

# Public Document Pack

Date of meeting      Tuesday, 31st March, 2015  
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

- |    |                                                                                                                                     |                 |
|----|-------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 4  | Application for Major Development - Land to the Rear of Former Randles Garage, Higherland; Tarpey Woodfine Architects; 15/00077/OUT | (Pages 3 - 4)   |
| 5  | Application for Other Development - 10 Sidmouth Avenue; The Birches (Staffs) Ltd; 15/00047/COU                                      | (Pages 5 - 6)   |
| 9  | Application for Minor Development - 1 The Woodlands, Liverpool Road East, Kidsgrove; Mrs Joyce Alderton Scott; 15/00016/FUL         | (Pages 7 - 8)   |
| 10 | Application for Other Development - 1 Lansdell Avenue, Wolstanton; Mr Peter Palmer; 14/00941/FUL                                    | (Pages 9 - 10)  |
| 12 | Application for Other Development - 27 Hardingswood Road, Kidsgrove; Mrs Stanworth; 14/00971/FUL                                    | (Pages 11 - 12) |
| 13 | Application for Other Development - Opposite Spar Shop, Clayton Road; H3G UK Ltd / GVA; 15/00191/TDET                               | (Pages 13 - 14) |
| 17 | Quarter 3 Report on Decision to Extend Period of Time within which S106 Obligations can be Secured                                  | (Pages 15 - 16) |
| 20 | Review of Public Speaking Protocol, Site Visit Protocol and withdrawal of call-in procedures                                        | (Pages 17 - 18) |

**Members:** Councillors Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper, Mrs Hambleton, Mrs Heesom, Miss Mancey, 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**  
**31<sup>st</sup> March 2015**

**Agenda item 4**

**Application ref. 15/00077/OUT**

**Land To The Rear Of Former Randles Garage, Higherland**

Since the preparation of the agenda 7 further letters of representation (with photographs), including comments from the **Thistleberry Residents Association**, have been received. The additional concerns raised relate to:-

- Flats in this location are not appropriate.
- The development would appear overwhelming due to its height against other neighbouring properties.
- On street car parking along Seabridge Road is already an issue and the proposal needs to be considered in the context of the convenience store planning permission on the Randles site.
- Visibility for drivers would be compromised causing highway safety problems.

The matters raised, in these representations, have been addressed within the main agenda report, and your Officer having taken into account such representations remains of the view that the recommendation given is appropriate

It is now possible to advise that the public open space contribution that your Officer considers to be appropriate is £2404 per dwelling rather than the usual £2943 per dwelling, and the recommendation is adjusted to reflect this.

**The RECOMMENDATION remains as set out in the agenda report except that the appropriate required sum for public open space improvement and maintenance is now specified as £2404 per dwelling.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**31<sup>st</sup> March 2015**

**Agenda item 5**

**Application ref. 15/00047/COU**

**10 Sidmouth Avenue, Newcastle under Lyme**

A total of 44 letters of representation have been received in total about the application, however 39 had been received at the time the agenda report was finalised. A further 5 letters of representation have been submitted following the publication of the agenda including a letter from the Residents at Gower, Granville and Sidmouth (R.A.G.G.S) Association. The additional concerns raised relate to:-

- Lack of transparency and consultation by the applicant.
- The Human Rights Act indicates that a public authority should try to ensure that policies or decisions do not interfere with peaceful enjoyment of possessions and if it decides that it is necessary to interfere there must be an objective and reasonable justification for that.
- Neighbours were not notified in writing of the proposed change of use and the residents who had objected were not informed until 20<sup>th</sup> March of the date of the Committee whilst the applicant was informed on 5<sup>th</sup> March.
- Some of the neighbouring occupiers have children with particular disabilities which make them susceptible to anxiety and regular medical attention. Noise problems arising from the proposed use would have a negative impact on the well-being of those dependants.
- Increases in traffic hold ups next to the Birches entrance will hinder ambulance emergency services gaining access to relevant properties.
- The intensification arising from the new use would cause harm to the character of the area.
- The development is contrary to the Councils objectives of improving housing stock and residential environments.
- The proposal is an over intensive use of the property.
- The management plan statement submitted by the applicant following the request of the Planning Committee cannot be relied upon as a factual document and should not be accepted as such. In particular the use of electric gates and CCTV requires additional expense which is unlikely to happen if permission is granted.

Your officer's views

The matters raised have largely been addressed within the main agenda report.

In response to the reference to the Human Rights Act there are limited cases where it has successfully impinged upon planning decision as it has generally been found that the normal planning balancing exercise is sufficient to satisfy its requirements. In this particular case all the key issues are addressed within the main agenda report and weighed in the balance and it is considered that a decision to permit the application would not be a breach of the Act.

The other fresh matter raised by the representations, in respect of the greater impact of the development on certain residents with particular disabilities than others, cannot be given sufficient weight to justify refusal of the application.

**The RECOMMENDATION remains as set out in the agenda report which is to PERMIT with the conditions set out in the report and with additional conditions.**



**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**31<sup>st</sup> March 2015**

**Agenda item 9**

**Application ref. 15/00016/FUL**

**1 The Woodlands, Liverpool Road East, Kidsgrove**

Since the preparation of the committee report, comments have been received from the **Landscape Development Section** of the Council, stating that they would suggest that some native planting (trees or hedgerow) would help to soften the development and blend it into the surrounding landscape.

**Kidsgrove Town Council** has no objections to the application.

Your officer's views

The **RECOMMENDATION** remains as set out in the agenda report subject to an additional condition requiring the approval of a landscaping scheme to include native planting.

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**31<sup>st</sup> March 2015**

**Agenda item 10**

**Application ref. 14/00941/FUL**

**1 Lansdell Avenue, Wolstanton**

Since the preparation of the report, the **Landscape Development Section** has confirmed that they have taken into account that the proposal is for a two storey extension, not single storey as inferred in the Arboricultural Report.

Your officer's views

**The RECOMMENDATION remains as set out in the agenda report.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**31<sup>st</sup> March 2015**

**Agenda item 12**

**Application ref. 14/00971/FUL**

27 Hardingswood Road, Kidsgrove

Since the preparation of the committee report, comments have been received from the Conservation Advisory Working Party, the Environmental Protection Division and Kidsgrove Town Council.

The **Conservation Advisory Working Party** objects to the demolition of the building to create a gap site because this building forms part of the townscape character of the Conservation Area. The building retains the building line as the land rises up and curves away and makes an important contribution to the historic character and setting of the Area. No 28 already has the largest garden plot in the vicinity, and the is uncharacteristic of this Conservation Area.

The **Environmental Protection Division** has no objections subject to informatives being included on any approval regarding construction hours and the importation of waste materials to facilitate construction.

**Kidsgrove Town Council** support the application as local residents see the building as an eyesore and a negative in the area.

5 **letters of support** have been received and are summarised below:

- Demolition of the building will improve the area
- Previous modifications to building are out of keeping
- Permission was given to demolish a property where 28 Hardingswood now stands, therefore a precedent has been set
- Light and access to surrounding properties will be improved
- The building is dangerous for local people

Your Officer's views

The comments made in the representations and consultation responses now received all refer to matters which are considered in detail within the agenda report and for the reasons set out in that report the recommendation is one of refusal

**Your Officer's recommendation remains as per the agenda report.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**31<sup>st</sup> March 2015**

**Agenda item 13**

**Application ref. 15/00191/TDET**

**Opposite Spar Shop, Clayton Road**

Since the preparation of the report, the **Highway Authority** have confirmed that they have no objections subject to the development being constructed in accordance with the submitted plans.

Your officer's views

**The RECOMMENDATION remains as set out in the agenda report.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**31<sup>st</sup> March 2015**

**Agenda item 17**

**Quarterly Report on extensions to time periods within which obligations under Section 106 can be entered into**

Since the agenda report was finalised- on 19<sup>th</sup> March there have been developments with respect to a number of the 11 cases referred to within the report. These developments are detailed below:-

With respect to **Case (3)13/00990/OUT Land Adjacent to Rowley House, Moss Lane, Madeley** the County Council have now accepted the amendments sought by your officer to reflect the resolution of the Planning Committee (as referred to in the agenda report), but the owner has raised, on behalf of a potential developer, certain concerns principally relating to the affordable housing provisions of the draft agreement. Responses have been provided, and there remains the possibility that the agreement may still be completed by the current deadline of the 31<sup>st</sup> March

With respect to **Case (5)13/00970/OUT Land off Pepper Street, Keele**, the Borough Council has now been advised that the County Council are seeking amendments to the draft, although they are of a relatively limited nature. The County Council have indicated that they are concerned about the tightness of the timescale and the developer's solicitor has now requested an extension (of the period within which the Section 106 is to be completed) to the 24<sup>th</sup> April. This request is being considered and will be responded to upon the receipt of advice from the Borough Council's solicitor with respect to the implications for this case, if any, of legislation that comes into effect on the 6<sup>th</sup> April.

With respect to **Case (8) 14/00477/FUL Newcastle Baptist Church, London Road, Newcastle**, since the 19<sup>th</sup> your officer has accepted that in the light of the inability of the Council, due to capacity issues within legal services, to provide a draft of the agreement by Monday 23<sup>rd</sup> it is no longer realistic to expect this agreement to be completed by the 31<sup>st</sup> March. A new deadline will be set upon receipt of advice from the Council's solicitor with respect to the implications for this case of the legislation referred to above.

With respect to **Case (9) 14/00736/FUL Former Diamond Electronics, West Avenue, Kidsgrove** a new deadline has not yet been set as had been expected in the agenda report, but it will be before the meeting of the Committee. The matter is progressing to a conclusion.

With respect of **Case (11) 14/00973/FUL Oxford Arms, Moreton Parade, May Bank** your Officer wrote to the applicant setting out the current position regarding the S106 and his concerns about the progress to date, whilst accepting that the applicant had been misled into understanding that they had until the 24<sup>th</sup> March to complete (rather than the 10<sup>th</sup> March date referred to in the resolution). The applicant has since provided confirmation that solicitors have now been instructed, and evidence of title has been provided together with an undertaking to pay the Council's costs. On this basis your officer was satisfied that satisfactory progress had been made to justify a limited extension until the 31<sup>st</sup> March.





**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**31<sup>st</sup> March 2015**

**Agenda item 20**

**Public Speaking, Site visit protocol and call-in withdrawal review**

With respect to the Public Speaking, or Direct Representation to Planning Committee, arrangements **Loggerheads Parish Council** have asked that the Committee be advised that it is the Parish Council's view that they should have the right to make direct representations to the Planning Committee.

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