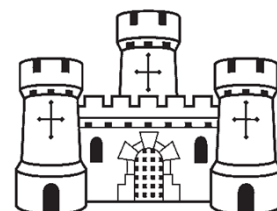


Public Document Pack

Date of meeting Tuesday, 25th April, 2017
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Planning Committee

SUPPLIMENTARY AGENDA

PART 1 – OPEN AGENDA

- | | |
|--|-----------------|
| 4a Application for Major Development - Land South West of Muckleston Road, West of Price Close and North of Market Drayton Road, Loggerheads. Amber Residential Properties Ltd. 16/00784/REM | (Pages 3 - 4) |
| 4b Application for Major Development - Land South West of Muckleston Road, West of Price Close and North of Market Drayton Road, Loggerheads. Amber Residential Properties Ltd. 16/00784/REM | (Pages 5 - 6) |
| 6a Application for Major Development - Former Orme Centre, Orme Road, Newcastle. G & S Orme Centre Ltd. 16/00796/OUT & 16/00798/LBC | (Pages 7 - 8) |
| 7a Application for Major Development - Former Silverdale Colliery, Scot Hay Road, Silverdale. David Wilson Homes. 17/00097/FUL | (Pages 9 - 10) |
| 8a Application for Major Development - Former Savoy Cinema/Metropolis Nightclub, The Midway, Newcastle. Modultec International Ltd. 17/00174/FUL | (Pages 11 - 12) |
| 9a Application for Major Development - 2-4 Marsh Parade, Newcastle. Gavin Donlon/ Nicol Thomas. 17/00179/FUL | (Pages 13 - 14) |

Members: Councillors Burgess, Fear, S Hambleton (Vice-Chair), Heesom, Mancey, Northcott, Panter, Pickup, Proctor (Chair), Reddish, Simpson, Sweeney, Turner, White, G Williams and J 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.

FIELD_TITLE

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

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
25th April 2017

Agenda item 4

Application ref. 16/00784/REM

Land S. W. of Mucklestone Road, W. of Price Close and N. of Market Drayton Road, Loggerheads

Since the preparation of the main agenda report comments have been received from **Loggerheads Parish Council** upon the revised plans. They state that they continue to object to this application for the following reasons:

1. No provision of single storey units as evidenced in Loggerheads Housing Needs Assessment 2016.
2. The 2 bed rented houses are proposed at furthest point from access and would serve the residents better if they were located at the nearest point to assist walking access.
3. The layout, density and design of Plots adjacent to Price Close, would be out of keeping with the layout, character and appearance of the adjoining existing development, all bungalows. The proposed development would therefore be contrary to Policy CSP1 of the Core Spatial Strategy, the Urban Design Guidance Supplementary Planning Document (2010) and the aims and objectives of the National Planning Policy Framework (NPPF).

The Parish Council is pleased to note that the amended plans have changed the distribution of the rented affordable housing and introduced a LEAP.

The **Landscape Development Section**, notwithstanding the very recent submission of additional material, are concerned. They indicate that without an updated Tree Protection Plan and Arboricultural Impact Assessment, it is not possible to determine whether the development can be constructed without causing damage to retained TPO'd woodland. As previously covered in comments provided and in a meeting with the developer in February, they would have concerns about the following:

- The impact of the construction of the footpath and bridge, detailed proposals being required.
- Levels alterations within the woodland.
- Service connections and easements within the woodland.
- Additional detail on proposals for treatment and replacement of Aspen (which is covered by the Tree Preservation Order) are required.

They have no objections to the proposals that are provided for the LEAP.

With respect to the Landscaping Proposals the inclusion/retention of the hawthorn hedge along Mucklestone Road is welcomed, although some species changes may be appropriate. They note that additional tree planting within housing development areas have been included which is welcomed. They are of the view that landscaping matters could be dealt by way of a planning condition. Similarly other details are required on woodland management beyond the five year plan and the treatment of Aspen.

Your officers comments

The comments made by the Parish Council on the revised plans are very similar to those that they made upon the original submission and which are addressed within the main agenda report. No further comment is accordingly provided here upon them.

With respect to the comments from the Landscape Development Section a meeting has been held with them since receipt of their comments. It would appear that a number of their concerns, whilst significant and of weight, could almost certainly be dealt with by the application of conditions, although caution would be required because in dealing with the

aspect of tree protection in particular there would be implications for the areas currently proposed for water attenuation basins (as part of the proposed SuDs strategy for the site). The risk would be that the applicants could not obtain all the necessary approvals of details required by conditions and be unable to proceed with the development notwithstanding the granting of the reserved matters approval. This would be their risk.

However this approach would not, in your officer's opinion be appropriate for one particular issue – the incursion of a turning head, on a slope, into an area of protected woodland to the south of the northern section of the development. It would appear that this requires a much more significant reappraisal of this part of the development, which may involve the moving around of a number of dwellings.

Taking all of the circumstances into account including the progress made by the developer in addressing positively a number of concerns that had been identified your officer considers one further committee cycle could be allowed to see if the particular issue of the turning head can be satisfactorily addressed from the Local Planning Authority's perspective.

Accordingly the recommendation to the Committee is now amended to be one of deferral of a decision on the application until the 23rd May meeting to enable the applicant to revise their proposals to address the above concern

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
25th April 2017

Agenda item 4

Application ref. 16/00784/REM

Land S.W. of Mucklestone Road, W. of Price Close and N. of Market Drayton Road, Loggerheads

Since the preparation of the main agenda report and the first supplementary report, additional information has been submitted by the applicant's agent in response to the concerns of the Landscape Development Section regarding the trees and in particular, the incursion of a turning head into an area of protected woodland to the south of the northern section of the development. An updated Tree Protection Plan and a Tree Report Addendum have been submitted along with a cross-section through the turning head with existing and indicative proposed site levels.

The **Landscape Development Section** advises that the information provided shows that encroachment into the Root Protection Area of the protected Ash tree (Ash 25) is reduced and subject to there being no highway issues caused by the presence of a retaining structure at the end of the turning head, then no objections are raised to the proposal subject to additional information which could be supplied by way of planning conditions.

Your Officer's comments

Members will have noted that the first supplementary report on this application recommended that a decision on the application be deferred until the 23rd May meeting to enable the applicant to revise their proposals to address concerns regarding the incursion of a turning head into an area of protected woodland. However, the applicant has submitted further detail to address these concerns, which it is considered appropriate to consider at this meeting given its nature, and the Landscape Development Section no longer raises any objections subject to the imposition of conditions. The Highway Authority has confirmed that there would be no objection in principle to the proposals for the turning head and on this basis, it is no longer considered necessary to defer a decision on the application and the recommendation is as follows:

PERMIT subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Provision of access, parking, servicing and turning areas in accordance with the approved plans**
- **Completion of vehicular and pedestrian access points onto Mucklestone Road and the footpaths along the development frontage**
- **Completion of access and parking areas for individual plots**
- **Materials (facing, roofing and surfacing)**
- **Landscaping and tree protection conditions**

This page is intentionally left blank

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

25th April 2017

Agenda item 6

Application ref. 16/00796/OUT & 16/00798/LBC

Former Orme Centre, Orme Road, Newcastle

The main agenda report indicated that at the time of writing officers were awaiting a report by an independent valuer setting out his appraisal of the development's viability. That report has been received and considered.

The valuers, to assess the assertion by the applicant's valuer that the scheme does not generate surplus profits in order to meet the Section 106 contributions for the scheme, have undertaken their own viability appraisal of the scheme in order to draw their own conclusions as to its ability to support the financial contributions. In order to account for the uncertainty surrounding costings at this early stage of the scheme they have produced three appraisals to allow them to consider the viability of the scheme under their worst case and best case scenarios for the build costs for the proposed development.

- The first appraisal, Version 1, assumes a worst case scenario in relation to the build costs, adopting the highest level of construction costs and shows a deficit of £1,009,868 would be made after deducting the minimum acceptable level for developer's profit at 15% of Gross Development Value.
- The second appraisal, Version 2, assumes the best case scenario in relation to the build costs, adopting the lowest level of construction costs and shows a deficit of £323,317 would still be made after deducting the minimum acceptable level for developer's profit at 15% of Gross Development Value.
- The third appraisal, Version 3, also assumes the best case scenario in relation to the build costs, adopting the lowest level of construction costs and shows that the highest level of profit that could be expected by the developer under the best case scenario is 9.2133% of Gross Development Value before the scheme would generate a deficit.

None of these appraisals make any allowance for the payment of any Section 106 sums.

The Valuer's conclusion is that as the scheme could not support the minimum acceptable level of developer profit (a figure incidentally which is less than that normally assumed by the DV), they are of the opinion that the scheme will not generate sufficient surplus in order to support any Section 106 contributions.

The methodology followed by the independent valuer is not the same as that recommended by the RICS guidance on Financial Viability appraisals in that no comparison is made with the existing use value of the site. In allowing for the cost of acquiring the site the appraisal assumes what was actually incurred (in November 2015) and the Valuer is of the opinion that the figure also reflects the current market value of the site. Given the degree to which the scheme falls short of being able to "afford" any such contributions no clear purpose would be served by requiring a change in the type of appraisal methodology.

Evidence has accordingly been submitted that this development cannot support policy compliant contributions. In this case that means that money would not be available to address the additional demands upon open space that would result, would not be available to fund any monitoring of the Travel Plan and would not be available to fund the putting in place of a Traffic Regulation Order should the development lead to additional onstreet parking in the area. In your officer's view the overwhelming consideration in this case is that the scheme facilitates and enables the retention and long term use of a Listed Building which has both been empty for some time and is in an increasingly poor state of repair. The building would be

considered to be “at risk”. Its appearance significantly detracts from this important junction site, on the edge of the town centre and in these terms the development will be beneficial to the area. Given the importance attached here to the conversion and that the appraisal has been undertaken on a single project basis it is considered appropriate that there should be a phasing of works condition included within any consent.

The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of appropriate contributions, if the site were to found capable of financially supporting these features. It is suggested that in such an event any such residual land value should be proportionally allocated.

Since the preparation of the main agenda report revised plans to secure the successful retention of the ash tree on this site have been received, together with additional arboricultural information, commented upon by the Landscape Development Section, and further adjusted. Members are advised that an acceptable scheme (in terms of tree retention) has been received indicating 20 car parking places. Some further adjustment (to remove a parking space forward of the building line and its replacement with landscaping) is considered appropriate, but these matters can be dealt with by condition. With the previous scheme having provided 6 car parking spaces, noting the highly sustainable location of the development, and conditions concerning cycle parking and the implementation of a Travel Plan, it is considered that the second reason for refusal of planning permission for the previous scheme relating to a lack of onsite parking has been overcome..

The first part of the RECOMMENDATION with respect to the planning application is accordingly amended to read as follows

Subject to the applicant (providing they first agree in writing, by noon on 28th April to extend the statutory determination period to the 9th June 2017) entering into a Section 106 obligation by agreement by 6th June 2017 to secure a review mechanism of the scheme’s ability to make a policy compliant contributions to public open space, travel plan monitoring and on street parking controls, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contributions if found financially viable, PERMIT the application subject to conditions relating to the conditions set out in the report and additional conditions to reflect a phasing requirement, and the revised parking layout and the provision of 19 car parking spaces.

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
25th April 2017

Agenda item 7

Application ref. 17/00097/FUL

Former Silverdale Colliery, Scot Hay road, Silverdale

Since the preparation of the main agenda report the applicant has a further objection has been received which raises similar concerns to those already reported. In addition the views of the **Police Architectural Liaison Officer (PALO)** have been received which are summarised as follows:

- Issues of noise and anti-social behaviour can arise out of play areas but there are many existing play areas that generate no or few reported problems.
- A sustainable society must be inclusive which means addressing the needs of children and young people.
- There are two key factors to consider, one is the social supervision a play area receives and therefore play areas should be located with safety of children in mind. Secondly the success of a play area depends upon active management. With the cooperation of all parties and engagement of the neighbourhood policing unit, potential problems can be avoided or promptly addressed.
- Without purpose-built play provision it is reasonable to assume that children will seek their own entertainment, wandering further afield more regularly and consequently exposing themselves to a greater risk of harm.
- In this case the play areas are well sited from a crime prevention perspective focussed on the children, and any issues of conflict arising for adults should be readily perceived at an early stage in order for interventions to then take place. The mitigation of anti-social behaviour should not be addressed by the lack of provision of well-located play facilities.

Your officers comments

The comments of the PALO supports the recommendations set out in the main agenda report. The recommendations therefore remain as set out in that report. It is considered prudent and necessary to include within the recommendation the reasons as to why it is considered expedient to take enforcement action. The recommendations are amended as follows:

RECOMMENDATIONS

- A. REFUSE - in the absence of a second Locally Equipped Area for Play (LEAP) the development does not appropriately provide for the needs of the occupiers of the dwellings contrary to Policy C4 of the Local Plan and the aims and objectives of the NPPF.**
- B. That Members resolve that it is expedient to take enforcement action for the reason set out at recommendation A, and that Legal Services be authorised to issue enforcement or any other notice and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure, within six months, the provision of a second Locally Equipped Area for Play as required by condition B8 of planning permission 06/0337/OUT and to address any other outstanding issues associated with play provision on this development as your Officer considers appropriate.**

This page is intentionally left blank

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

25th April 2017

Agenda item 8

Application ref. 17/00174/FUL

Site of Former Savoy Cinema /Metropolis Nightclub, The Midway

Members will have noted the main agenda report (in the recommendation section and para 6.4) indicated that a further report would be provided on what sum it might be appropriate to require to be paid with respect to public realm improvements, its purposes and whether or not such an obligation would meet the statutory tests (and thus be lawful)

As was indicated in the report the environment along the Midway, particularly under the Roebuck Centre is dominated by service yards and is currently rather unattractive to users as it is dark and secluded (in parts). The development itself will help “lift the area”, but it is considered appropriate and necessary to go further. Lighting under the Roebuck overbridge could and should be improved, dropped kerbs provided to assist movement across and along the Midway, and there is an opportunity to also improve the appearance of the immediately adjacent site – thus also providing better residential amenity for the occupants of the new development. On the basis of advice received a figure of £32,000 would either cover or make a significant contribution towards such works.

In terms of the wider public realm within or adjoining the town centre the current focus of working with the County Council is on improving the pedestrian experience. There are two subways on Lower Street which are very likely to be used by occupants of the development and your officer has been advised that whilst improvements have been made to the entrances walls the “barrels” of the underpass continue to be a challenge in terms of the maintenance of their appearance. A contribution of £15,000 would enable one to be prepped (for painting).

Would such contributions meet the statutory tests and thus be lawful?

The tests are that planning obligations should be

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development

Your officer considers that the above contributions do meet the above tests and accordingly inclusion of them is now recommended

The recommendation remains as per the main agenda report except that reference is now made to the above contribution figures

This page is intentionally left blank

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
25th April 2017

Agenda item 9

Application ref. 17/00179/FUL

2-4 Marsh Parade, Newcastle

Since the preparation of the main agenda report the applicant has submitted a further site layout plan which seeks to ensure that 9 usable car parking spaces can be provided within the application site and that landscaping is further enhanced and improved. The plan also shows further areas for cycle storage.

Your officers comments

The submitted plan does appear to now enable the provision of 9 car parking spaces within the site, along with further landscaping and cycle storage.

The level of car parking is accepted by your officers and the reasons for this conclusion are set out in the main agenda report. The HA still raise objections to only 9 spaces.

The further cycle storage information is still limited and a condition securing specific details is still necessary and appropriate.

The RECOMMENDATION remains as per the main agenda report

This page is intentionally left blank