

Public Document Pack

Date of meeting Tuesday, 9th December, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary 2227

SUPPLEMENTARY AGENDA

Planning Committee

PART 1 – OPEN AGENDA

- 4 Application for Major Development - Newcastle Baptist Church, London Road; Urban regeneration (Staffs) Ltd/Hewitt & Carr Architects; 14/00477/FUL (Pages 3 - 4)
- 5 Application for Major Development - Former Woodshutts Inn, Lower Ash Road; Aspire Housing Ltd/Design BM3 Architecture Ltd; 14/00767/FUL (Pages 5 - 6)
- 6 Application for Minor Development - Paddock adjacent to Rose Cottage, Snape Hall Road, Baldwins Gate; Mr & Mrs CJ and AJ Rudd/A-Z Designs; 14/00689/FUL (Pages 7 - 8)
- 9 Application for Other Development - Sandfield House, Bar Hill, Madeley; Mr David A.C Barker/Croft Architecture; 14/00684/FUL (Pages 9 - 12)
- 11 Application for Other Development - Car Park, Windsor Street, Newcastle under Lyme; NULBC; 14/00833/DEEM3 (Pages 13 - 14)
- a Tree Preservation Order Buckmaster Avenue (Pages 15 - 20)
- 14 Extensions to Time Periods Within Which Obligations Under Section 106 can be Entered Into (Quarter 2 Report) (Pages 21 - 22)
- 15 Half Yearly Report on Planning Obligations (Pages 23 - 24)

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
9th December 2014

Agenda item 4

Application ref. 14/00477/FUL

Newcastle Baptist Church, London Road, Newcastle

Since the preparation of the agenda report on this item an **addendum to the original Acoustic Report** has been received which recommends a 1.8m high glass acoustic barrier around the perimeter of the rooftop terrace to respond to the original comments of the Environmental Health Division. Further comments have subsequently been received from the **Environmental Health Division**. They state that the applicant has demonstrated that a suitable 1.8m high barrier would be sufficient to address their concerns relating to the roof top noise levels. They recommend a condition requiring approval of the materials for the acoustic barrier.

Your officer's comments

A glazed screen could be incorporated without any significant adverse impact upon the design of the building. The recommendation remains as per the agenda report but with condition 16 amended to require details of the materials of the acoustic barrier rather than a further noise assessment.

The report anticipated that a Report from the District Valuer setting out their appraisal of the viability of the scheme would be received and have been considered by your Officer by this time. That has however not happened. The District Valuer is still obtaining from the parties information that they require to undertake the appraisal. In the circumstances, bearing in mind that the Developer Contributions SPD indicates that decisions on whether to seek less contributions than are "policy compliant" are to be made by the Planning Committee, **your Officer's recommendation is therefore now altered to one of deferral of the determination of the application until the District Valuer's report has been received and considered**. It is hoped that this will mean that the application can be determined at the meeting on the 6th January. Members may wish to note that the applicant has no particular objection to a deferral of the decision provided such deferral is justified which he accepts that is currently the case. The decision is for the Planning Committee to make.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th December 2014

Agenda item 6

Application ref. 14/00767/FUL

Former Woodshutts Inn, Lower Ash Road

Since the preparation of the agenda report comments have been received from the **Coal Authority** who advise that their records indicate that there are 5 mine entries and their resultant zones of influence within 20m of the site boundary. No treatment records are held for 3 of the mine entries. They therefore object to the application in its current form until such time that it can be demonstrated that no significant risk to the development is posed by coal mining legacy issues and that it can be demonstrated that the application site is, or can be made, safe and stable for proposed development, in accordance with the requirements of the NPPF.

Your officer's comments

Following receipt of the comments of the Coal Authority the applicant has been in discussion with them. They have made the Coal Authority aware that they have an investigation planned to locate the shaft adjacent to the site, which is the main concern, and will then instruct an appropriate company to investigate and treat shallow mine workings. It is anticipated that upon receipt plans, that have already been prepared, showing the shaft position relative to the development the Coal Authority will withdraw their objection. This may not, however, be before the Committee meeting and as such the recommendation is amended as set out below.

Consideration has been given to the mechanism for securing the level of affordable housing, in perpetuity, to meet policy requirements. Whilst, as stated in the Committee report, the securing of such affordable units within a S106 obligation would prevent the applicant from obtaining funding from the Homes and Communities Agency it is understood that the same problem would not arise through the imposition of a condition.

Whilst it is understood that discussions have taken place with the Environmental Health Division regarding the submission of a further noise assessment this has not happened. It is considered that this should be addressed through the imposition of a condition.

The **recommendation** is therefore amended as follows

a) Subject to the applicant entering into a S106 obligation by agreement by 20th January 2015 to secure the following:

- **A financial contribution of £22,062, index linked towards the provision of education facilities**
- **A financial contribution of £64,746, index linked for open space enhancement/improvements and maintenance**

Permit subject to conditions relating to the following matters:

- **Standard Time limit condition**
- **Approved plans/drawings/documents**
- **Approval of all external facing and roofing materials**
- **Inclusion of windows in side elevation of plots 21 and 22**
- **Landscaping scheme**
- **Details of boundary treatments, including to the rear of the adjoining commercial properties to block the existing gap**
- **Construction Method Statement.**

- Provision of access drives, parking and turning prior to occupation.
- Access to plots 4 to 11 to comply with submitted Cameron Rose Associates plan.
- Width of driveway to plots 1 to 3 to be 4.5m for first 6m rear of the highway boundary.
- Permanently closure of redundant access.
- Driveways to be surfaced in a bound material for 5m from the highway boundary.
- Surface water interceptors to be provided where driveways fall towards the public highway.
- Contaminated land conditions
- Site to be drained on a separate system with no surface water to be discharged into combined sewer network.
- Provision of 10m access strip to public sewer crossing site.
- Updating of ventilation system of adjoining fish and chip shop
- Submission of a further noise assessment relating to noise from the adjoining industrial doors business and the details of the measures to be undertaken within the development to mitigate the impact of noise arising from that and other noise sources. Implementation of the approved details.
- Prior approval of a scheme for the provision, in perpetuity, of 6 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforce.

b) Should the matters referred to in (i) and (iii) above not be secured within the above period, that 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 provision for education; and the provision of adequate public open space as applicable, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th December 2014

Agenda item 5

Application ref. 14/00689/FUL

Paddock adjacent Rose Cottage, Snape Hall Road, Baldwins Gate

Since the preparation of the agenda report the applicant has provided a plan showing an area of additional grazing land available for horses. A letter from the owner of the additional pasture land has also been received detailing that the applicant can use this land with immediate effect.

Your officer's comments

The area indicated on the additional information is approximately 4.4 acres and appears as agricultural land. This land does not fall within the application site and whilst a formal change of use for the keeping of horses on the land has not been submitted the grazing of horses can be classed as an agricultural activity. The application site would be the main area for the keeping of horses with the additional land being for grazing purposes on an informal basis. The additional area would provide ample grazing land for one or two horses and this now satisfies the concerns of officers.

A note to the applicant will be put onto the decision notice advising the applicant that the additional land is not included within the application site - red edge and if horses are kept on the land for any other purpose other than grazing then planning permission is likely to be required.

The RECOMMENDATION remains to permit the application with the conditions detailed within the agenda report.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th December 2014

Agenda item 9

Application ref. 14/00684/FUL

Sandfield House, Bar Hill, Madeley

Since the preparation of the agenda report a site meeting has been held between your Officer, the Highway Authority, the applicant and his agent. The extent of the visibility splays that can be achieved at the alternative new access within the domestic curtilage of the property have been established and the further comments of the **Highway Authority** have been received. They comment as follows:

- When set out on site the required western visibility splay of 60m could not be achieved on land within the application site. A visibility splay of only 12m could be achieved within the curtilage of Sandfield House, the remaining 48m of the visibility splay was obscured by an existing hedgerow which is in the adjacent field and understood to be within third party land.
- The visibility of 54m in the eastern direction could be provided within land within the site curtilage and the public highway and there were no third party land issues.
- The new telegraph pole within the site access as detailed on Fig 1 could be relocated subject to agreement with the relevant utility company and the applicant would be responsible for all costs in relation to these works.
- The proposed turning head which is proposed in front of the gates, whilst beneficial, is not an essential requirement as the property will have sufficient space for vehicles to turn within the site curtilage.

Further information has been provided by the **applicant** the main points of which are summarised as follows:

- The proposed scheme will incorporate the following positive aspects:
 - The applicant can provide an acceptable design and solution on unused land in his ownership.
 - Clear improved highway safety benefits.
 - The design provides betterment in relation to highway safety.
 - The proposed access is located within a natural splay of the existing hedge, therefore meaning less works to the existing hedgerow would be required.
 - The applicant intends to provide a full landscaping plan incorporating the necessary infilling and improvement works to the existing hedgerow to ensure minimum impact on the landscape.
 - The remaining land will remain as agricultural land.
 - The applicant will not challenge any reasonable planning conditions.
- A photograph is submitted of the only amenity space for the dwelling.
- The BT poles have been connected underground.
- Previous applications concerning the replacement dwelling are not relevant.
- Whilst a 12m visibility splay would be an improvement in terms of highways, it is vastly substandard.

A further **Transport Statement** has also been submitted by the applicant. A summary of the main point made is as follows:

- The forward visibility line is to be 54m eastbound and 60m westbound in accordance with Manual for Streets.
- The ground level either side of the suggested access point is considerably higher than the level of the road obstructing the view of oncoming traffic.
- Visibility is also limited by the hedging which is close to the kerb line as there is no footpath on this side of the road.

- The western visibility splay will be considerably below the required standards.
- To achieve current standards, would require the removal and cutting back of the hedge and the surrounding ground levels would have to be lowered for a considerable distance.
- This would require considerable works to be undertaken on land not in the applicant's control.
- A new telegraph pole would have to be removed at considerable expense and for technical reasons could create great difficulty and expense for all parties.
- The western visibility splay cannot be achieved from within the residential curtilage and therefore it is a substandard and unviable option.

In addition 4 further **representations** have been received from the same property, the contents of which are summarised as follows:

- It is claimed that the visibility splay to the west will encroach over land not belonging to the applicants. There is no mention that the eastern visibility splay of the proposed new access in the open countryside would also encroach over land not belonging to the applicants by a similar amount.
- The photograph in the Transport Statement is very deceptive as it was taken between the road works when the BT pole was installed.
- The BT pole has no equipment attached to it and the notice on the pole states that it can be relocated in BT are notified within 3 months.
- At the meeting on 18th November Councillor Welsh made a statement that in 2010 the Highway Authority had no objection to the existing drive. An officer stated that the Highway Authority had said that the existing access was substandard but they let it go through because it was an existing drive for an existing building. It was not described as such in 2010, this is still an existing drive to an existing building and there have been no material changes to the site since 2010 when Highways stated that 'There is no objection on highway grounds'.
- The visibility of 12m that can be achieved is a vast improvement on zero. The zero option was approved by the Highway Authority in 2010 so it would be difficult to explain why a 12m extension could not be considered 'acceptable'.
- Wherever you 'slide' the access within land owned by the applicant, the frontage is not wide enough to cover the splays suggested without going across land not in the ownership of the applicant.
- Even if this access is not considered acceptable there are a multitude of options available including coming off the highway and turning right onto the front garden.
- The officer report did not specify that the over generous visibility splays had to be achieved, merely that an access should be 'acceptable'.
- The applicants do not own enough land to have a 120m plus visibility splay.

Your officer's comments

Your Officer and a representative of the Highway Authority have visited the site and measured the extent of the visibility splays that can be achieved at the alternative new access within the existing curtilage of the property. On the basis of a speed survey and applying the principles of Manual for Streets, a visibility splay of 60m is recommended to the west of the access and a splay of 54m is recommended in the easterly direction. From the alternative access within the domestic curtilage of the property, whilst 54m can be achieved in the easterly direction, only 12m can be achieved to the west. This is because there is a hedgerow along the boundary of the land to the west with the highway that restricts visibility. Approximately 48m of hedgerow would need to be removed and as the land is outside the control of the applicant, this would not be possible.

Compared to the recommended distance of 60m, a visibility splay of just 12m is significantly substandard. Although it would be more than can be achieved at the applicant's existing access, it is substantially less than can be achieved from the access that is the subject of this application. Therefore, it is not considered to be a suitable or acceptable alternative and it is considered that although the proposal would involve an encroachment into the open

countryside, given the highway safety benefits and the lack of any significant adverse impact upon the landscape, it is not considered that an objection could be sustained. The recommendation is to **PERMIT** subject to the conditions listed in the agenda report.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th December 2014

Agenda item 10

Application ref. 14/00832/DEEM3

Land adjacent to Windsor Street Car Park, Newcastle

Since the preparation of the agenda report comments have been received from the **Councils Urban Design and Conservation Service** noting that the back drop of the car park is not particularly attractive and the erection of three large advertisement signs is unlikely to enhance the character or appearance of the Conservation Area. An attractive landscaping scheme would seem to be the most appropriate way forward for this piece of land. The previous hoardings also did not provide an enhancement. However it could be argued that there used to be similar hoardings stood on the site and the new proposal has a similar impact therefore preserving the character of the Conservation Area given there is no substantial change.

The views of the Councils **Conservation Area Working Party** have also been received. They comment that the proposal is not the most desirable use of land for this corner of the Conservation Area and it could be tidied up.

Your officer's comments

The advertisement that once stood on the site has been removed leaving a wooden up stand backing with supporting posts which is in a poor state of disrepair. Accepting that there is no enhancement to the special character and appearance of the Town Centre conservation area the hoardings now applied for are common to that found in busy Town Centre locations and would not appear out of place or harmful. Accordingly it remains your officer's view that consent should be granted.

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DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 1990
Town & Country Planning (Tree Protection)
(England) Regulations 2012
Tree Preservation Order No.158 (2014)
Land adjacent to 86 Buckmaster Avenue

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 10th June 2014, and to seek approval for the Order to be confirmed as made.

2 Background

- 2.1 The order protects a Lime tree situated on land opposite the entrance to Lyme Valley Parkway on Buckmaster Avenue. The order was made to safeguard the longer term visual amenity that the tree provides following submission of a planning application to build 4 semi-detached houses and 1 detached house on the site.

3 Issues

- 3.1 This mature Lime tree is a prominent roadside feature set within a leafy and attractive suburban street and is clearly visible from a wide range of viewpoints within the surrounding landscape setting.
- 3.2 The tree is a significant feature and makes an important visual contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only to the site but also the locality.
- 3.3 A further planning application has been received since the order was made with a view to building 4 semi-detached and 1 detached house. Both applications have required the loss of this tree.
- 3.4 Following the TPO publicity process, a letter of representation from the developer was received. This letter included a statement from their arboricultural consultant,

providing additional information, obtained from a second inspection of the tree (information from his first inspection of 22nd October 2013 was submitted with the recent planning application).

- 3.5 The second inspection concluded that due to structural defects that the tree has a 'fairly limited life and will require removal in the not too distant future'. A recommendation was made to the developer that an objection be made to the Tree Preservation Order on the grounds that the tree has 'serious defects that will shorten its life and may render the tree dangerous'. The inspection report identified some reaction wood around the union indicating serious stresses at this point.
- 3.6 The conclusion made by the developers own initial report (22nd October 2013) was that the affected tree was in good physiological condition but it noted 'included bark present in main fork'. The report gave an estimated remaining life of 20years+.
- 3.7 At the time that the Tree Preservation Order was made, your officer identified and acknowledged the structural defects and the presence of the reaction wood, however they were not considered to be sufficient to warrant tree preservation order not to be made.
- 3.8 Following receipt of the representation your officer made a site visit with the council's own Tree Officer to assess the matters raised in the objection.
- 3.9 The Council's Tree Officer acknowledged the presence of the defects and the 'reaction wood' (identified in the second report) and found that this would not be sufficient reason to warrant the removal the tree. Structural defects of the type in question are common in Lime trees, and it is noted that the tree did just escape a major storm, unscathed, in February 2014.
- 3.10 Your officers consider that the tree has not altered significantly since the developer's initial inspection, and that the tree does have sufficient safe, useful life expectancy warrant the confirmation of the Tree Preservation Order.
- 3.11 The tree is of a good shape and is very prominent in the surrounding landscape.
- 3.12 The developers objection also raised the following points:
- The local housing need.
 - The tree was not mentioned at consultation meetings.

- The developer would offset the loss of the tree on this site or on another Aspire or NBC owned landsite.
- Should a TPO prevent development of the site, any funding secured would be put at risk.

3.13 During the consideration phase for the second planning application two meetings were held to discuss potential alterations to the layout of the development that would retain the tree.

3.14 The developer submitted a revised layout allocating additional space to the frontages of plots 2, 3 and 4.

3.15 This alternative scheme would retain the tree and safeguard the visual amenity that it provides. The landscape development section considers that this revised proposal would be sufficient to ensure that the tree could remain a prominent feature in the surrounding landscape and would be foremost feature within in the proposed development.

3.16 Your officers do not consider that reasons given by the developer to remove this tree are sufficient, and would consider that there isn't sufficient justification for this order not to be confirmed.

3.17 In order to protect its long-term well-being and its future potential as an amenity it should be protected by a confirmed Tree Preservation Order.

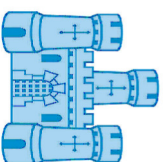
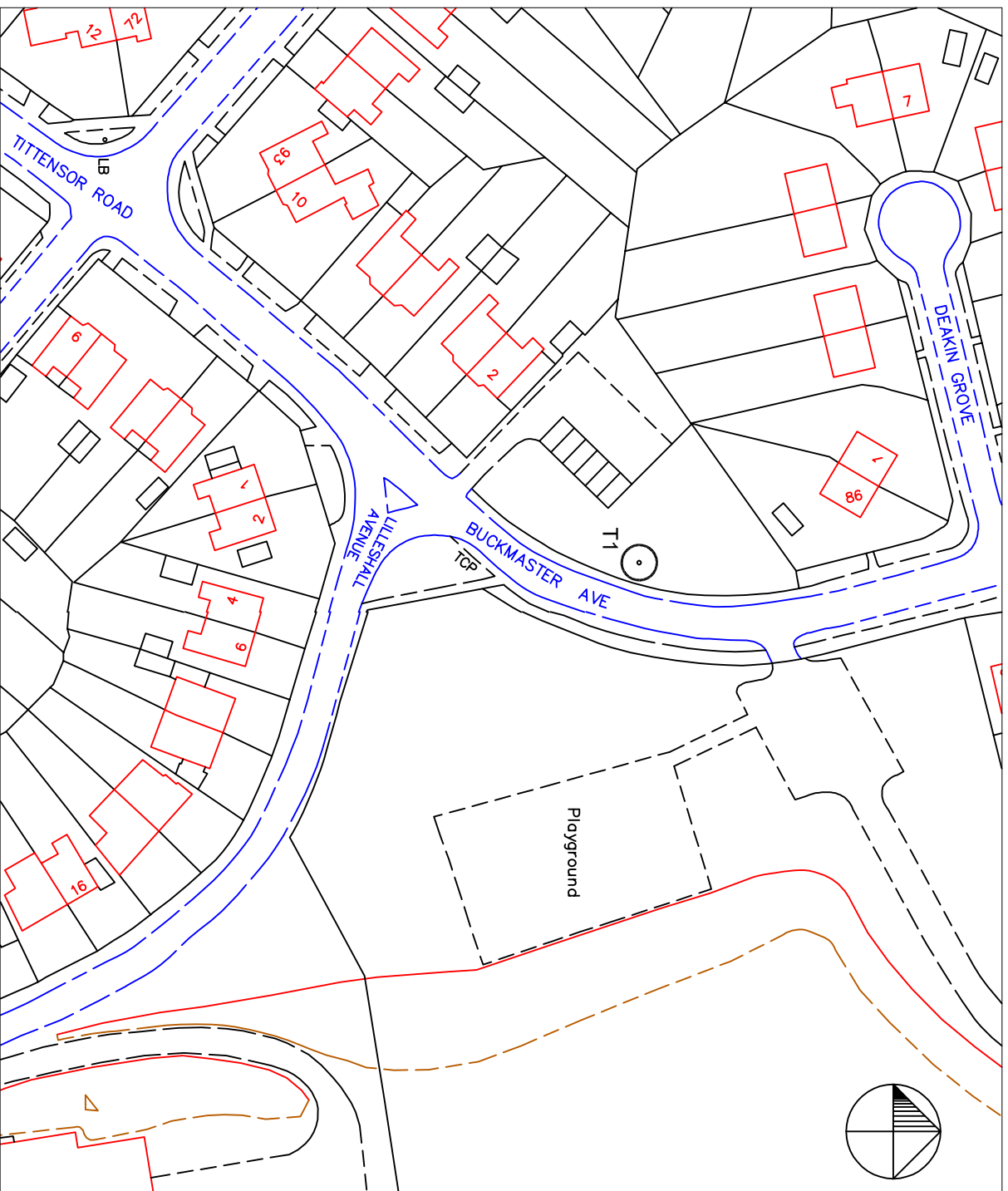
3.18 Your officers recommendation is that Tree Preservation Order T158 (2014) be confirmed as made.

4 Recommendation

4.1 That Tree Preservation Order No 158 (2014), land adjacent to 86 Buckmaster Avenue be confirmed as made and that the owners of the site be informed accordingly.

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NOTES:



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL

DAVE ADAMS EXECUTIVE DIRECTOR
OPERATIONAL SERVICES

CIVIC OFFICES, MERRIAL STREET
NEWCASTLE, STAFFORDSHIRE, ST5 2AG

TITLE:

Land adjacent to 86 Buckmaster Avenue

DESCRIPTION:

Tree Preservation Order
Number 158 (2014)

DRAWN BY:

J.H

SCALE:

1:1000

DATE:

June 2014

DRAWING NO.

TPO 158

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th December 2014

Agenda item 14

Second Quarter 2014/15 Report on extensions to time periods within which obligations under Section 106 can be entered into

Since the agenda report was prepared on 27th November there have been developments with respect to a number of the 12 cases referred to within the report. These developments are detailed below:-

With respect to case **(1) Application 13/00245/FUL – Old Springs Farm, Stoneyford** - it would appear unlikely that the agreement will be completed by the 6th December date referred to in the report, but the agreement is now at a very advanced stage, and it has therefore been considered appropriate to agree to a further extension – to the 13th December.

With respect to case **(6) Application 14/00027/FUL Land adjacent to 31 Banbury Street** the agent has now agreed to pay in principle for the viability appraisal referred to in the report, subject to an estimate that is satisfactory to him being provided. By the time of the meeting on the 9th it is likely that your officers will have agreed not to 'time out' the application

With respect to case **(7) Application 13/00990/OUT Land Adjacent to Rowley House, Moss Lane, Madeley** your Officer having reviewed the current position has agreed to a further extension of the period (within which the obligations must be entered into) until 16th December, following the applicant's agreement to extend to the same date the statutory period

With respect to case **(8) Application 13/00525/OUT Land Between Apedale Road and Palatine Drive, Chesterton** - the agreement has now reached an advance stage – it is being circulated for signing and sealing. An appropriate extension to the period which the obligation can be completed will be agreed accordingly.

With respect to case (12) (incorrectly numbered (13) in the report) **Application 14/00476/FUL The Homestead, May Bank**, as anticipated in the report the 2nd December date passed without the agreement being secured, and a further extension until the 16th December has been agreed by your Officer.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th December 2014

Agenda item 15

Half Yearly Report on Planning Obligations

With regard to Table 4

- the County Council have indicated with regards to 61-63 High Street, Silverdale that the fourth and final instalment of the NTADS has been paid by the applicant/ owner so the matter can now be considered closed
- Insofar as the development of land off Keele Road is concerned the site visit referred to in the report has now been undertaken. The next steps are to issue the decision notice, obtain a final figure allowing for indexation and then to provide details of that figure to the developer.

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