

Public Document Pack

Date of meeting Tuesday, 1st March, 2016
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham

Planning Committee

SECOND SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- 4a Application for Major Development - The Zanzibar, Marsh Parade, Newcastle. Mr D Leach. 15/01061/COU (Pages 3 - 4)
- 5a Application for Major Development - Hamptons (and land adjacent), Keele, Mr JN and NW Hampton. 15/01085/OUT (Pages 5 - 6)
- 6a Application for Major Development - Former St Giles and St George's Primary School, Barracks Road, Newcastle. Staffordshire County Council. 16/00008/FUL (Pages 7 - 10)
- 8b Application for Major Development - Former St Giles and St George's Primary School, Barracks Road, Newcastle. Staffordshire County Council. 16/00082/FUL (Pages 11 - 12)
- 13a Application for Other Development - Lower Mill Cottage, Furnace Lane, Madeley. Mrs Torrens. 16/00009/FUL (Pages 13 - 14)
- 17a Tree Preservation Order - Land at White Oaks, Bignall Hill, Bignall End. TPO173 (Pages 15 - 18)
- 19a Appeal Decision - 14 Dales Green Road, Dales Green. 15/00579/FUL (Pages 19 - 20)

Members: Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Pickup, Reddish (Vice-Chair), Simpson, Snell (Chair), Welsh, Williams, Williams and Winfield

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.

FIELD_TITLE

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
1st March 2016

Agenda item 4

Application ref. 16/01061/COU

The Zanzibar, Marsh Parade, Newcastle

Since the preparation of the main agenda report it has become apparent that the reference made in relation to the amount of floor area applied for requires correction.

The application seeks full planning permission for change of use of the property from a nightclub to A1 retail and A3 café and restaurant uses at ground floor and basement levels. The proposal under consideration relates to a gross floor area of around 1850 square metres.

An additional 800 square metres of floor area, which relates to the first floor and second floor of the building, has already been permitted by the Authority for A1 retail use under planning application 15/00710/COU earlier this year.

The RECOMMENDATION remains as set out in the main agenda

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

1st March 2016

Agenda item 5

Application ref. 15/001085/OUT

Hamptons Metal Merchants and Land Adjoining Keele Road, Newcastle

Since the preparation of the agenda report the interim conclusions of the **District Valuer (DV)** has been received.

A further **objection** has been received making the following comments:

- If the Council's consultant's modelling is correct, and there is no reason to doubt that it is, then the majority of the houses proposed will at least be very unpleasant to live in and make the houses untenable for quite significant lengths of time, depending on wind direction and atmospheric pressure.
- No mention seems to be being made of the probability of landfill gas migration at this site. The minimum clearance between the landfill and any further development should be at least the same as for the Persimmon development or a minimum distance of at least 250m if no study was undertaken when that development was permitted.

Your Officer's comments

The conclusion of the DV's appraisal is that the scheme is "marginally unviable".

On this basis and so as to inform the next stage and the Planning Authority's consideration of the matter, your Officer has asked him to undertake certain further sensitivity testing work as follows :-

In Scenario One work out, on the basis of nil (ZERO) education contributions, the number of affordable housing units that will be able to be provided before the scheme becomes unviable. If the full affordable housing provision can be made and there is some available "surplus" for the education contribution in this scenario the DV has been asked to advise what it (the education contribution) would be.

In Scenario Two work out, on the basis of no (ZERO) affordable units, the amount of education contributions that would be achievable. If the full education contribution can be provided and there is some available "surplus" in this scenario the DV has been asked to calculate what he consider that surplus would represent (in terms of on-site affordable housing provision).

In Scenario Three, assuming in proportional value terms that education and affordable housing take equal reductions (i.e. the total value of each element is reduced by equal percentage amounts), the DV has been asked to work out what number of affordable units and what value of education contributions can be viably achieved by the current scheme.

As further information is awaited from the DV it has not been possible to consider the different scenarios and make a recommendation as to what contributions should be secured through a S106 obligation. It is expected, however, that the DV will provide a response before Committee and as such it is anticipated that a recommendation will be made at the meeting.

As indicated in the report policies of the development plan are not considered to be up-to-date as the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the NPPF. In such circumstances, as set out in paragraph 14 of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. If the

DV's appraisal is sound, indications are that it may be possible to secure some affordable housing within the scheme (and indeed potentially not far off the full 25% required by policy). The benefits of the provision of additional and, again provided the DVs appraisal is sound, deliverable housing land must be accorded appropriate weight, together with the associated benefits to the local economy and the relocation of the existing scrap yard within the site to a more appropriate and efficient site. However taking all of these points into account the adverse impact arising from granting planning permission (i.e. the odours arising from the adjoining landfill site having an unacceptable impact on the occupiers of this development) would significantly and demonstrably outweigh such benefits. Such a development would not be sustainable.

The RECOMMENDATION remains, at this time, as set out in the main agenda

ADVANCE SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

1st March 2016

Agenda item 6

Application ref. 16/00008/FUL

Former St Giles' and St George's Primary School, Barracks Road, Newcastle

Since the preparation of the agenda report consultation responses have been received from the **Victorian Society**, and further comments from the **Environmental Health Division (EHD)**.

In addition further representations have been received.

The **Victorian Society** strongly objects to this application. Their concerns are summarised as follows:

- The decision to allow the demolition of the school based on the future delivery of hypothetical, unmeasurable public benefits is extremely unusual. At best this represents very poor practice on the part of the local authority; at worst, it could potentially be deemed unlawful.
- The intrinsic merit of the building and the contribution it makes to the wider area remain a major consideration in determining this application. Both to preserve locally important buildings and in order to safeguard the significance of the Conservation Area, consent for a new civic hub cannot be granted unless the proposed building is of equal or greater architectural merit than that which it would replace as indicated in the Register of Locally Important Buildings Supplementary Planning Document (SPD), and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The proposed building is not of the necessary quality to render it anywhere near acceptable and that, far from protecting or enhancing the Conservation Area, it would cause it significant harm contrary to the Council's Vision as laid out the Newcastle Town Centre SPD. It is at odds with the defining characteristics of the Town Centre Conservation Area. It represents a significant increase in footprint and would be too tall for the site, of a scale more akin to those on the opposite side of Barracks Road.
- It is not accepted that the setting of the Grade II listed statue of Queen Victoria and the Grade II listed 31 Ironmarket would be largely unaffected by the proposed new civic hub. The school has an attractively detailed historic façade of an appropriate scale to the Conservation Area's central core providing a near contemporary backdrop in a way that seems entirely appropriate. The consideration of the impact of the proposed new building on 31 Ironmarket should bear in mind that setting is much more than a question of mere views. The experience of the listed building will undoubtedly be transformed by the removal of the pleasing locally-listed building and the erection of a far more assertive, intrusive, over-scaled and crudely massed structure. The setting of both would certainly be harmed.
- The conclusion of the submitted Heritage Statement that the impact of the overall development is generally 'neutral' is refuted. The present school accords with and contributes to the character of the Conservation Area, and in light of the jarring and detrimental aspects of the proposed civic hub, this development would have not only a startling and damaging impact on the site's immediate character and setting, but would also erode the significance of the Town Centre Conservation Area as a whole.
- The permitted development on the former Jubilee Baths site is not a suitable precedent. It is too large and represents a low quality of design.

The further comments of **EHD** are summarised as follows:

- a condition should be imposed on any eventual permission requiring the submission and approval of a Green Travel Plan which covers all the building's occupants as well

as servicing of the building, together with appropriate arrangements for monitoring of the same. The travel plan should also support the emerging air quality action plan for the Town Centre.

- It is not clear how the 100 planned cycle storage spaces will be accommodated on the site. Appropriate provision should be made for persons working in and also visiting the building. Safe cycle routes to the Hub should also be clearly identified from the surrounding area, ideally avoiding heavily trafficked routes. These arrangements can be secured by an appropriately worded condition and would serve to support the emerging air quality action plan for the Town Centre.
- It is disappointing that there is no provision for sustainable energy generation on site (solar cells, ground and air source heat). Given that it is proposed to utilise electric cooling and heating of the building there is unlikely to be any effect on local air quality.
- A damage cost calculation has been undertaken by EHD which has identified that in the first five years of development the impacts on local health from vehicle related emissions using the parking spaces would be equivalent to £65k. It is understood that there is currently no ability to secure such a contribution through the planning process to reflect the damage cost towards mitigation measures in the locality.
- The development should be future proofed to accommodate rechargeable electric vehicle (EV) technology at the build stage. In addition, given that staff who currently use the Civic Offices car park and other facilities will be displaced onto town centre car parks, it is recommended that provision is made to equip a number of parking spaces allocated to staff with EV charging points. This would help support the Green Travel Plan and would also help support the emerging Air Quality Action Plan for the Town Centre. Onsite provision can be secured by condition and offsite by S106.

A further 10 objections have been received, including an additional representation from the **Thistleberry Residents Association** and one from **Cllr Naylor**. These representations largely raise concerns already expressed and included in the main agenda report, together with the following additional comments:

- Of the 3 site options that were reviewed prior to the submission of this application option 3 involving the remodelling of the existing Civic Offices would be far more practical but with concerns regarding the Police use as it would retain the existing building.
- Full details of the works to Queen's Gardens should be included within the application, and should not be decided afterwards by an individual Officer of the Council.
- Where will the proposed memorial to Sergeant Kite be located? This should be known particularly as there are rumours that the statue of Queen Victoria will be moved again.
- The agenda report should address in full the concerns of bodies such as Urban Vision, Civic Society, Historic England and the local MP.

A further representation from **Mr Paul Farrelly MP** has been received, which was sent to all Members of Planning Committee. The representation reflects upon the concerns that Mr Farrelly has already expressed and further states that the report is cursory, is conflicting and incoherent and does not respond in detail to his representation or the views of the Urban Vision Design Review Panel and those of Historic England. In addition whilst the over ambitious timetable to build the development and vacate the current buildings is the driver it does not appear that there are any enforceable contracts in place and if there is already a liability, it is poor contracting, taking the Committee for granted.

A letter in support has been received from the **Business Improvement District (BID)** organisation making the following comments:

- The proposal will keep workers within the town centre, thus retaining this workforce as customers and users of the town and actually increasing the potential numbers doing so in the future.

- They note that the resultant building should be of a quality and appearance which befits the aspiration and expectations of local people, who will see any new building of such importance as one we should be able to be proud of.
- The project is of utmost importance to the business community, because not only will it keep a large workforce within the realm of the town, it also facilitates the redevelopment of the Ryecroft site, making way for a large-scale mixed-use development there which will bring back much needed footfall and prosperity to Newcastle, potentially bringing brands and retailers that the town currently lacks, along with more residents, which will also support the local economy.

A further two letters of support has been received on the basis that this development would provide significant economic benefits to the town centre, both by maintaining existing council services within the town centre and through the introduction of more business into the area to the benefit of the wider economy. This would in turn facilitate the town's wider redevelopment aspirations for the town centre to the benefit of existing businesses and local residents. The school has served its intended function and would be expensive to save and still be a white elephant.

A representation has been received from **Staffordshire Chambers** who believe that the development of the Town Centre will act as an economic stimulus for the whole area attracting in new investment opportunities. Whilst it is their policy not to support or oppose any particular planning application, they do support the ambitions to develop the town centre and the modernisation (and efficiency gains) to the delivery of public services.

Your Officer's comments

Whilst not referred to above, some of the further representations received in addition to those already reported make reference to the development not working for the intended use due, for example, to the agencies occupying the building not being compatible, insufficient space and the lack of provision for facilities for the Mayor. For the avoidance of doubt Members should note that such matters are not material planning considerations and as such are not relevant to this decision - which is whether the proposed development is acceptable in planning terms. As such comments of that nature must be disregarded.

Concern has been expressed that the report does not specifically respond to the objections of various consultees and representations received. Whilst that is the case it is not accepted that this would render the report insufficient or defective as appears to be suggested. The report identifies the policy context for consideration of the proposal, discusses the proposed building and its surroundings and explains why your Officer does not agree with the conclusions that have been reached by such consultees and interested parties.

Concern has also been expressed about the lack of detail regarding the extent and nature of the work to Queen's Gardens. As indicated within the main agenda report, details of the landscaping scheme and how the public realm around the building will be addressed are not fully resolved (although it is anticipated that it may involve the widening of footpaths, repositioning of the Sergeant Kite memorial which is already within the Gardens, but would not involve the relocation of the statue of Queen Victoria which in any event would require separate listed building consent). It is clearly essential that any hard and soft landscaping scheme associated with this development is appropriate within such an important public space in the Conservation Area; however, a decision can be reached on the planning application without such details being provided at this stage. It is a reasonable and appropriate approach to deal with such details through a condition.

The landscaping scheme submitted to satisfy such a condition would be considered in consultation with the Council's Conservation Officer. In addition it should be noted that it would not be appropriate for any fundamental changes to the form and appearance of the Gardens to be approved through a condition application. If such a landscaping scheme is proposed, and it is not anticipated that it will be, the applicant will be advised that a separate application for planning permission would be required.

Reference is made within the further comments of the EHD to the damage cost calculation that has been undertaken regarding the health impacts of the traffic movements. It is confirmed, as indicated in their comments, that there is no specific planning policy basis upon which such a cost could be recovered through the application process. It should also be noted that this is not a greenfield site and any calculations of this nature should only address additional traffic movements over and above those likely to be generated by its lawful use, as a school. There is no indication that the calculation reflects this.

In the absence of on-site or near-site renewable or low carbon energy targets set out in national guidance there is no basis to consider that the development is contrary to policy CSP3 in the absence of any sustainable energy generation features or Electric Vehicle charging points within the proposal. As such it could not be argued that this rendered the development contrary to policy.

On a final note whilst the Victorian Society suggests that the decision on application 15/01077/FUL may have been unlawful. Members should note that is not the matter before them and that your Officer does not accept that the decision was unlawful, or indeed poor practice.

As indicated within the report further consideration has been given to the request of the Highway Authority that a contribution of £50,000 is secured towards traffic management, such as the creation of resident parking areas. Your Officer's view is that this contribution is required due to the possibility of on-street parking arising as a consequence of this development. Such an approach is consistent with the approach taken with regard to the redevelopment of the former Jubilee baths site.

Such a contribution will need to be secured through a S106 obligation prior to the issuing of any decision. It is anticipated that a Unilateral Undertaking will be submitted prior to the meeting and if that is the case further information will be reported in this regard.

In conclusion it is considered, the proposal represents sustainable development that is in accordance with the development plan and as such, in accordance with paragraph 14 of the NPPF, the development should be approved without delay.

The RECOMMENDATION is amended as follows:

Subject to the applicant entering into a Section 106 obligation by no later than 1st April to secure a financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems.

Permit subject to the conditions set out in the main agenda report and the following additional condition:

- 1. Residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied.**

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
1st March 2016

Agenda item 8

Application ref : 16/00082/FUL

Former St. Giles and St George's Primary School, Barracks Road, Newcastle-Under-Lyme Borough Council

In the light of the detailed content of the applicant's Statement of 22nd February and to reflect that one of the actions listed refers to the entering into of lease agreements which are not directly material to the construction of the building and to avoid any uncertainty, with respect to the recommendation an amendment is proposed so that the new condition would read as follows

The demolition of the existing building on the site shall not commence until the steps outlined in the statement by the applicant dated 22nd February 2016, except for those listed under items (c) and (e) have been undertaken, and the replacement building shall first have been granted planning permission, and such construction works all have commenced within six months of the demolition of the building. For the avoidance of any doubt the contract referred to under item (b) is the building contract for site establishment, demolition of the existing building, and for advance orders of the replacement development (structural steelwork, piling and steel reinforcement, etc) and not the building contract for the new build.

The recommendation otherwise remains unaltered

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ADVANCE SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

1st March 2016

Agenda item 13

Application ref. 16/00009/FUL

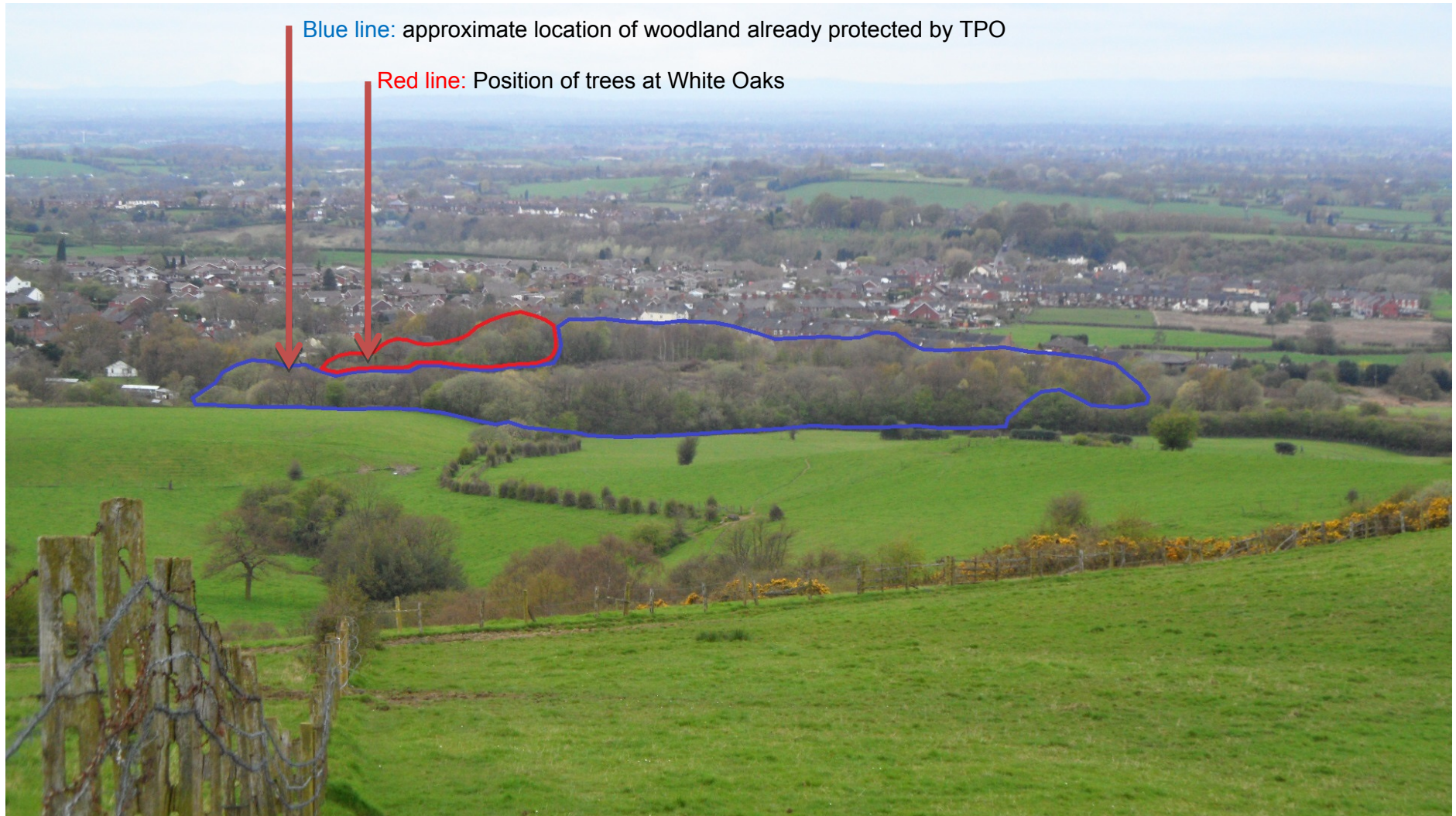
Lower Mill Cottage, Furnace Lane, Madeley

Since the preparation of the main agenda report the ward councillors have indicated that they wish to withdraw their 'call in' request. However, this notification was received after the set deadline and as such the application remains on the agenda for determination by members of the committee.

The RECOMMENDATION remains as set out in the main agenda

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View from the Wedgewood Monument



Cedar Tree (T1) view from Bignall Hill Road



Oak tree removed before TPO was made

Group 1: in background: 2 Pines, 6 Oaks, 3 Cypress, 4 Birch.



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ADVANCE SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

1st March 2016

Agenda item 19

Application ref. 15/00579/FUL

14, Dales Green Road, Dales Green

The agenda item does not include the address of the appeal site in its title. To confirm, it relates to a two-storey, three bedroomed detached house at 14, Dales Green Road, Dales Green.

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