

# Public Document Pack

**Date of meeting**      **Wednesday, 13th May, 2015**  
**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**

- |          |  |                        |
|----------|--|------------------------|
| <b>5</b> | <b>Application for Major Development - Former TG Holdcroft, Knutton Road, Wolstanton; McCarthy &amp; Stone / The Planning Bureau; 14/00968/FUL</b> | <b>(Pages 3 - 4)</b>   |
| <b>6</b> | <b>Application for Major Development - Land South East of Holloway Lane, Aston; Barnard/Reading Agricultural Consultants; 15/00173/FUL</b>         | <b>(Pages 5 - 6)</b>   |
| <b>7</b> | <b>Application for Minor Development - Plot 37 Birch Tree Lane, Whitmore; Trustees of the Whitmore Estate / Corleco Projects; 15/00281/FUL</b>     | <b>(Pages 7 - 8)</b>   |
| <b>8</b> | <b>Application for Minor Development - Workshop, May Street, Silverdale; Alan Leycett / A-Z Designs; 15/00249/OUT</b>                              | <b>(Pages 9 - 10)</b>  |
| <b>9</b> | <b>URGENT BUSINESS</b><br>Land off Hollings Lane   | <b>(Pages 11 - 14)</b> |

**Members:**      Councillors Baker (Chair), Mrs Bates, Mrs Braithwaite, Cooper, Mrs Hambleton, Mrs Heesom, Miss Mancey, Northcott, Proctor (Vice-Chair), Miss Reddish, Mrs Simpson, 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.

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**13<sup>th</sup> May 2015**

**Agenda item 5**

**Application ref. 14/00968/FUL**

**Former TG Holdcroft, Knutton Road, Wolstanton**

Since the preparation of the agenda report the comments of the **Waste Management Section** have been received. They approve in principle to the layout of the scheme subject to full and precise details of the recyclable materials and refuse receptacles and the collection arrangements.

The **applicant's agent** has very belatedly submitted a viability assessment that indicates that the development would not be viable with affordable housing or any Section 106 contributions. As a material consideration this has not been raised before. In addition, the agent is putting forward a case that if it is concluded that the scheme can afford to provide affordable housing, it should be via an **off-site** financial contribution as there are fundamental difficulties in accommodating affordable housing on-site with private retirement housing. In summary, the reasons for this they say are as follows:

- The specialised communal living environment results in the payment of a service charge by the residents. It would be very difficult to set the service charge at a level that would cover the costs of the type of management that private purchasers expect, yet would be still affordable to residents of affordable housing. It would also be difficult for the affordable housing provider to guarantee payment of a service charge in perpetuity that would be liable to change on an annual basis.
- There would be significant potential for friction and animosity between those residents who pay a significant annual service charge for premium services and those who would occupy low cost or heavily subsidised apartments but have use of the same services.
- If attempts are made to try and overcome management, maintenance and service charge issues by splitting the site to have separate blocks for the sheltered and affordable accommodation, this introduces further issues. The size of the site and its physical constraints are such that a separate block of affordable housing with access, parking and amenity space, would reduce the size of the sheltered block by such a degree to make it unviable and inefficient. The significant reduction in sheltered units would mean that fewer elderly purchasers would have to share the fixed cost of the communal facilities and make the market sheltered scheme even more unviable.
- The provision of a commuted sum for off-site affordable housing would lead to more appropriate and acceptable housing layouts for both the sheltered and affordable provision.

The Council's policy as set out in its Affordable Housing SPD is that it will seek to ensure that affordable housing is provided on site in the first instance and that "*only in very particular, agreed circumstances will either another site, or payment in lieu of on-site provision be considered as an acceptable alternative*". The NPPF, whilst superseding the government guidance taken into account when the SPD was drawn up, does indicate that where affordable housing is needed, the presumption should be for on-site provision *unless either off-site provision (i.e. provision on another site) or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities*.

The on-site/ off-site issue is however really secondary – the fundamental point now being made by McCarthy and Stone's agents is that neither can be financially supported by this scheme.

Given the lateness of the submission of the information relating to viability it has not been possible to obtain an independent assessment and as such it is not possible, at this time, to advise whether the applicant's conclusions are correct. Similarly your officers have not had the opportunity to consider whether a financial contribution is indeed "robustly justified" and such an approach "contributes to the objective of creating mixed and balanced communities".

Taking into account both the importance of timeliness in making planning decisions (the application is already at week 9), and the importance of the LPA dealing with applications in a positive and proactive manner and of boosting significantly the supply of housing, it is considered that the appropriate step for the Committee would be to defer a decision on the application. The purpose of such a deferment would be threefold –

Firstly to allow time officers to consider the merits of the agent's case against on-site provision, secondly for the obtaining of an independent calculation of what would that financial contribution would actually need to be, and thirdly to assess the scheme's ability in financial terms to make policy compliant affordable housing and open space contributions.

Members do however need to note that there is no guarantee that independent advice (from the District Valuer) would be available by the time of the meeting on the 26<sup>th</sup> June. In practical terms it is much more likely that this advice will not be available until the following meeting on the 23<sup>rd</sup> June. In the circumstances it would be entirely reasonable to expect the applicant to agree to extend the statutory period until at least that date, bearing in mind that it is their tardiness in making such a submission which has caused, and such an agreement will be sought before the meeting on the 13<sup>th</sup>.

**Accordingly your Officer is now recommending that a decision on the application be deferred for the above reasons.**

**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**13<sup>th</sup> May 2015**

**Agenda item 6**

**Application ref. 15/00173/FUL**

**Land South East of Holloway Lane, Aston**

Since the preparation of the agenda report one further letter of representation has been received stating that the current traffic movements have been exaggerated and the proposed traffic movements have been underestimated.

Officer Comments

The issue of highway safety has been considered in full within the agenda report and therefore it is not considered necessary to comment further now.

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

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## Supplementary Information

The following information is for the item that will be heard on the 13 May

### **Agenda Item 7**

**Application Number 15/00281/FUL**

#### **Plot 37, Birch Tree Lane, Whitmore Heath, ST5 5HE**

Since the agenda item was completed for Members, further comments have been received from the following parties;

#### **Landscape Development Section:**

Information supplied within the application demonstrates that the proposed development is possible without encroachment into the Root Protection Area (RPA) of retained trees.

No objections are raised to the development, subject to the following conditions;

- Tree protection of BS5837:2012 and information on the Arboricultural Method Statement Drawing P.359.13.05rA
- Prior approval of landscaping proposals
- Prior approval of tree management plan
- Site monitoring schedule and alignment of apparatus

#### **Staffordshire Badger Conservation:**

Comment that they have not be able to enter the site, however request that the recommendations from the badger report are implemented.

Two more letters of representation were also received raising concerns that have already been referred to within the report.

**The RECOMMENDATION remains as set out in the agenda report** with an amendment to the wording of conditions 6 & 7 referring to being in accordance with the submitted information rather than requiring prior approval.

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**13<sup>th</sup> May 2015**

**Agenda item 8**

**Application ref. 15/00249/OUT**

**Workshop, May Street, Silverdale**

The application has been **WITHDRAWN**

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LAND SOUTH OF HOLLINS LANE, NEWPORT ROAD, WOODSEAVES  
MR K WILSON, HLW FARMS LTD

348/221 & 222

The Borough Council has been consulted by Shropshire Council on two applications for full planning permission for development as follows:

1. Installation of an 800kW agricultural anaerobic digester Plant and associated infrastructure (their reference 15/01108/MAW)
2. Erection of two poultry shed and feed bins, ancillary works including access track and associated landscaping works (their reference 15/00924/EIA). This application is supported by an Environmental Statement.

For the Borough Council's comments to be taken into account by Shropshire Council they must be sent to them by 19th May 2015.

## **RECOMMENDATION**

**That Shropshire Council is advised that Newcastle Borough Council has no objections to the proposals.**

## **Reason for Recommendation**

Due to the distance, the topography of the land and the existing mature landscaping, it is not considered that the proposal would have any significant adverse impact upon the character and appearance of the Shropshire Union Canal Conservation Area, the Borough or the level of amenity currently enjoyed by residents of the Borough.

## **Key Issues**

The Borough Council has been consulted by Shropshire Council on two applications for full planning permission for an anaerobic digester and associated infrastructure (including tanks, silage clamps and a Combined Heat and Power Source) and for two poultry sheds on land south of Market Drayton. The building associated with the anaerobic digester measures 50m by 25m with a ridge height of 12.5m. The digester tanks are 25m in diameter and 7m in height. The proposed poultry sheds measure 115m by 24m with a ridge height of 5.6m and would house up to 260,000 birds. The building materials would comprise Juniper green metal box profile sheeting to the sides and the roof.

The Borough Council is not the planning authority for the area – that being Shropshire Council. Considering only how the proposal might affect the interests of the Borough area, the key issues are as follows:

- Would the development proposed in the two applications impact on the character and appearance of the Shropshire Union Canal Conservation Area and the Borough?
- Would the development proposed in the two applications have any other 'amenity' impact upon the Borough?

Would the development proposed in the two applications impact on the character and appearance of the Shropshire Union Canal Conservation Area and the Borough?

The site is located approximately 250m to the west of the boundary of the Borough and the Shropshire Union Canal Conservation Area. Hollings Bridge (bridge no. 58), a Grade II listed structure, is located within the Conservation Area to the west of the site.

The Conservation Area has a belt of mature trees on either side of the canal which measures at a depth of about 58m on the development side of the canal. The canal is in a cutting (known as Woodseaves or Tyrley Cutting) and the listed bridge spans the canal considerably higher than the canal and towpath at road level. The levels difference and the trees would shield views of the proposed development from the canal and its towpath and these factors, combined with the separation distance, ensures that the development would not be prominent in views from and into the Conservation Area and would not harm its character and appearance.

The best view of the listed bridge is from the canal and its towpath and the tree belt and separation distance from the development would ensure that its setting is not adversely affected.

Would the development have any other 'amenity' impact upon the Borough?

The closest residential property within the Borough is approximately 1000m away, due west from the proposed site. Due to the topography of the land and the existing natural screening, the proposed building would not be visible from this property. In light of these factors it is not anticipated that any unacceptable odour or noise impacts would arise from the development. The views of the Environmental Health Division have been sought, however, to establish whether they agree with such a conclusion and whether there are other amenity concerns that may arise from this development.

Access to the site would be from the A529. The proposed poultry sheds would operate on a 35-36 day cycle whereby chicks would be delivered at the start of the cycle and removed at the end. There would be at least a 10 day turn around period between each cycle. There would be around 7 cycles per year. The submitted transport statement indicates that in peak events during the cycle there will be up to 13 vehicle movements per day and that the existing highway network serving the site has adequate capacity for such an increase. The anaerobic digester is anticipated will generate about 1 vehicular movement a day (377 per annum). The site has been in use for the growing of miscanthus and therefore all vehicular movements to the site will be new.

The views of the Highway Authority have not been sought given that this Authority is only a consultee, and therefore it is not possible to give an informed opinion on this issue. However given the level of vehicle movements anticipated at peak times it is not considered that an objection could be raised by the Borough on the grounds of impact on residential amenity or highway safety.

**Other Material Considerations include:**

**Shropshire Council Core Strategy (March 2011)**

**Pre-Submission Draft of the Site Allocations and Management of Development Plan**

Consultation period on the 'soundness' of the plan concluded on 28<sup>th</sup> April

**National Planning Policy**

- National Planning Policy Framework (March 2012)

**Newcastle-Under-Lyme Planning Policy**

- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS):  
Policy SP1: Spatial Principles of Targeted Regeneration  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP2: Historic Environment

**Shropshire Union Canal Conservation Area Appraisal**

**Applicant/agent's submission:**

The application material is available to view on the Shropshire Council website, using the above reference numbers.

**Background Papers**

Planning documents referred to

**Date report prepared**

6<sup>th</sup> May 2015

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