

Public Document Pack

Date of meeting Tuesday, 10th October, 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

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- 5A APPLICATION FOR MAJOR DEVELOPMENT - LAND TO NORTH OF BRADWELL HOSPITAL, TALKE ROAD, BRADWELL. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 17/00515/DEEM4 (Pages 3 - 4)
- 6A APPLICATION FOR MAJOR DEVELOPMENT - CORNER OF HEATHCOTE STREET AND KINNERSLEY STREET, KIDSGROVE. HAMILTON HOUSE HOMES LTD. 17/00552/FUL (Pages 5 - 6)
- 6B APPLICATION FOR MAJOR DEVELOPMENT - CORNER OF HEATHCOTE STREET AND KINNERSLEY STREET, KIDSGROVE. HAMILTON HOUSE HOMES LTD. 17/00552/FUL (Pages 7 - 8)
- 9A APPLICATION FOR MINOR DEVELOPMENT - PLOT 37 BIRCH TREE LANE, WHITMORE. MR S MASON. 17/00445/FUL (Pages 9 - 10)
- 10A APPLICATION FOR MINOR DEVELOPMENT - CARTREF, RYE HILLS, AUDLEY. MR & MRS COTTERILL. 17/00503/FUL (Pages 11 - 12)

13A APPLICATION FOR OTHER DEVELOPMENT – LAND (Pages 13 - 14)
BETWEEN 33-47 HIGH STREET, NEWCHAPEL.
TELEFONICA UK LTD. 17/00772/TDET

13B APPLICATION FOR OTHER DEVELOPMENT – LAND (Pages 15 - 16)
BETWEEN 33-47 HIGH STREET, NEWCHAPEL.
TELEFONICA UK LTD. 17/00772/TDET

Members: Councillors Burgess, Fear, S Hambleton, Heesom, Northcott, Panter, Proctor (Chair), Reddish, Simpson, Spence (Vice-Chair), Sweeney, S Tagg, G White, G Williams, J Williams and Wright

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.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY FOLLOWING THE FIRE EXIT SIGNS. PLEASE **DO NOT** USE THE LIFTS.

COUNCIL CHAMBER: FIRE EXITS ARE AT THE REAR OF THE CHAMBER AT BOTH SIDES AND THIS IS THE SAME FOR OCCUPANTS OF THE PUBLIC GALLERY.

COMMITTEE ROOMS: EXIT VIA THE WAY YOU ARRIVED AT THE MEETING OR AT THE FAR END OF THE COUNCIL CHAMBER.

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PUBLISHED 6 OCTOBER 2017

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
10th October 2017

Agenda item 5

Application ref. 17/00515/DEEM4

Land to the North of Bradwell Hospital

Since the preparation of the main agenda report the applicant has indicated that they have also taken a rough measurement of the distance from the site entrance to the school entrance which they estimate as 0.73km which would offer an alternative to the use of a private car.

Officer Response

The main agenda report did overestimate the distance pedestrians would have to walk to gain access to the school if a direct connection were not to be provided. The distance provided by the applicant is from and to the respective site entrances (so the distance from the furthest away part of the development site would be greater than the figure quoted above). However your officers consider that a direct pedestrian access link is justified on the grounds of achieving a sustainable development in terms of accessibility. Therefore a Grampian condition to secure the exact details of the link at the reserved matters stage and the link to be put in prior to development commencing is still justified and appropriate.

The recommendation remains as set out in the main agenda report.

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PUBLISHED 6 OCTOBER, 2017

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
10th October 2017

Agenda item 6

Application ref. 17/00552/FUL

Corner of Heathcote Street and Kinnersley Street, Kidsgrove

Since the main agenda report a draft viability assessment has been received from the District Valuer (DV).

The DV concludes that the scheme is financially unviable with any level of financial contribution towards public open space.

Officer Response

Your officer has considered the conclusions of the DV and it is evident that because what is termed the residual land value of the scheme is significantly lower than the "existing use site value" that the scheme is financially unviable with the requested POS contribution of £78,106.

Your officers have also explored with the DV whether any level of contribution can be supported and whether delaying the payment of a financial contribution would help. In both instances the present financial viability of the scheme would not be improved sufficiently enough to support a contribution.

The benefits both to the Borough as a whole (in terms of housing delivery) and to the regeneration of a piece of land that has been vacant for a number of years, in a prominent town centre location, are proper material planning considerations. As was indicated in paragraph 6.6 of the main agenda report the NPPF states 'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking in account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.' It also states at paragraph 205 that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

There are therefore it is considered grounds for permitting the development to proceed without the public open space contribution which policy would indicate would be appropriate.

There 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 a specified period. An appropriate period (as advised by the DV) is usually 12 months from the date of the decision but in this instance there are a number of site constraints that need to be considered. Most notably the engineering works and likely remediation works for contaminated land and coal mining. These matters will require further investigations and significant construction works which will probably delay the implementation of the scheme and your officers recommend that the appropriate reappraisal mechanism trigger should be if substantial commencement is not achieved within 15 months from the date of the grant of the planning permission.

Revised recommendation

A. Subject to the applicant first entering into a Section 106 agreement by 14th November 2017 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £78,106 (index linked) towards the provision towards public open space, if the development is not substantially commenced within 15 months from the date of the decision, and the payment of such a contribution if

found financially viable, PERMIT the application subject to conditions relating to the following matters:-

1. Standard Time limit for commencement of development
2. Approved Plans
3. Materials
4. Gabion wall details
5. Tree retention and protection
6. Full landscaping details
7. Future protection of trees in the south east corner to further protect privacy levels.
8. Alignment of proposed services
9. Submission and approval of noise report. Mitigation measures
10. Design Measures to Secure Noise Levels
11. Construction hours
12. Contaminated land treatment
13. Construction Vehicle Management Plan (CVMP)
14. Visibility splays
15. Surfacing details for access road and parking
16. The access and access road being completed prior to occupation
17. The existing access permanently closed and footway reinstated
18. Waste collection and storage arrangements
19. Surface water discharge mitigation details
20. Foul drainage
21. Proposed coal mining precautionary measures
22. Intrusive coal mining site investigations and remedial works implementation

B. Should the obligation to above not be secured within the above period that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstances, and, in such circumstances, the potential financial contributions towards public open space; or if he considers it appropriate to extend the time period within which the obligation referred to above can be secured.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
10th October 2017

Agenda item 6

Application ref. 17/00552/FUL

Corner of Heathcote Street and Kinnersley Street, Kidsgrove

As a point of clarity the proposed development includes the demolition of the existing building on the site also and the description of the development has been revised to reflect this. It now reads the "Demolition of existing building and erection of 14 dwellinghouses"

The recommendation remains as set out in the published First Supplementary Report.

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PUBLISHED 10 OCTOBER 2017

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
10 October 2017

Agenda item 9

Application ref. 17/00445/FUL

Plot 37, Birch Tree Lane, Whitmore

Since the preparation of the report comments have been received from the **Landscape Development Section**. The advice received is that the submitted information gives assurances that subject to works being completed in accordance with the latest information, that all construction works can take place within the approved Development Zone (i.e. outside the Construction Exclusion Zone).

Additional levels information now indicates that there will be no requirement for levels alterations within the Construction Exclusion Zone.

Some concern is still raised with regard to the outdoor usable space, which may lead to future pressure for the removal of woodland trees due to shading of the garden area.

Should this application be approved the following planning conditions (in accordance with BS5837:2012) would be appropriate:

- Tree Protection in accordance with P.359.13.05 and information provided in the Arboricultural Impact Assessment.
- No levels alterations to be undertaken outside the development zone.
- Approval of Arboricultural Method Statement (detailed).
- Schedule of works to retained trees.
- Submission and approval of landscaping proposals.
- Submission and approval of a tree and landscape management plan to address issues concerning the long term future of the woodland and replacement planting proposals.
- Approval of an Arboricultural site monitoring schedule.

Officer Response

The concerns of regarding the outdoor usable space is noted but as the proposal results in a similar outside area to that already approved under the previous application 15/00281/FUL it is considered that there can be no reasonable objection in this regard, and any applications to alter trees in the future would be assessed individually.

Recommendation

Approve subject to conditions contained within Committee Report with the following amendments and additional conditions;

- **Tree Protection in accordance with P.359.13.05 and information provided in the Arboricultural Impact Assessment (Rewording of the previously proposed condition 6 on the agenda report).**
- **No levels alterations to be undertaken outside the development zone.**
- **Schedule of works to retained trees.**

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
10th October 2017

Agenda item 10

Application ref. 17/00503/FUL

Cartref, Rye Hills, Audley

The agenda report states that a public open space contribution of £5,579 is required towards improvements to Wereton Road/Queen Street Play Area. Your Officer has been in further discussions with the Landscape Development Section and it appears that there is a Parish Council owned facility off Station Road in Miles Green that, at approximately 500m from the application site, is closer than the Wereton Road facility. It is considered that it more likely that the occupiers of the new dwelling will use the closer Play Area and as such it is considered that the contribution should be spent on the Parish Council facility.

Therefore, the **revised recommendation A** is as follows:

A) Subject to the applicant entering into a Section 106 obligation by 21st November 2017 to secure a public open space contribution of £5,579 towards improvements to Station Road, Miles Green Play Area,

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Approved plans**
- 3. Completion of dwelling approved under Ref. 14/00322/FUL prior to commencement of development**
- 4. Landscaping scheme**
- 5. Contaminated land**
- 6. Visibility splays**
- 7. Provision of access and parking area**
- 8. Surfacing of access drive**
- 9. Materials**
- 10. Boundary treatments**

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
10th October 2017

Agenda item 13

Application ref. 17/00772/TDET

Land Between 33 and 48 High Street, Newchapel

Since the preparation of the main agenda report twenty one letters of objection have been received raising the following concerns;

- It is out of keeping with the area,
- The proposed mast would tower above all buildings in the area,
- The site is within the designated Green Belt and the proposal would damage the landscape
- Has the applicant provided evidence that mast sharing has been considered?
- A more suitable alternative site should be sought.
- Other masts in the area have caused disruption to television reception

Officer Response

The site is not within the designated Green Belt and as indicated in the main agenda report your officers are satisfied that the improved design of the monopole and the technical need for the development results in the siting and design being acceptable and in accordance with the guidance and requirements of the NPPF.

The impact on television reception is not material to the determination as to whether prior approval is required or should be granted for the proposed telecommunications equipment.

The recommendation remains as set out in the main agenda report.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
10th October 2017

Agenda item 13

Application ref. 17/00772/TDET

Land Between 33 and 48 High Street, Newchapel

Since the preparation of the main agenda report and the published First Supplementary report a further letter of representation has been received raising the same objections as those already reported.

Officer Response

The letter received and hereby reported does not raise anything that requires consideration.

The period of publicity for this application expires today and any further letters of representation received today must be taken into consideration in the determination of the application. Given that a decision on this application cannot be deferred until the next meeting, as that decision would be too late and the proposal would have deemed consent, it is requested the Head of Planning be given delegated authority to issue a decision having taken into consideration any additional representations received by the end of today.

The recommendation is therefore amended as follows:

The Head of Planning be given the delegated authority to determine that prior approval for the siting and appearance of the proposed telecommunication equipment is required and is GRANTED or any other decision he considers to be appropriate having taken into consideration any additional representations received by the end of 10th October.

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