operational such an arrangement may not be viable given that the addition of a grass pitch on site would increase the use of this car park due to extra-curricular activities which would conflict with the start of peak time usage at the Sports Centre. The demolition of the lower school would not be completed until February 2017 at the earliest which may have a detrimental impact on the viability of the Sports Centre and lead to displaced car parking on residential streets during the period. It is not clear from the submission what community access will be made available to the sports facilities outside of core curriculum times. They would certainly expect to see that a community use agreement is entered in to for the new sports hall, grass pitch and existing Astro turf pitch and this is something Sport England would also expect to see.

The main objective is to protect the Sports Centre interests during the construction and following practical completion of the school as well as maximising community use for these new facilities.

The **Environmental Protection Division** indicates that they raise no objections subject to conditions regarding the following;

1. Contaminated land,
2. Hours of construction,
3. Construction Management Plan,
4. Internal Noise Levels,
5. Details of noise from equipment and machinery,
6. Waste collection and deliveries,
7. Details of kitchen ventilation equipment,
8. Prevention of food and grease debris, and
9. Artificial Lighting

Applicants' submission

As well as the Design and Access Statement, the following documents were also submitted to support the application;

- Transport Statement,

- School Travel Plan
- Arboricultural Survey Report
- Ecological Appraisal
- Flood Risk Assessment,
- Environmental Acoustics Report,
- Drainage details,
- Geoenvironmental Desk Study,
- Project Management Plan,

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

Key Issues

The planning application to be determined by the County Council is for the demolition of the existing school buildings and construction of a new three storey Secondary School building, sports hall, playing field, hard play area, hardstanding and associated infrastructure.

The Borough Council is being asked for its views on this proposal – the County Council being the Planning Authority for such an application. In this instance they are also the applicant for the proposed development.

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

The proposed development is extensive and is to be developed under the priority Schools Building Programme in order to provide a modern school with up to date facilities. The existing school and associated facilities are outdated and in a varying state of disrepair.

The application describes the proposed development as a single hybrid ‘superblock’ building consistent with the Education Funding Agency’s baseline design which incorporates a two storey height sports hall into the main envelope of the building rather than a sports hall separated from the main block.

The general design and layout of the buildings would be an improvement on the visual amenity of the area and the appearance of the building would be further improved by the use of materials which would present a modern appearance with a mixture of Sole Graphite facing bricks and white and grey render. Aluminium window frames and parapet capping are proposed with coloured panels between windows

The site is adjacent to the Hardingswood Conservation Area and has a band of mature trees along the northerly and easterly boundaries. The proposed development is an improvement in terms of the design and layout of the site therefore no significant harm would be caused to views out of the Conservation Area. Furthermore, the development is unlikely to result in any loss of trees but the Landscape Development section recommend a number of conditions to ensure trees are protected prior to works commencing and during the construction period.

The Leisure and Cultural Services Section has raised significant concerns about the impact of the redevelopment of the school on Kidsgrove Sport centre and the available parking which is already at a premium. The redevelopment would result in the loss of approximately 56 parking spaces on the school’s site. The construction phase would also have an impact on the use of the Sports Centre. In both the short and the long term the development has the potential to lead to significant on street parking around the neighbouring residential streets. In planning policy terms the NPPF indicates that planning permission should only be refused where a development’s residual cumulative impacts are severe. The Highway Authority are understood to have not yet commented upon the application – if their comments become available they will be reported to the Committee on the 18th. The County Council will have to decide whether or not such impacts are “severe”

The Borough Council and County Council has previously had an agreement with regards to parking for the Sports Centre within the school grounds, at times when school use is more limited, which may

coincide with peak periods of use of the Sports Centre. It would appear the school may be prepared to enter into a similar agreement, and it would not be unreasonable to request of the County Council as the Local Planning Authority that it requires this to happen (by means of a condition attached to any grant of planning permission).

Sport England have objected to the planning application on the grounds that (they consider) it would certainly lead to the closure of Kidsgrove Sports Centre. They draw this conclusion on the basis that the construction of a new sports hall on the school site have a negative effect on the future of the Sports Centre – for example because it will reduce throughput (taking out school usage), take away income from the floodlit artificial turf pitch) and it is likely that there re will be inadequate residual car parking at peak times. They say such a closure will impact on the community and they consider that there are no clear proposals as to how this will be resolved or demonstration as to how this accords with NPPF paragraph 74, Core Strategy Policy CSP5 or Sport England’s objective to protect community sports facilities.

This objection from SE is for the County Council to consider but the harm and loss of an essential community facility is undoubtedly a significant material planning consideration. The County Council will need to have regard to the NPPF. Although paragraph 74 (which refers to the building over of existing open space, sport and recreational buildings and land) is quoted in Sport England’s objection the relevant paragraph appears to be paragraph 70 which indicates that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should, inter alia 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 provision and use of shared facilities such as sports facilities is specifically encouraged.

Policy C22 of the Local Plan states that “When considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration.”

The Borough’s Council Plan identifies four key priority areas which include ‘A Healthy and Active Community’ and ‘A co-operative Council, delivering high value, community-drive services’. These identify that well equipped, accessible and affordable facilities are necessary. The Council Plan states as follows

The Council has a long term association with the County Council and Clough Hall Technology School to jointly provide the Kidsgrove Sports Centre. This provision is nearing the end of its life span and the council is working hard to develop options to secure sports and leisure facilities for Kidsgrove that are fit for the 21st century. We are determined to provide the opportunity for Kidsgrove community to access high quality facilities that are designed, built, operated and financed in a sustainable way

The closure of Kidsgrove Sports Centre, without its replacement, would have a significant harmful impact on the community. The County Council should be encouraged to carry out an assessment to identify what impact the proposed replacement school, with its increased sporting facilities and how they operate, would have on the Kidsgrove Sports Centre. Any harm should be mitigated and agreements put in place to avoid its closure unless suitable and satisfactory alternative facilities are provided for the area. Without this assessment the proposed development is considered to be harmful to the community’ interests and would be contrary to the guidance and requirements of the NPPF and policy C22 of the Local Plan.

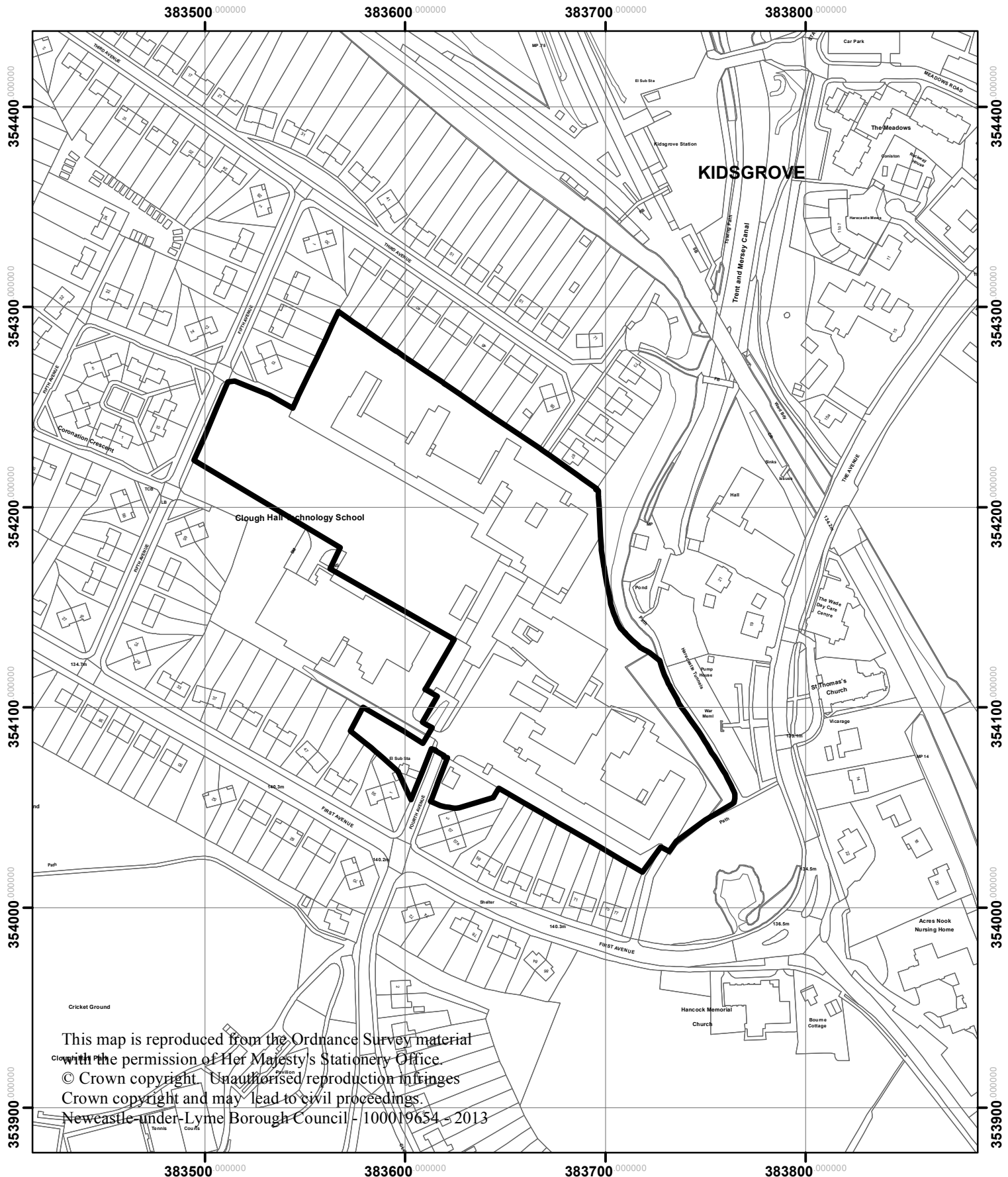
Notwithstanding the above objection should the County Council decide that planning permission should be granted they should be asked to include the various conditions listed in the recommendation section above.

Background Papers

Planning file
Planning Documents referred to

Date report prepared

12 November 2014



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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
18th November 2014

Agenda item 6

Application ref. 14/00684/FUL

Sandfield House, Bar Hill, Madeley

Since the preparation of the agenda report further information has been provided by the **applicant** the main points of which are summarised as follows:

- The applicant has maintained a clear and open dialogue with the Council throughout and has agreed that confidential pre-application advice be made publicly and freely available.
- Improvements to the existing driveway is an unviable option for the following reasons:
 - Works to achieve the required standards and visibility splays would involve the removal and cutting back of the hedge and lowering of surrounding ground levels for a considerable distance.
 - Considerable works would be required on land which does not belong to the applicant and in which the applicant owns no ties and would involve purchasing/negotiating with the land owner to the East for a distance in excess of 55m.
 - The land needed to be purchased to implement the required visibility splay is active working agricultural land.
 - A BT pole (recently installed) will interfere with the visibility splay to the east (i.e. visibility splay for on-coming traffic travelling west on the access side of the road).
 - It would result in the loss of amenity space to the 4 bedroom house.
 - A retaining wall and turning head would be required proving expensive.
 - Requires re-grading of existing driveway to achieve necessary highway standards.
 - Is financially unviable.
- An alternative, new access within the curtilage is also unviable for similar reasons set out above, with the following amendments/additional reasons:
 - Would involve purchasing/negotiating with the land owner to the East for a distance in excess of 40m.
 - Existing established garden and landscaping would be destroyed.
 - Poor and unacceptable design
 - Visibility splays require additional land/permission to West and East.
 - Introduces greater amounts of engineered elements into the rural location.
 - Would result in the loss of greater amounts of existing hedgerow than the design of the access applied for.
- The application proposal incorporates the following positive aspects:
 - This is achieved on unused land within the applicant's ownership.
 - There are clear highway safety benefits to all users of the A525, verified by the Highway Authority and an independent transport consultant.
 - Visibility splays can be provided in accordance with the recorded traffic speeds. A turning head will allow vehicles to enter and leave in a forward gear.
 - The access if located within a natural splay of the existing hedge, resulting in less work to the hedgerow.
 - A landscaping plan will be provided incorporating necessary infilling and improvement works to the existing hedgerow to ensure minimum impact upon the landscape.
 - The remaining land will remain as agricultural land.
 - There would be no challenge to any reasonable planning conditions.

In addition 3 further **representations** have been received the contents of which are summarised as follows:

- Notwithstanding what is set out in the report the Committee did not agree to defer the decision to enable the applicant alternative options for providing a safe access within the existing curtilage. What Committee asked for was evidence as to what had been already done to improve the existing access.
- The report does not acknowledge that the visibility splays that are required to the proposed access involves land not in the applicant's ownership.
- The argument advanced by the applicant that an access within the residential curtilage is unviable because it involves land not in the applicant's ownership and in which the applicant holds no ties and would involve purchasing/negotiating with the land owner to the East land for a distance in excess of 40m is flawed. Logically if the proposal remains as submitted then 50m of land to the East would have to be purchased.
- A viable new access can be provided within the curtilage that ensures safety and avoids encroachment into the open countryside with benefits summarised as follows:
 - Land either side is in the ownership of the applicant.
 - Repositioning the gates 6m from the highway will result in a larger garden than at present.
 - Room for a turning head if required.
 - Ground levels are the same as the proposed new access.
 - The existing drive can be grassed over resulting in no loss of garden facility.
 - The hedge to be removed would be within the residential curtilage.
 - The access onto the highway would be at a point where there are no parked vehicles.
 - Would be perfectly aligned with the proposed new garage.

Your officer's comments

The views of the Highway Authority have been sought in response to the submissions received. They will be reported to the meeting together with Officer comment.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
18th November 2014

Agenda item 7

Application ref. 14/00684/FUL

Land to the rear of Grindley Cottage, Church Lane, Betley

A further two letters of **representation** have been received objecting to the application, making the following comments:

- Proximity of the Grade 1 listed Church should be taken fully into account and the effect that the development might have on views of the Church from the cricket field.
- The development will damage the character and appearance of the listed Church, compromising views of it and harming its setting.
- In such an important and historical location a very sensitively designed building with some distances should be expected. The proposed design is ordinary and out of character with the character and appearance of the Conservation Area.
- The submitted Tree Survey suggests that the trees on the western boundary form a very important visual amenity and seems to imply will be permanent screening of the proposed development. However one or two trees are presently damaging the wall and pier to the church and, therefore, are very likely to have to be removed.
- Other trees are mainly deciduous and many could be lost and when removed would expose the site and bring the proposed development into full view.

Your officer's comments

The representations received do not raise any issues that have not been addressed within the report.

The RECOMMENDATION remains to refuse for the reasons set out in the main agenda report.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
18th November 2014

Agenda item 8

Application ref. 14/00636/FUL

Land South of Fields Farm, Church Lane, Betley

Since the preparation of the agenda report the **Environmental Health Division** has provided further comments on noise matters.

The Division have now confirmed that they have taken into account the most up to date guidance of the institute of acoustics, and your officer can confirm that the most up to date planning guidance has been taken into account.

An additional condition is also now advised by the Division to ensure tighter controls are placed on the developer should a noise complaint be received which would enable the Local Planning Authority to seek appropriate mitigation measures as advised by the guidance of the IOA.

The **Applicant** has also provided a further submission to discuss issues of shadow flicker and protected species.

They detail that shadow flicker occurs within 10 times rotor diameter, 130 degrees either side of north. It is also a phenomenon that only occurs within small openings of structures i.e. windows. In this instance no properties are located within this radius and within 130 degrees either side of north. In this respect, no shadow flicker impact will occur because of the distances and orientation between dwellings and the turbine in this case.

The applicant's ecologist has responded to comments made by Staffordshire Badger Conservation Group. The ecologist has confirmed that a more comprehensive survey of the fields is necessary but that this can be carried out during the pre-construction survey, which will enable an accurate picture immediately prior to development. This would also allow minor adjustments to the grid connection (if necessary) and appropriate protection and mitigation measures put in place during works in order to minimise impacts on protected species.

Your officer's comments

The qualification in the original recommendation can now be withdrawn.

The applicant's submission regarding the potential for shadow flicker is considered to address officers concerns and meets the accepted guidance and methodology identified within PS22 and the Department of Energy and Climate Change prepared an 'Update of UK Shadow Flicker Evidence Base'. Therefore the likely impact on residential properties would be limited enough to no longer require the condition (14) advised in the main agenda report.

The impacts on protected species can be covered by the recommended condition (8) in the main agenda report.

The RECOMMENDATION is to permit the application with the addition of a further noise condition – compliance of noise emissions, and the deletion of the condition regarding shadow flicker.

