

# Public Document Pack

**Date of meeting** Tuesday, 26th May, 2015  
**Time** 6.30 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Julia Cleary

## Supplementary Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 3a Advance Supplementary - The Huxley Building - Keele University (Pages 3 - 4)
- 4a Advance Supplementary - The Skylark, High Street, Talke (Pages 5 - 6)
- 6a Advance Supplementary -Land off Pepper Street, Keele (Pages 7 - 8)
- 7a Advance Supplementary - Land south east of Holloway Lane, Aston RK (Pages 9 - 10)
- 8a Advance Supplementary Item - Playground at St Edmunds Avenue, Porthill, (Pages 11 - 12)

#### **16 URGENT BUSINESS (Pages 13 - 16)**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

**Members:** Councillors Baker (Chair), Bates, Braithwaite, Cooper, Hambleton, Heesom, Mancey, Northcott, Proctor (Vice-Chair), Reddish, 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**  
**26<sup>th</sup> May 2015**

**Agenda item        3**

**Application ref. 15/00235/FUL**

**The Huxley Building, Keele University**

Since the preparation of the agenda a provisional Tree Preservation Order has been made on the tree referred to in the last paragraph of the Key Issues section of the agenda report. The University have advised that their wish to remove this tree is not due to the proposed realignment of the service road, as indicated in the officer report, but rather a consequence of underground services together with the final proximity of the tree to the proposed building (effectively touching on completion), and for this reason they had concluded that removal of this tree is a necessary consequence of this important development. The Landscape Development Section note that the Arboricultural Impact Assessment says that the tree does not need to be removed to fit the building in, and they suggest that servicing to the new extension can be designed to prevent damage to the tree and that there is scope for crown shaping of the tree to accommodate the development.

The period for public comments ends on the **5<sup>th</sup> June**, not the 2<sup>nd</sup> June as indicated in the report, and **the first line of recommendation A needs a minor adjustment to reflect this**

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

**Agenda item 4**

**Application ref. 15/00329/FUL**

**The Skylark Public House, Jamage Road, Talke Pits**

Since the preparation of the agenda report the **Highways Authority (HA)** has provided comments on the amended plans now received. They raise no objections subject to the following revised and additional conditions;

- Accesses, parking, turning area, footway improvements and visibility as per Drawing No. 15/1/3420/1, Revision A,
- Access drives being of a bound porous material,
- The garage to plot 9 having a roller shutter door,
- All garages to be retained for parking of motor vehicles,

Your officer's views

With one exception, the revised conditions advised by the HA are considered acceptable and do not require a further submission of information for approval. The additional condition relating to the garage of plot 9 having a roller shutter door is due to the revised layout of this plot creating a driveway length of only 5.4(m). Therefore a roller shutter garage door would prevent the rear of any vehicle overhanging the footway.

In its original response the HA did not advise a condition that all garages should be retained for the parking of motor vehicles. The HA have not indicated why they now request this but as set out in the main agenda report your officers only consider that this restriction should be placed on plots 5, 7 & 8. This view is maintained despite the condition advised by the HA.

**The RECOMMENDATION remains as set out in the agenda report, the revised conditions referred to in the discussion above, and the additional condition regarding a roller shutter door.**

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## Supplementary Information

**Agenda Item 6**

**Application Number 15/00359/DOAHR**

### **Land off Pepper Street, Keele**

Since the agenda report was completed, a representation has been received objecting on the grounds that the applicant has provided no new evidence to support a reduction in the number of affordable homes to be provided. The District Valuer's report was available at the time the Section 106 was completed and this cannot now be used as a justification for the reduction. In addition the fact they have not been able to find an interested developer could be due to many reasons other than the amount of affordable housing and therefore this is not sufficient justification either.

### Officer Comments

The reasons for the recommendation are provided within the main agenda report.

A further supplementary report will be provided at the meeting, assuming receipt of additional indexation information, setting out a recommendation as to whether the conclusions of the District Valuer in the report of October 2014 can still be relied upon.

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## ADVANCE SUPPLEMENTARY REPORT

### TO THE PLANNING COMMITTEE

26<sup>th</sup> May 2015

Agenda item 7

Application ref. 15/00173/FUL

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

Since the preparation of the agenda report and in response to the request of Members at 13<sup>th</sup> May Planning Committee for further information, supplementary information has been received from the applicant's agent. A summary of the points made is as follows:

- The proposed traffic movements were provided to Highways and the Council. The movements for the current position were obtained from the seller and the proposed traffic movements were produced by the applicant and are based on the traffic movements at their existing site.
- It is accepted that there is a small increase in traffic movements in particular due to the HGV moving off and on site. This averages four days a week over the year. There will be additional staff movements, feed is delivered every five to six weeks, hay every three months, and a farrier attends on average every four weeks. Manure will be removed to the local farmer. Visitors to the site will be limited as the website provides much of the detail as to services and types of carriages. Highways and the Council have accepted these traffic movements. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council consider that the proposed traffic movements would not be so significant to cause severe harm to highway safety.
- The size of the HGV horse transporter is as follows: Gross weight 11 tonnes; Height 3.58m; Width 1.91m; Length 7.47m. It is a standard HGV.
- The HGV will not damage the highway verges, banks or hedges. The site can be easily accessed from the Camp Hills or Maerway Lane directions. The horse box can enter the site off Holloway Lane without any shunting.
- The normal start time for the business is between 6am and 7am with very occasional earlier start times. In providing a horse drawn service the normal process involves loading first the carriage and then the horses (two or four) into the horse box. The vehicle has normally returned to the site by mid to late afternoon. There are approximately six occasions throughout the year when a team of six horses are used and on these occasions the six horses are loaded in the horse box and the carriage placed on a trailer which is towed by the horse box. The noise in loading the horse box and in leaving the premises is minimal, the nearest residential property is over 100m away and Environmental Health have raised no objections.
- The business and the service it provides are no different to many livestock enterprises. A dairy farm has cows milked on site but the product collected in an HGV tanker and taken off site.
- The applicant's ten horses are stabled on site and exercised for a minimum of 45 minutes twice a day on site in the horse walker. The horses are ridden once or twice a week and some are turned out into paddocks for 3 – 4 hours per day depending on their work commitments and individual needs.
- The nature of the business where horses are provided with stables and the provision of a horse walker and 2ha of land means the reliance on purely horse grazing land is minimised.
- The applicant is a farmer's daughter and has over 14 year's expertise in running her well-established equestrian business.
- She will only be stabling her own horses on site and there will be no commercial liveryes.
- The applicant will be employing staff locally for the business as it is not practical or economical for her current staff to travel.

- The provision of visibility splays does not involve removal of a hedgerow – it simply requires the hedge to be trimmed which has been agreed with the current owner.
- The site is not in the Green Belt or an Area of Outstanding Natural Beauty but does lie within an Area of Landscape Enhancement.
- The temporary dwelling will enable the Council to further test the financial performance of the business or when a subsequent application is made for a permanent dwelling. The dwelling will be occupied by the applicant, her partner and her son.

In addition, a number of photographs have been submitted to show the HGV which is to be used in Holloway Lane and to show how the carriages and horses are loaded onto the lorry and transported off site. These photographs will be displayed at Committee.

Two further letters of representation have been received. The issues raised are already reported and addressed in the agenda report.

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

**ADVANCE SUPPLEMENTARY REPORT**

**TO THE PLANNING COMMITTEE**

**26<sup>th</sup> May 2015**

**Agenda item**

**Application ref. 15/00307/DEEM3**

**PLAYGROUND AT ST EDMUNDS AVENUE, PORTHILL**

Since the preparation of the agenda report consultation comments have been received from the **Highway Authority**. It has no objections to the application, subject to conditions relating to provision of accesses, parking and a new footway prior to the development being brought into use.

They also request that all access drives shall be surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5 metres rear of the highway boundary.

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

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**LAND AT JUNCTION OF SHELTON BOULEVARD AND FORGE LANE, ETRURIA  
STOKE-ON-TRENT REGENERATION & GREEN KING LTD  
SOTCC ref 58302/FUL (NuIBC ref 348/223)**

The Borough Council has recently been consulted by the City Council on an application for full planning permission for the erection on the above site of a restaurant including the provision of 3 ancillary staff accommodation units with associated car parking (94 spaces) and access.

**For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 29<sup>th</sup> May.**

**RECOMMENDATION**

**That the City Council be advised that the Borough Council OBJECTS to the application on the following grounds:**

- **the proposal involves Class A1 (retail) floorspace, a main town centre use as identified in the National Planning Policy Framework (the NPPF), in this out of centre location. Furthermore the applicant has not demonstrated, through the submitted sequential assessment, that the proposed development cannot be located within Newcastle on the site of the former Sainsbury's store on Ryecroft which is available within a reasonable time frame.**

**Reason for Recommendation**

The proposal involves Class A3/A4, a 'main town centre' use as identified in the NPPF, in this out of centre location. Notwithstanding the submission Ryecroft, a town centre site, is a sequentially preferable site as it suitable, viable and available for the proposed development. As the application fails to satisfy the sequential test it should be refused in accordance with paragraph 27 of the NPPF.

**Key Issues**

As indicated above, the Borough Council has been consulted by the City Council on an application for full planning permission for the construction of a restaurant, a main town centre use, on a site measuring 0.6 ha within Etruria Valley. It falls within the Phase 2A 6.3ha site which was granted outline planning permission to construct a business park containing B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. Vehicular access to the site is proposed from Shelton Boulevard.

The principal issue that could adversely affect the interests of Newcastle Borough is the matter of whether the proposal conforms to policies on the location of a 'main town centre' use in an out of centre location.

**Acceptability of a restaurant in this location**

Class A3 (restaurant and cafes)/A4 (drinking establishments) is defined as a 'main town centre' use. Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for 'main town centre' uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.

The application is supported by a Planning Statement which includes a sequential assessment of a total of 8 sites, 4 of which are within the Borough. The assessment concludes that none of the sites are suitable, viable or available within a reasonable period of time.

The conclusions of the applicant on the sites and a response from your officer are provided:

**Zanzibar, Hassell Street** – this is considered not to be suitable as the site is too small to hold the proposed development and the required level of parking. Your officer accepts that conclusion and confirms that this edge of centre site is not sequentially preferable to the proposed site in Etruria Valley.

**Blackfriars Bakery** – this is considered to be unavailable as it has had approval for an Aldi supermarket. This is accepted by your officer.

**Georgia Pacific** – the applicant indicates that the availability of this site is not known and states that the listed building consent application on the listed Maxims building within the site suggest there is a commitment to undertake work and on that basis concludes that the site is unavailable. This is believed to be correct.

**Ryecroft site** – the applicant concludes that as the site is too large for a sole A3/A4 development in a location remote from its intended catchment it is neither suitable nor viable. They also conclude it may not be available on the basis that the site has specifically been reserved for an office under the terms of the permission granted to Sainsbury's

In December 2013, when the application for an Aldi Store on the site of the former Blackfriars bakery was considered (13/00712/FUL), it was concluded by the Borough Council as Local Planning Authority that the Ryecroft site would not be available within a reasonable period of time, and therefore the sequential test was met in that case. Some 16 months later a preferred developer has been identified and plans for the redevelopment of the Ryecroft site are progressing. Whilst the date by which the site of the Civic Offices will be available is not yet known, the site of the former Sainsbury's and the associated parking areas are available now and have not been reserved for office development as incorrectly suggested by the applicant. It is feasible that development of that part of the site commences considerably in advance of the site of the Civic Offices as a two phased development. There is no basis to support any conclusion that such a development would not accommodate the proposed development in combination with other uses on this site. In addition the restrictive covenant that is understood could affect the redevelopment of the Sainsbury's store only affects food retailing and would not impose a constraint on a restaurant as proposed.

It is considered that the application has failed to provide a convincing case to support the claim that Ryecroft would not be suitable, viable or available.

Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, an impact assessment of the development is required if over a proportionate, locally set floorspace threshold and if there is not the default threshold is 2,500m<sup>2</sup>. The floor space proposed for the restaurant is considerably below the threshold and as such an assessment of impact is not required in this case

In summary Ryecroft, a town centre site, is a sequentially preferable site as it is both suitable and available for the proposed development and will be adversely impacted upon as a planned investment. As the application fails to satisfy the sequential test it should be refused in accordance with paragraph 27 of the NPPF.

**Policies and proposals in the Development Plan relevant to this recommendation:**

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 ASP1 - City Centre of Stoke-on-Trent Area Spatial Policy  
Policy ASP2 - Stoke-on-Trent Inner Urban Core Area Spatial Policy  
Policy ASP4 – Newcastle Town Centre Area Spatial Policy  
Policy ASP5 – Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1 – Design Quality

**Other Material Considerations include:**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Etruria Valley Enterprise Area – Supplementary Planning Document (adopted by the City Council March 2013)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

**Applicants Submission**

The applications are supported by a number of documents as follows:-

- Planning Statement
- Transport Statement
- Travel Plan
- Design and Access Statement
- Sustainability Statement
- Drainage Strategy

All these documents are available to view on Stoke City Council's website [www.stoke.gov.uk](http://www.stoke.gov.uk) using the City Council reference 58302/FUL

**Background Papers**

Planning Policy documents referred to  
Planning files referred to

**Date Report Prepared**

22<sup>nd</sup> May 2015.

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