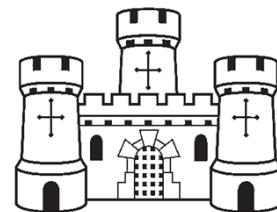


# Public Document Pack

**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

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 4)  
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Land South West of Mucklestone Road, West of Price Close and North of Market Drayton Road, Loggerheads. Amber Residential Properties Ltd. 16/00784/REM** (Pages 5 - 14)
- 5 **Application for Major Development - Lennard Jones Building, Keele University. University of Keele. 17/00091/FUL** (Pages 15 - 22)
- 6 **Application for Major Development - Former Orme Centre, Orme Road, Newcastle. G & S Orme Centre Ltd. 16/00796/OUT & 16/00798/LBC** (Pages 23 - 40)
- 7 **Application for Major Development - Former Silverdale Colliery, Scot Hay Road, Silverdale. David Wilson Homes. 17/00097/FUL** (Pages 41 - 48)
- 8 **Application for Major Development - Former Savoy Cinema/Metropolis Nightclub, The Midway, Newcastle. Modultec International Ltd. 17/00174/FUL** (Pages 49 - 70)

- |    |   |                   |
|----|---|-------------------|
| 9  | Application for Major Development - 2-4 Marsh Parade, Newcastle. Gavin Donlon/ Nicol Thomas. 17/00179/FUL                 | (Pages 71 - 80)   |
| 10 | Application for Minor Development - Land at Wedgwood Avenue, Westlands. Newcastle V Borough Council. 16/01108/DEEM4       | (Pages 81 - 88)   |
| 11 | Article 4 Directions for the Brampton and Watlands Park Conservation Areas  | (Pages 89 - 100)  |
| 12 | Application for Financial Assistance (Historic Buildings Grant) - St Margaret's Church, Church Lane, Betley. 17/00149/HBG | (Pages 101 - 102) |
| 13 | Tree Preservation Order - Land at the Old Coal Yard, Rye Hills, Bignall End. TPO 182                                      | (Pages 103 - 106) |
| 14 | Report on the operation of the Committee's guillotine on late representations on Planning Committee items.                | (Pages 107 - 108) |
| 15 | Confirmation of Article 4 Direction for Stubbs Walk Conservation Area.  | (Pages 109 - 110) |
| 16 | Appeal Decision - Woodbury, Snape Hall Road, Whitmore Heath. 16 /00395/PLD  | (Pages 111 - 112) |
| 17 | <b>URGENT BUSINESS</b>  |                   |

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

**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.

**PLANNING COMMITTEE**

Tuesday, 28th March, 2017  
Time of Commencement: 7.00 pm

**Present:-** Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, Heesom, Holland,  
Northcott, Panter, Pickup, Reddish,  
Sweeney, Turner, G Williams, J Williams  
and Winfield

Officers Guy Benson, Nick Bromley, Geoff  
Durham, Jennet Hough and Trevor  
Vernon

**1. APOLOGIES**

Apologies were received from Councillors S Hambleton, Mancey and Simpson.

The Committee sent best wishes to Councillor Mancey for a speedy recovery.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

**3. MINUTES OF PREVIOUS MEETING(S)**

**Resolved:** That the minutes of the meeting held on 28 February, 2017 be agreed as a correct record.

**4. APPLICATION FOR MAJOR DEVELOPMENT - FORMER CORONA PARK, SANDFORD STREET, CHESTERTON. GOODRIDGE/ NAISMITHS LTD. 17/00026/DOB**

**Resolved:** That the application to discharge the S106 agreement be approved.

**5. APPLICATION FOR MAJOR DEVELOPMENT - HAZELEY PADDOCKS, KEELE ROAD, MADELEY HEATH. SOPHIE THORLEY. 17/00073/FUL**

**Resolved:** That the application be permitted subject to the undermentioned conditions:

- (i) Commencement of development within 3 years
- (ii) Development in accordance with the submitted plans
- (iii) Materials
- (iv) Submission and approval of a method statement for conversion works, including large scale joinery plans/ details
- (v) Submission and approval of boundary treatments to rear garden (patio area)
- (vi) Design Measures to Secure Noise Levels

- (vii) Visibility Splays shown on drawing no. 380-01/GA-02 rev A to be provided and kept free from obstruction
- (viii) Access, parking and turning areas provided prior to occupation
- (ix) Removal of Permitted Development Rights for extensions, roof alterations and outbuildings
- (x) No conversion/ construction works during March-August inclusive
- (xi) Prior approval for proposals for the treatment of the roadside hedgerow and a soft landscaping scheme
- (xii) Erection of bat and bird boxes

**6. QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED.**

**Resolved:** That the information be received.

**7. OPEN ENFORCEMENT CASES**

**Resolved:**

- (i) That the report be received.
- (ii) That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

**8. TREE PRESERVATION ORDER - 106 LANCASTER ROAD, NEWCASTLE. TPO 179**

**Resolved:** That Tree Preservation Order Number 179 (2016) – Land at Lancaster Road, Newcastle be confirmed as made and that the landowner of the site be informed accordingly.

**9. APPEAL DECISION - PEPPER STREET, KEELE. 16/00004/ENFNOT**

**Resolved:** That the decision be noted.

**10. URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR BERT PROCTOR**  
**Chair**

Meeting concluded at 7.25 pm

**LAND SOUTH-WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF MARKET DRAYTON ROAD, LOGGERHEADS**  
**AMBER RESIDENTIAL PROPERTIES LTD & MULLER DEVELOPMENTS (LOGGERHEADS) LTD**  
**16/00784/REM**

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 78 dwellings.

This approval of reserved matters follows the granting of an outline planning permission in September 2015 for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (15/00202/OUT). Details of the accesses from the highway network were approved as part of the outline consent.

The application site lies on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. The site area is approximately 3.7 hectares and is subdivided into two parcels by a stream and landscape corridor.

Trees within the site are the subject of Tree Preservation Order (TPO) no.147.

**The 13 week period for the determination of this application expired on 3<sup>rd</sup> January 2017 but the applicant has agreed an extension to the statutory period until 28<sup>th</sup> April 2017.**

## **RECOMMENDATIONS**

Subject to consideration being given to the still awaited comments of the Landscape Development Section and to any further comments received from members of the public by 17<sup>th</sup> April and, with respect to the Parish Council, by the 18<sup>th</sup> April) on the amended/additional material received, 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**

## **Reason for Recommendation**

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout. Revised landscaping details have been provided and a further report will be given on this matter. There are no other material considerations which would justify a refusal of this reserved matters submission.

## **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

Amendments have been promptly sought from the applicant and obtained and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Key Issues**

1.1 The Application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 78 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 15/00202/OUT in September 2015. Details of the accesses from the highway network were approved as part of the outline consent.

1.2 The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement prepared by Hallett Environmental and Muller. Your Officer has considered the application against those principles and is satisfied that it accords with that condition of the outline consent.

1.3 A number of objections have been received from local residents relating to the impact of a housing scheme of this size upon the surrounding highway network, local amenities and the capacity of the sewerage system. These are matters that were considered and accepted as not grounds for refusing the outline planning permission and therefore, cannot be revisited now.

1.4 The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Is the proposed landscaping and open space within the site acceptable?
- Is the affordable housing layout acceptable?

### **2. Is the proposal acceptable in terms of its design and impact on the form and character of the area?**

2.1 The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2.2 Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

RE5 states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

2.5 R12 of that same document (in the section dealing with residential design) states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

2.6 R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

2.7 A mix of 2, 3 and 4-bed dwellings are proposed with a mix of detached, semi-detached and townhouses proposed. All the dwellings would be 2-storey. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character. Loggerheads Parish Council has stated that this site should have a greater number of smaller homes on the basis that the Neighbourhood Plan states that around a third of all new housing needs to comprise smaller homes (one and two bedrooms) to address identified needs. They have also expressed concern that there is no provision of single storey units as evidenced in Loggerheads Housing Needs Assessment 2016. The Neighbourhood Plan is a draft document that has not completed its statutory processes (indeed that draft has yet to be consulted upon) and therefore it is not yet part of the Development Plan. At present therefore it can be given very limited weight.

2.8 The materials would comprise a limited palette of red brick and plain tiles to ensure a consistency of style. Detailing would be simple and unfussy with gable features, bay windows, brick soldier courses and canopies. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development.

2.9 Properties would be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of or to the side of dwellings, with some dwellings also provided with a garage.

2.10 The proposed layout is very similar to that shown on the illustrative layout plan submitted with the outline application and the design parameters set out in the approved Design and Access Statement are reflected in this detailed scheme.

2.11 Your Officer's view is that the design of the dwellings and the materials palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the streetscene. The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

### 3. Would there be any adverse impact on residential amenity?

3.1 This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

#### *Existing occupiers' amenity*

3.2 An objection has been received from a resident of Market Drayton Road on the grounds of impact on privacy and their enjoyment of their garden. The proposed dwellings would be more than 45m away from the rear elevations of the existing dwellings on Market Drayton Road and this distance significantly exceeds that recommended in the Council's Supplementary Planning Guidance (SPG) relating to Space about Dwellings. Concerns have also been raised regarding the potential impact on the privacy of the occupiers of the bungalows on Price Close. Many of the dwellings proposed along the eastern boundary of the site would have their gable end and therefore no principal windows (as

defined in the SPG) facing towards Price Close. Where the rear elevations of the proposed dwellings face Price Close, the distance between the principal windows of the existing and proposed dwellings exceeds the distance of 21m recommended in the Council's Space around Dwellings SPG. In addition, Price Close sits at a slightly higher ground level than the application site. It is not considered therefore that there would be any significant adverse impact on the amenity of the occupiers of the existing dwellings.

#### *Amenity of future occupiers of the development*

3.3 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for the family dwellings proposed.

#### 4. Is the internal road layout and parking provision acceptable in highway safety terms?

4.1 The 3 means of access to the site were determined at outline stage and therefore although objections have been received regarding increased traffic and highway safety concerns, the site benefits from outline consent, and an objection to the principle of the development in terms of its impact upon the highway network could not now be sustained.

4.2 The internal road layout is the same as that illustrated in the outline application. The Highway Authority has no objections to the detail of the proposal subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

#### 5. Is the proposed landscaping and open space within the site acceptable?

5.1 Regarding the plans as originally submitted, the Landscape Development Section (LDS) stated that additional information is required regarding the proposed landscaping treatment to the protected woodland and that the play area proposals would not meet the LEAP (Locally Equipped Area of Play) specification under the terms of the NPFA guidance.

5.2 Amended landscaping and LEAP proposals have been submitted and the comments of the LDS have been sought. A further report will be provided on this matter.

#### 6. Is the affordable housing layout acceptable?

6.1 Regarding the plans as originally submitted, the Council's Housing Strategy Section raised concerns that the affordable housing, which was in two groups of ten dwellings, was not sufficiently "pepper-potted" across the development. An amended layout has been submitted which distributes the affordable units across the site to a greater degree. The Housing Strategy Section is now satisfied that the affordable housing has been sufficiently distributed across the site and your Officer agrees that the revised layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing.



## APPENDIX

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N17	Landscape Character – General Considerations
Policy N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

### **Other Material Considerations include:**

National Planning Policy

[National Planning Policy Framework](#) (March 2012)

[Planning Practice Guidance](#) (March 2014)

Supplementary Planning Guidance/Documents

[Affordable Housing SPD](#) SPD (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

15/00202/OUT Residential development of up to 78 units including affordable housing, public open space and vehicular and pedestrian accesses - Approved 3<sup>rd</sup> Sept 2015, following completion of legal agreement 28<sup>th</sup> August 2015

Views of Consultees

The **Environmental Health Division** states that the proposed layout follows that proposed within Illustrative Site Layout 2 (Drawing Ref. 112/Job No. 0278) and as such the impact of odour from the sewage works upon the amenity of the residents of the development is likely to be minimised. There are still several conditions of the outline permission which need to be satisfied.

The **Education Authority** states that a Section 106 agreement was signed when the outline application was granted and the education contribution amount and terms should be calculated in line with this.

The **Highway Authority** has no objections subject to conditions regarding the 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 and submission of Construction Management Plan.

The **Crime Prevention Design Advisor** commends the scheme which demonstrates that designing out crime and designing in community safety principles have been considered and are incorporated within the proposals. These include very good natural surveillance over the road network and public spaces and appropriate boundary treatments. A supplementary crime benefit of the layout is that the existing rear gardens of Price Close will back onto the rear gardens of the new development providing mutual security. It would be desirable if side windows were placed in blank gables to provide overlooking to parking and also for the rear garden boundaries which border the sewage works to have defensive planting to reinforce them.

The **Landscape Development Section** states that additional information is required including tree protection proposals, detail for the construction and installation of the bridge within the woodland area, details of alterations to levels within the woodland area, details of hedgerows, additional tree planting and additional information concerning the landscaping treatment to the protected woodland. It is also stated that the play area proposals would not meet the 'LEAP' specification under the terms of the NPFA guidance and a revised scheme is requested.

**Staffordshire County Council Flood Risk Team** states that the amended plans show areas set aside for above-ground SUDs and surface water attenuation so the proposed layout is acceptable in principle.

The **Housing Strategy Section** states that the number and mix of affordable housing units are compliant with policy and is satisfied that the units are sufficiently pepper-potted across the development.

**Loggerheads Parish Council** objects on the following grounds:

- There is no provision of single storey units as evidenced in Loggerheads Housing Needs Assessment 2016
- The Neighbourhood Plan states that around a third of all new housing needs to comprise smaller homes (one and two bedrooms) to address identified needs. This site should have 26 such houses rather than the 19 that are proposed
- The affordable units would be insufficiently distributed across the site
- The 2 bed rented houses are proposed at furthest point from the access and would serve residents better if they were located at the nearest point
- 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 development which is all bungalows
- Some of the properties on Price Close (bungalows) and Market Drayton Road are overlooked by 2-storey houses. The height should be reduced.
- Turning circles for recycling vehicles may not be adequate
- There is no visibility splay for access for plots 1, 2 and 3 direct onto Mucklestone Road
- Hatching shown for "offset area to STW" around the sewerage works does not appear to follow the local wind direction

No comments have been received from the **Waste Management Section** and given that the period for comments has ended it could be assumed that they have no comments to make upon the proposals.

Following the receipt of amended plans, further comments have been sought from the **Landscape Development Section** and **Loggerheads Parish Council**. Any responses received by the relevant due by date will be reported to Members in a supplementary report.

#### Representations

13 letters of objection have been received. A summary of the objections made is as follows:

- There are lots of houses unsold in the area and therefore there is no need for more houses

- Out of keeping with adjacent properties which are mainly bungalows
- The access is onto Mucklestone Road which frequently floods
- People will invariably use Mucklestone Wood Lane which is narrow and would be very dangerous
- There are a lack of local amenities and it is already difficult getting a doctor's appointment
- Proximity of the boundary fence of plot 1 to No. 49, Mucklestone Road which has a hedge along the boundary
- It isn't a tree lined natural development like other developments in the area
- The road to Mucklestone School does not have a suitable pavement and the parking is dangerous at Hugo Meynell School
- Impact on the over stretched sewage system
- Overlooking and impact on privacy
- The amount of housing and type of housing is overbearing and too cramped
- Air pollution and traffic levels will be significantly increased
- Highway safety impact
- Impact on wildlife
- Affordable housing insufficiently spaced
- Play area is adjacent to the sewerage treatment works and nothing is specified about the level of play equipment
- Lack of visibility splay for the three properties opposite Folly View
- The siting and layout of the dwellings, particularly plot 4, is unimaginative, insensitive and not consistent with the density and disposition of this rural fringe of the village
- Insufficient levels information
- Mundane and unimaginative house types
- Current housing supply is equivalent to at least 5 years of demand

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Supporting Statement
- Arboricultural Method Statement
- Tree Report

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/16/00784/REM>

#### Background papers

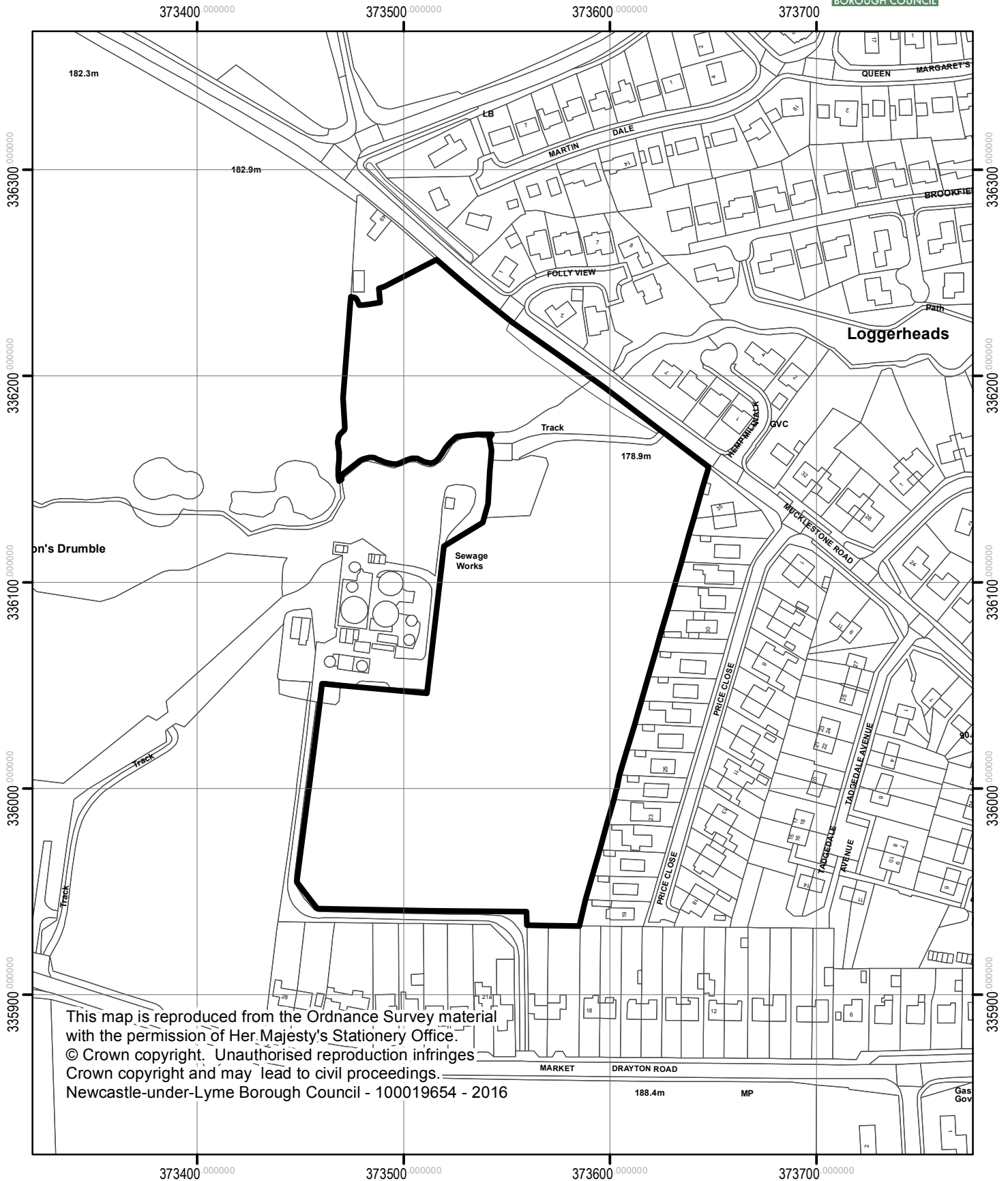
Planning files referred to  
 Planning Documents referred to

#### Date report prepared

6<sup>th</sup> April 2017

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**Land South West Of Mucklestone Road,  
West Of Price Close And North Of  
Market Drayton Road Loggerheads TF9 4DF  
16/00784/REM**



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Newcastle-under-Lyme Borough Council - 100019654 - 2016

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**LENNARD-JONES BUILDING, KEELE UNIVERSITY**  
**KEELE UNIVERSITY**

**17/00091/FUL**

The application seeks full planning permission for the erection of a new central science laboratory building for the Faculty of Natural Sciences on the University Campus.

The development consists of a new 5 storey building measuring 41.2 metres in maximum roof height internally connected to the existing Lennard Jones Building. The total floor area of the development is approximately 6000 square metres. Existing fume extraction chimneys on the Lennard Jones Building are to be extended in height to 48 metres and will run up the side of the new facility.

The development is needed to house additional modern teaching laboratory space due to anticipated student growth in scientific academic study.

The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall. It does however fall within the Landscape Maintenance Area defined on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expires on 4<sup>th</sup> May 2017.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following:-**

- 1. Time limit.**
- 2. Approved drawings.**
- 3. Materials.**
- 4. Tree protection measures.**
- 5. Landscaping details.**
- 6. Noise assessment for ventilation, extraction systems and other plant.**
- 7. Prior approval of a construction management plan.**

**Reason for Recommendation**

The extra space proposed is required to meet an area of student growth identified by the University and to create modern teaching environments fit for function. The design of the new facility is considered to represent high quality attractive development which will be a focal point on the campus for scientific study. Existing high amenity value trees opposite the development can be retained and protected. Parking is to be managed by the University in a campus wide approach taking into account other agreed developments.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

**Key Issues**

The proposed new central teaching space building is on land which presently serves as a car parking area directly behind the Lennard Jones Building which it will be internally connected to. Internally the new building is to provide the following teaching facilities/areas:-

- Ground floor – Physics/electronics and dry laboratory.
- 1<sup>st</sup> floor – laboratory spaces.
- 2<sup>nd</sup> floor – flexible dry laboratory space.
- 3<sup>rd</sup> floor – a computer based laboratory.

- 4<sup>th</sup> floor – an internal and partly external plant equipment area.

The applicant has confirmed that the development will replace the existing dated laboratory spaces within the Lennard Jones; William Smith; Jack Ashley and Colin Reeves Buildings on the University Campus. The existing dated laboratory spaces, within those buildings, are to be re-utilised for research and general office accommodation.

The site lies outside of, but adjacent to, the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall. It does however fall within the Landscape Maintenance Area defined on the Local Development Framework Proposals Map. The key issues therefore to consider are:-

1. Is the design of the development, including the impact on the special character of the nearby grade II Listed Chapel, historic parkland, and on the landscape as a whole, acceptable?
2. Is the impact on existing trees acceptable?
3. Are there any highway safety concerns in relation to the car parking provision?

1. Is the design of the development, including the impact on the special character of the setting the Grade II Listed Chapel, nearby historic parkland, and on the landscape as a whole, acceptable?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. The policy is consistent with the NPPF.

With respect to heritage protection policies. CSS Policy CPS2 seeks to preserve and enhance the historic character and appearance of the Borough. Saved Local Plan policy B5 states that the Council will resist proposals that would adversely affect the setting of a Listed Building.

Keele Chapel is approximately 165 metres to the east of Lennard Jones. Both buildings are adjacent to a main pedestrian route/footpath running through the campus. Ground levels slope significantly downwards from the application site to the Chapel. The development proposal is approximately 14.5 metres taller than the Chapel spire taking into account the sloping ground levels. There are also 3 intervening large campus buildings between Lennard Jones and the Chapel to take into account.

The design of the new building proposed incorporates a number of key details:-

- The external facing materials proposed include substantial areas of "pre-oxidised" copper cladding which gives a dark recessive colour (to match the existing Lennard Jones Wet Lab Building), Staffordshire Blue brickwork and glazing.
- A glazed concourse which is designed to link to the existing Lennard Jones Building. The area incorporates full height glass walls and glass roof areas. The type of glass to be used is specifically engineered to allow solar gain but also ensure the building does not overheat in summer in order to comply with Building Regulations. Some of the roof glasswork of this area of the building has been reduced with this in mind and in the area around the central atrium will instead comprise of cladding matching the rest of the building.
- Plant equipment spaces containing fume extraction systems are deliberately concealed within the 5<sup>th</sup> floor using a combination of copper cladding and grey aluminium louvres.
- A permeable "grasscrete" perimeter strip around building is to provide a maintenance strip. The building has been designed so existing mature trees directly opposite the proposed main



entrance area are to remain in situ. The proposed landscaping strategy is to protect those existing mature trees from harm and to retain the grassed area around them.

The architecture of the building is well thought out in terms of core design principles. The facades of the building have a bespoke high quality contemporary appearance achieved through a mixture of successful detailing and the specific combination of materials to be utilised.

Although the new science facility is taller than the Chapel it would be read in the context of other large intervening campus buildings which it is grouped with. Taking into account surrounding development and that the architectural qualities of the new building are also perceived favourably there is no harm to the setting of the Chapel.

Moreover the position, scale and appearance of the building does not impact harmfully on the registered Park and Garden the nearest part of which is situated diagonally opposite across Keele Hall Road. Contextually the Historic Park and Garden incorporates halls of residence and other University buildings the latter of which the proposed building is nestled amongst. There are also tall mature trees around the periphery of the campus internal estate road and located more centrally which the new building will be seen against and integrated with.

Overall the design of the new building is thought to be of high quality. It will provide a positive focal point to the appearance of the campus also taking into account the buildings anticipated status as a key campus science building.

It is also noted that the University have planned for a range of security features within the design inclusive of CCTV provision. The details of which have been submitted by the applicant post receipt of the initial concern by Staffordshire Police that such details were not planned for.

## 2. Is the impact on existing trees acceptable?

Saved Local Plan Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme. Where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

There are two tall mature oak trees which are impacted upon by the proposal which have high amenity value. The development has been designed specifically with tree retention in mind. Subject to planning conditions ensuring tree protection measures are carried out the Landscape Development Section advise there is no objection to the proposal.

## 3. Are there any highway safety concerns arising from car parking provision?

The proposed building will require the removal of 30 existing car parking spaces to the rear of the Lennard Jones Building. The University is proposing to resurface and white line an existing car park on land in front of the Colin Reeves Building to the north, but this will not in itself add any spaces.

Existing car parking is to remain to the front of the Lennard Jones Building. The applicant has also submitted a plan indicating the position of 15 temporary construction contractors' onstreet car parking spaces during the construction period. Those particular spaces are some distance away from the application site close to the main entrance point of the University Campus.

The Highway Authority have no objections to the development proceeding subject to the agreement of parking details by planning condition. The University are seeking to actively manage estate car parking availability holistically in conjunction with other recently agreed development proposals for the replacement of campus accommodation buildings as to ensure there is no wider detriment to public roads. Members will recall the conditions subject to which they resolved to approve the Keele accommodation masterplan proposals at their meeting on the 22<sup>nd</sup> March. In the circumstances there

is not considered to be any clear purpose in imposing the condition suggested by the Highway Authority.

## **APPENDIX**

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas  
Policy N12: Development and the Protection of Trees

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (PPG) (2014)

#### Supplementary Planning Guidance/Documents

Planning for Landscape Change – Supplementary Planning Guidance to the Structure Plan

#### Relevant Planning History

None relevant.

#### Views of Consultees

The **Highway Authority** have no objections subject to conditions requiring further details of the car park to be provided and its retention:-

**Staffordshire Police** have no objection to this planning proposal. However they comment it is disappointing that the planning documentation, notably the Design and Access Statement appears entirely devoid of any references to security provision for the development.

County Council as **Local Lead Flood Authority** has no comments to make given the low flood risk of the site

**Keele Parish Council** - no comments having been received by the due date it must be assumed that the Parish have no comments to make.

The **Conservation Area Working Party** welcomed the additional section drawings provided by the applicant which were useful in understanding the relationship between the proposed extension and the Listed Chapel. The Working Party felt that the proposal was likely to have little impact on the setting of the Chapel but was concerned over the potential impact on the setting of the historic landscape particularly with the glass upper storeys and the night-time distance views.

**Environmental Health Division** have no objections subject to conditions relating to noise generating plant and a Construction Management Plan.

The Council's **Urban Design and Conservation Officer** comments that given the context of this building and its location that the development will not harm the setting of the Chapel in any significant way. It may have limited impact on the setting historic park and garden and views into and out of it, but given the current context of this part of the University and the fact that this central area was not included with the (registered) park there are no further observations to make.

The **Landscape Development Section** have no objections subject to appropriately worded conditions seeking agreed modifications to the submitted Arboricultural Method Statement which are then to be implemented as well as the submission of further landscaping details.

#### Representations

None received

#### Applicant's/Agent's submission

Application forms and indicative plans have been submitted along with a Design and Access Statement, Pollution Risk Assessment, Noise Survey, Arboricultural Impact Assessment, Ecological Report, and Phase 1 and 2 land Contamination Reports. The application documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00091/FUL>

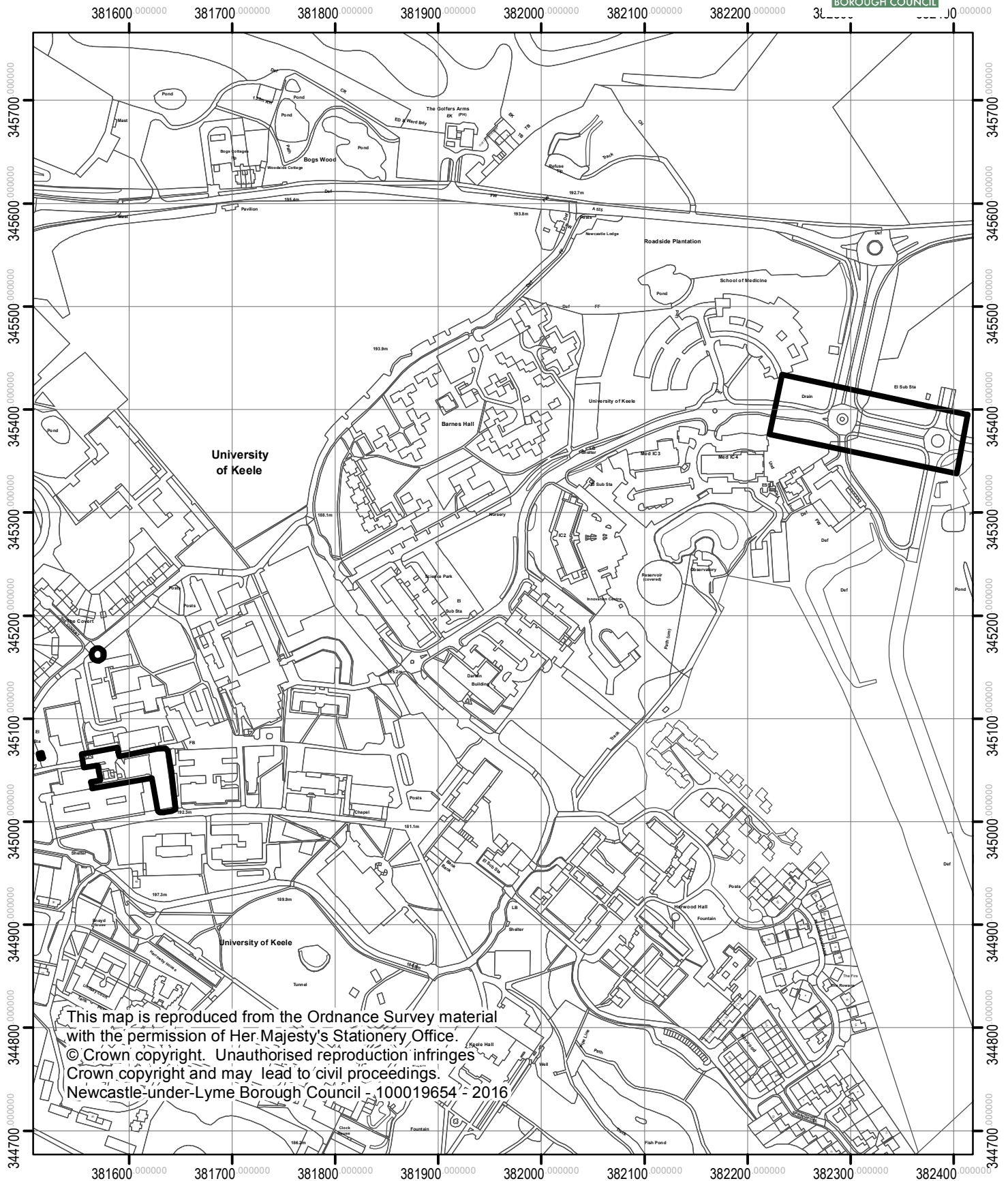
#### Background papers

Planning files referred to

Planning Documents referred to

#### Date report prepared

11<sup>th</sup> April 2017



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# Agenda Item 6

**THE ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME  
GSG ORME CENTRE LIMITED**

**16/00796/OUT & 16/00798/LBC**

The report considers two applications. One is a hybrid application for full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (giving a total of 96 rooms across the site) (16/00796/OUT) replacing a part two storey/part single storey building; and the other application is for listed building consent for the alteration and selective demolition of part of the Listed Building (16/00798/LBC). The site backs onto Buckley's Row, and has frontages to Higherland, Pool Dam, and Orme Road.

The application site is within the Newcastle Urban Area as indicated on the Local Development Framework Proposals Map.

The Orme Centre is a Grade II Listed Building.

**The 13 week period for the planning application expires on 13<sup>th</sup> April 2017, and the 8 week determination period for the listed building consent application expired on 9<sup>th</sup> March 2017 but the statutory period for both has been extended by the applicant to the 28<sup>th</sup> April 2017.**

## **RECOMMENDATIONS**

### *A) With respect to the application for listed building consent 16/00798/LBC*

**PERMIT subject to conditions relating to the following:**

1. Time limit for commencement of development
2. Approved plans
3. Demolition works not to proceed until planning permission granted for redevelopment and a contract let for that development
4. Details and materials for the making good of the main building following the demolition of extensions
5. Method statement for repair and consolidation of stonework
6. Further details of internal doors and window architraves where alterations are being made
7. Details of repair work to existing windows and details including samples of proposed new windows
8. Details of any secondary glazing systems
9. Details of suspended ceilings system
10. Details of the mezzanine floor
11. Details of the treatment of internal corridors and internal windows/fanlights
12. Details of drainage requirements to service the en-suites
13. Details of all other proposed external materials
14. Any repointing to be in lime mortar

### *B) With respect to the planning application 16/00796/OUT*

- 1) Subject to the receipt and consideration of independent advice as to what financial contributions this development could support, and a supplementary report to the Committee on this aspect, the applicant (providing they first agree in writing, by noon on 28<sup>th</sup> April to extend the statutory determination period to the 9<sup>th</sup> June 2017) entering into a Section 106 obligation by agreement by 6<sup>th</sup> June 2017 to require:
  - a. financial contributions to the enhancement and maintenance of Queen Elizabeth Park of £93,408 and a travel plan monitoring fee of £2,200
  - b. a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems

and subject to revised parking layout proposals being received (which address the concerns of the Landscape Development Section)

**PERMIT subject to conditions relating to the following matters:**

1. Standard time limits for submission of application for approval of reserved matters and commencement of development
2. Reserved matters submission
3. Approved plans
4. Occupation to be restricted to students only
5. 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
6. Provision of access
7. Off-site highway works
8. Details of surfacing materials, surface water drainage and delineation of parking bays
9. Closure of existing access
10. Car park access to remain ungated
11. Provision of secure weatherproof cycle parking
12. Travel plan
13. Construction method statement



14. Landscaping and tree protection conditions
15. Contamination conditions with respect to controlled waters
16. Building recording
17. Written scheme of archaeological investigation
18. Construction and demolition hours
19. Piling
20. Dust mitigation
21. Dwelling noise levels
22. External materials
23. Drainage conditions
24. Implementation of security/crime prevention measures
25. Building wide ventilation system for Main Building
26. Heating system of both Main and New buildings

- 2) Failing completion by the date referred to in the above resolution B(1) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the public open space needs of the development would not be met and the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

#### **Reason for Recommendations**

- 1) Taking into account the requirement for the decision-maker to pay special attention to such matters the loss of a curtilage Listed Building would improve the setting of the principal Listed Building and subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.
- 2) Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the new building would be acceptable in terms of its scale, design and appearance and it would preserve the setting of the Listed Building. It is considered that whilst revised parking proposals are required to address the concerns of the Landscape Development Section, sufficient parking would still be provided within the application site to ensure that significant additional on-street parking demand is not created by the development that may lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development. An Air Quality Assessment has been submitted which demonstrates that road traffic emissions from the surrounding road network will not exceed statutory levels at the development. It is considered therefore that the reasons for refusal of the previous scheme have been overcome.

The applicant has submitted financial information to substantiate their claim that the Council's requirements as a Local Planning Authority would render a policy compliant scheme unviable. The draft report of an independent valuer setting out his appraisal of the development's viability is awaited and a further report will be brought to members on this issue.

#### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

#### **Key Issues**

These proposals seek full planning permission for the conversion of part of the former Orme Centre into student accommodation (29 rooms) and outline planning permission for a new building for student accommodation (67 rooms) (Ref. 16/00796/OUT). In practical terms the only "reserved matter" absent from the outline element of the application is the landscaping of the site. The Orme Centre is a Grade

II Listed Building and listed building consent is also sought for the works of alteration and partial demolition of the existing buildings that are involved (Ref. 16/00798/LBC).

It is appropriate to consider the application for listed building consent first.

#### 1. 16/00798/LBC - Listed building consent for demolition of curtilage listed buildings and conversion of former Orme Centre into student accommodation

1.1 Listed building consent is sought for demolition of curtilage listed buildings and the conversion of the former Orme Centre into student accommodation. The key issues for consideration are whether the principle of the demolition of the buildings is acceptable and whether the physical works to the Listed Building are acceptable.

1.2 The site comprises a Grade II Listed former school building dating from 1850 fronting onto Pool Dam with a 2-storey attached curtilage building dating from 1908 projecting to the rear along Orme Road. The proposal includes the demolition of both the 2-storey curtilage building (referred to as the Edwardian building), a single storey flat-roofed extension to the main building, and a single storey later element or 'range' attached to the Edwardian building.

1.3 Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contact exists to ensure the construction of the replacement building. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

1.4 At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a Conservation Area or Listed Building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 'Significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

1.5 In paragraph 133 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

1.6 Paragraph 134 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

1.7 The application is accompanied by a Heritage and Design Statement which considers that the buildings to be demolished are of low significance. It states that in architectural terms the proximity of the Edwardian building to the main building and the plain, dark rear of the building which faces prominently onto Orme Road are considered damaging to the setting of the main Listed Building and the streetscene. The Edwardian building is not mentioned in the Listing description and nor is it considered to be of local significance to warrant its record in any local list. The Statement considers that the removal of the building will improve the streetscene and give more space and dignity to the Listed Building. The Statement goes on to consider that the flat-roofed extensions to the rear of the building are unsightly and inappropriately designed and are of negative value and therefore their removal will enhance the heritage value of the site and have a positive impact.

1.8 The assessment and conclusions within the Heritage and Design Statement are broadly accepted, The Conservation Officer accepts that the quality of the Edwardian block is less than that of the main school and states that while it has some design merit on the courtyard elevation and has some internal features of interest, it does not present itself to the street frontage well and the quality of that elevation is considerably less. Contrary to the view of the Victorian Society, who consider that the demolition of the Edwardian block and single-storey range would be harmful to the setting of the principal Listed Building, your officers consider that the removal of the untidy relationship between the two buildings will improve the setting of the main building. Subject to the quality of the proposed new building, it is considered that the demolition of the existing building will improve the views of, the space around and setting of the Listed Building and that these benefits outweigh the loss of the building. The new building is considered in detail below.

1.9 Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features.

1.10 The scheme includes the conversion of the main Listed Building into 29 en-suite student rooms. The school building has been a Building at Risk for many years and the building requires some sensitive conservation work. There are damp issues in some rooms and there have been unsympathetic alterations to the inside of the building. Further to a request from the Conservation Officer, additional details of the treatment of the internal rooms and fanlights and details of where rooms are being separated down the central mullion have been received. The Conservation Officer has no objections to the works to the Listed Building subject to the imposition of conditions.

1.11 Taking into account the requirement for the decision-maker to pay special attention to such matters the loss of a curtilage Listed Building would improve the setting of the principal Listed Building and subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.

## 2. 16/00796/OUT – Full planning application for the conversion of part of the former Orme Centre into student accommodation (29 rooms) and outline planning permission for a new building for student accommodation (67 rooms)

2.1 Planning permission was refused last year for a similar scheme (Ref. 15/00700/OUT) on the following grounds:

1. The design of the new building would have an adverse impact on the setting of the Listed Building by reason of its scale, lack of interest, and bulk, and an overbearing impact on Orme Road having regard to the scale of its surroundings. The proposed development would therefore be contrary to Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy B5 of the Newcastle-under-Lyme Local Plan 2011, Policy HE2 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the aims and objectives of the National Planning Policy Framework (2012).
2. The significant additional on-street parking demand that is likely to be created by the development in this edge of town centre location close to a local primary school would lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development contrary to the aims and objectives of the National Planning Policy Framework (2012) and the Ministerial Statement of March 2015
3. In the absence of an Air Quality Assessment, it is not possible to determine if the residents of the proposed development would be exposed to levels of air pollution that may exceed acceptable levels. Therefore, the proposal fails to accord with Policy SP3 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Paragraphs 109 and 124 of the National Planning Policy Framework (2012) and the provisions of the National Planning Practice Guidance (2014).

2.2 In refusing the previous application for planning permission, no objection was raised to the principle of the proposed development, crime prevention and security considerations and issues of

flood risk. It is not considered necessary to address these issues again now. The main issues in the consideration of this application are:

- Is the proposed new building acceptable in terms of its impact on the setting of the Listed Building and on the character and appearance of the area?
- Would there be any adverse impact on residential amenity specifically in relation to air quality?
- Would there be any adverse impact on trees?
- Is enough parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?
- 
- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

3. Is the proposed new building acceptable in terms of its impact on the setting of the Listed Building and on the character and appearance of the area?

3.1 Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

3.2 The Urban Design Guidance Supplementary Planning Document states in Policy HE2 that new development must preserve or enhance the setting of any Listed Building. Development must ensure that:

- a. If the development is viewed in relationship with the Listed Building then the Listed Building, rather than the new development, should remain as the focus of those views, and it should not diminish the ability to appreciate the special architectural or historic interest of the listed building;
- b. It relates well to the Listed Building in terms of height, massing and scale;
- c. It maintains or improves the character of the street to which the Listed Building contributes;
- d. It must allow an appropriate amount and arrangement of space around the Listed Building to allow its special interest to be appreciated.

3.3 One of the reasons for refusal of the previous scheme was that it was considered that the design of the new building would have an adverse impact on the setting of the Listed Building by reason of its scale, lack of interest, and bulk, and an overbearing impact on Orme Road having regard to the scale of its surroundings.

3.4 The building now proposed would be sited 18m from the Listed Building approximately 4m from the boundary of the site with Orme Road. It would measure approximately 50m in length and a maximum of 16.5m in width. The building would have a pitched roof and would be a maximum of 13m in height with 3 storeys of accommodation in the main structure and a fourth floor in the roof space. The materials would comprise red brickwork and Staffordshire Blue clay tiles.

3.5 The applicant's agents have submitted a statement which summarises how the current scheme differs from that refused in the previous application. It states that replacing the flat roof of the previous scheme with a pitched roof has been the most significant change to the scheme and this was motivated by Members' clear preference for a more traditional building form. It is stated that this change has benefitted the scheme in terms of massing and scale. Instead of the previous arrangement of four storeys with a flat roof, a two-storey brick base is now proposed with a third storey as a lightweight glass clerestory and a fourth storey within the slope of the pitched roof. They consider that this articulation of the façade visually separates the roof from the masonry walls and creates a lighter, more varied appearance than before. They highlight that comparing the eaves of the current proposal (8.3m) to the main parapet of the previous flat-roofed scheme (12.8m), there has been a substantial reduction in scale. They state that the colour and texture of the traditional materials of red brick and clay tiles will reflect the appearance of the adjacent Listed Building as well as the wider townscape of Newcastle. However they highlight that this is a 21<sup>st</sup> century building and it is in the interests of good design not to stray into pastiche. These traditional materials will therefore be constructed and detailed in a crisp, contemporary way and the facades will incorporate large areas of grey metal framed glazing.

3.6 The Victorian Society objects to the proposals on the grounds that they consider that they would harm the significance and setting of the Listed Building. They state that their comments on the previous scheme remain relevant in which they raised concerns regarding the design of the new building.

3.7 A similar proposal was reviewed at the pre-application stage by the Urban Vision Design Review Panel. In comparison to the previously refused scheme, they felt that the long continuous pitched roof of the new building and the introduction of projecting dormers now emphasises the heavy massing of the new building and that its scale now competes with the Listed Building. They considered that the predominance of brickwork, the proposed use of clay tiles for the roof and the lead faced dormer windows exacerbate this bulkiness. The Panel suggested that the heavy cap to the building is not appropriate and suggested the use of crisper, well-crafted materials such as finely seamed zinc or lead for the roof which would be traditional and would respect the local vernacular but would appear lighter and subservient to the Listed Building.

3.8 In contrast however, the Conservation Officer states that the amended design is interesting and innovative and considers that efforts have been made to relate the design to the Listed school. There is concern that it may compete with the school so the clerestory should appear lightweight with clean crisp window reveals and gables with unfussy pointing and well-chosen bricks with a smooth finish. The proposal implies that there will be a limited palette of materials which is the right approach. She considers that the building has the potential to be a good piece of urban design set against the Listed building, opening it up and allowing better views creating a better setting for the former school given the removal also of unsympathetic extensions existing connections. The Conservation Advisory Working Party (CAWP) considers that the new build part of the scheme sits well with the existing Listed building and is more ambitious and thoughtful than the last design and more sympathetic with the existing surroundings.

3.9 Your Officer concurs with the Council's Conservation officer and CAWP and considers that with the variety and articulation in the elevations provides interest and that the lightweight glass clerestory and the crisp window detailing along with the reduction in the scale and massing compared to the previous scheme, will ensure that the building will not compete with the Listed Building, and will not diminish the ability to appreciate that building's special architectural or historic interest.

3.10 The proposed building is considered to be acceptable in terms of its scale, design and appearance. It would preserve the setting of the Listed Building and the statutory requirement to pay special attention to such matters is considered to be met. It is concluded that the reason for refusal of the previous scheme relating to design has been overcome.

#### 4. Would there be any adverse impact on residential amenity specifically in relation to air quality?

4.1 The site is in a busy location at the junction of the A525 Higherland, a main trunk road into Newcastle, and Orme Road. Despite concerns raised by the Environmental Health Division (EHD), no Air Quality Assessment was submitted in relation to the previous application and one of the reasons for refusal of that scheme was that in the absence of such an Assessment, it was not possible to determine if the residents of the proposed development would be exposed to levels of air pollution that may exceed acceptable levels.

4.2 An Air Quality Assessment has now been submitted which demonstrates that road traffic emissions from the surrounding road network will not exceed statutory levels at the development. The EHD has no objections to the proposal subject to conditions. On this basis, it is considered that the reason for refusal of the previous scheme relating to air quality has been overcome.

#### 5. Would there be any adverse impact on trees?

5.1 There are a number of trees within the site and the Landscape Development Section has concerns that the parking layout now proposed would have an impact upon existing trees. In particular, there are two visually prominent trees adjacent to Nos. 11 and 12, Buckley's Row. One (an oak) is shown to be removed and although the other (an ash) is shown to be retained, there are concerns that work within its Root Protection Area may have an adverse impact upon the health of the

tree. Additional information has very recently been received from the applicant and the Landscape Development Section whilst they have confirmed that they would not object to the removal of the oak (a Category C tree) this would be only on the basis of a suitable replacement tree being provided, and the successful retention of the prominent ash tree beyond). To achieve this tree's retention a significant change to the parking layout is going to be required, because the root protection area has not been correctly calculated, and a plan indicating this is now to be sought from the applicant.

6. Is enough parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?

6.1 The access to the site would be via a new access on Orme Road, closer to the Orme Road / Pool Dam junction than the present access point which would be closed.

6.2 In the previous scheme 6 parking spaces were proposed and one of the reasons for refusal of that scheme was that the significant additional on-street parking demand that is likely to be created by the development in this edge of town centre location close to a local primary school would lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development.

6.3 In this revised scheme as submitted, 21 spaces were now proposed. Based on the maximum parking standards in the Local Plan relating to student accommodation expected to be provided by Keele University (the closest comparison), the development should not be permitted to provide more than 24 spaces according to the Local Plan.

6.4 Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

6.5 The applicant has argued that the majority of, if not all, students resident at this site are likely to be based at Keele University which seeks to limit the bringing of vehicles onto campus. Given the University's policy and the limited finances of students, it is argued that it is highly unlikely that students living at this site will have regular access to a private car. In addition, it is suggested that the lack of any dedicated space for a car will also serve to discourage any students with a car. The applicant has also highlighted that the site is highly sustainable and very well connected to the University, Newcastle Town Centre and Stoke Railway Station. The development will include safe and secure cycle storage.

6.6 Your Officer's view is that there is a very good bus service between the town centre and the University Campus or Staffordshire University, and the site is in close proximity to the bus station providing bus services to other locations. Limited parking is available to students at Staffordshire and Keele Universities and which would influence students to leave any vehicle they may have at home. In addition there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

6.7 Whilst not objecting to the proposal, the Highway Authority, in addition to recommending a number of conditions including one requiring the submission approval and implementation of a Travel Plan to promote travel by sustainable transport modes, has however expressed some reservations that the proposal has the potential to create parking issues on nearby residential streets which are not covered by parking restrictions or Resident's Parking Zones. Therefore, they have recommended that a parking survey of residential streets be undertaken in an agreed area, followed by a second survey 12 months after full occupation to ascertain whether there are any parking issues. If the surveys demonstrate that the development has created parking issues then a Resident's Parking Zone could then be established with a sum of £50,000 which would be deposited by the developer through a legal

agreement. The requested Section 106 contributions will be considered in detail in Section 7 of the report.

6.8 The submission of a revised plan indicating, in order to successfully retain the visually significant ash tree, has been requested and it is expected that this will reduce the number of parking spaces somewhat, but there will still be more than in the previously refused scheme. A further report on this issue will be provided. Given the highly sustainable location of the proposed development and subject to appropriate planning conditions or planning obligations as recommended by the Highway Authority, it is not considered that the highway impacts of the proposal would be severe. It is considered that the reason for refusal of the previous scheme relating to lack of car parking has been overcome.

7. What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

7.1 In relation to the previous scheme it was concluded that no affordable housing and no education contributions should be required. There is no reason to reach a different conclusion now. However, a financial contribution towards public open space was considered to comply with both Section 122 and Section 123 of the CIL Regulations.

7.2 In considering the previous application, the Highway Authority requested both a travel plan monitoring fee and a contribution towards the establishment of a Resident's parking scheme and both were considered to comply with the CIL Regulations. In relation to this application, the Highway Authority is also requesting financial contributions towards the development of Real Time Passenger Information for bus services and the provision of a designated cycle route from Newcastle town centre to Keele University. However, given that these contributions were not considered necessary to make the previous scheme acceptable and this scheme provides significantly more parking spaces, and given that there have been no changes in planning policy since the previous application, it is not considered that it would be reasonable to request these additional contributions now.

7.3 To comply with policy therefore, a financial contribution of £93,408 to the enhancement and maintenance of Queen Elizabeth Park, a travel plan monitoring fee of £2,200 and a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems, would be required to make the development acceptable. However, a Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable. The assessment concludes that the development could support no financial contributions.

7.4 The NPPF states in relation to viability that 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 account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

7.5 It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

7.6 The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take

account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

7.7 The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to an independent valuer who has the skills required to assess financial information in connection with development proposals for further advice.

7.8 As indicated above the contributions being sought are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.9 Your officers are awaiting the receipt of a Report by the independent valuer setting out his appraisal of the development's viability and will report further on this issue.



## APPENDIX

### **Policies and Proposals in the approved Development Plan relevant to the decision on the application for Listed Building Consent:-**

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 \(adopted 2009\) \(CSS\)](#)

Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\)](#)

Policy B4: Demolition of Listed Buildings  
Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy B6: Extension or Alteration of Listed Buildings  
Policy B7: Listed Buildings – Change of Use

### **Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-**

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation  
Policy CSP6: Affordable Housing  
Policy CSP10: Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1: Residential Development: sustainable location and protection of the countryside  
Policy C22: Protection of Community Facilities  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy B3: Other Archaeological Sites  
Policy B4: Demolition of Listed Buildings  
Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy B6: Extension or Alteration of Listed Buildings  
Policy B7: Listed Buildings – Change of Use  
Policy T16: Development – General Parking Requirements  
Policy IM1: Provision of essential supporting infrastructure and community facilities

### **Other Material Considerations include:**

[National Planning Policy Framework \(NPPF\) \(2012\)](#) and Ministerial Statement on Parking (March 2015)

[Planning Practice Guidance \(NPPG\) \(2014\)](#)

[Supplementary Planning Documents \(SPDs\)](#)

[Affordable Housing SPD \(2009\)](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Developer contributions SPD](#) (2007)

#### Relevant Planning History

- 15/00700/OUT Full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (total of 94 rooms)  
Refused
- 15/01078/OUT Listed building consent for the alteration and selective demolition of part of the Listed Building  
Withdrawn

#### Views of Consultees

The Council's **Conservation Officer** states that the amended design is interesting and innovative and efforts have been made to relate the design to the Listed school. There is concern that it may compete with the school so the clerestory should appear lightweight with clean crisp window reveals and gables with unfussy pointing and well-chosen bricks with a smooth finish. The proposal implies that there will be a limited palette of materials which is the right approach. The building has the potential to be a good piece of urban design set against the Listed Building, opening it up and allowing better views creating a better setting for the former school given the removal also of unsympathetic extensions. The plan received which sets out amended details on the landscaping makes improvements to the access. More detail is needed on materials for the courtyard/parking areas and walls/edges.

The school building has been a Building at Risk for many years. The stonework particularly around the windows is in very poor condition and the building requires some sensitive conservation work. There are damp issues in some rooms and there have been unsympathetic alterations to the inside of the building. The proposed use is probably compatible with the existing building which has the potential to offer something different to the other student accommodation around the town centre. It needs to be ensured that the inserted floor in the hall doesn't have a negative impact on the appearance of the room. Conditions are recommended requiring further details of the treatment of the internal rooms and fanlights and details where rooms are being separated down the central mullion.

If the application for listed building consent is approved, conditions are requested regarding the conservation repairs and the kitchen extraction system required for the new kitchen in the hall.

The **Conservation Advisory Working Party (CAWP)** regrets the loss of the Edwardian building and feels that the justification for this loss is not sufficient. There was also some regret regarding the loss of the community use that this building used to have. Overall the relationship between the new build part of the scheme sits well with the existing Listed Building and is more ambitious and thoughtful than the last design and more sympathetic with the existing surroundings. The height is not considered excessive. With regard to the refurbishment of the existing building, there are concerns over the lack of internal detail for this scheme for example with regard to the plumbing, vents, sprinklers and overall management of the new spaces. New work should be in keeping with the character of the existing building and there are still concerns over the internal layout with regard to the window mullion junctions between the bedrooms and the suspended ceilings. Consideration of detail like this will determine how successful this refurbishment is and if it will be harmful to the special character of the Listed Building. If no assessment can be made due to a lack of detail the proposal should be deemed unacceptable.

The **Victorian Society** objects to the proposals due to the harm that their implementation would cause to the significance and setting of this nationally important building. They state that they commented on a similar scheme last year and are disappointed that this latest proposal presents many of the same findings. They object to both proposals and refer to their previous comments. In particular they are concerned at the unnecessarily and unjustifiably harmful interventions it continues to propose to the Listed Building. The damaging extent of internal subdivision remains as does the

proposed mezzanine, the inappropriate new French door arrangement and the excessive number of rooflights. None of these damaging interventions have been justified. The large number of bathrooms would also require a great deal of intrusive servicing and no details are provided. They are mystified too at the continued lack of information about the Edwardian block which forms part of the Listed Building and as such there exists a statutory presumption in favour of its retention. A more detailed appraisal of the building's significance should be provided. The loss of the Edwardian building could potentially be justified were the retained block to be treated in an exemplary fashion.

Their previous comments (in relation to 15/00700/OUT & 15/01078/LBC) were as follows:

*The proposals would be harmful to the character, appearance and setting of the listed building. Their main concerns lie in the proposed treatment of the listed building. As proposed it would entail the over-intensive subdivision of the spacious interiors, in several cases with partitions cutting crudely through attractive windows. Mention is made of some or all of these rooms being en-suite but details of this are not shown. The former schoolroom is the building's most important space and it is essential that any conversion preserves its single open volume. Instead the application proposes an inappropriate mezzanine that would substantially erode its spatial integrity. Externally, the removal of the later rear infill additions would be beneficial but the insertion of French-door style openings would harm the distinctive character and appearance of the building. The insertion of rooflights on the front roof slopes would also prove harmful intrusions. Any new openings required should be limited to the rear roof slopes.*

*The demolition of the curtilage-listed Edwardian block and single-storey range would be harmful to the setting of the principal Listed Building. No information is submitted indicating the quality, interest or intactness of their interiors. The Edwardian block appears perfectly well suited to residential conversion and this option should be further explored. However, the removal of these buildings could be justified were it to allow the construction of a new accommodation building of a sufficient size to render the intensive and harmful subdivision of the Listed Building unnecessary. In design the proposed new block is totally devoid of any of the positive characteristics and qualities of the Listed Building; it lacks interest, drama, liveliness and visual appeal, and is formed of a crude bulky mass and poor quality materials. It shows apparently no regard for the former Orme School or the area's rich architectural heritage and would be detrimental to the school's setting. The principle of a new block on this site could be acceptable (depending on the feasibility of reusing the Edwardian block) but only if the Listed Building and its setting is respected.*

*Attention is drawn to historic depictions of the school which indicate that the 1850's block was once adorned with ornate features and the reinstatement of these missing elements would constitute a heritage benefit that could mitigate some of the harm elements the application would cause.*

*In summary, the Society objects due to the harm the scheme would cause to the significance of this nationally important building. In particular, they object to the crude and damaging subdivision of much of the listed building's interior, in particular the main school room, as well as the poor external alterations proposed. The application should be refused.*

The **County Archaeologist** states that their comments in relation to 15/00700/OUT remain applicable in relation to this new scheme. In their previous comments they observed that the development proposals lie within Historic Urban Character Area 25 "Pool Dam and Higherland" which identifies that this site may have formed part of Newcastle's earliest suburban development in the medieval or early post medieval period. By the late 18<sup>th</sup> Century this was the location of the borough gaol lying to the rear of the workhouse created from the conversion of earlier buildings. The footprint of the new student accommodation building will be located partly on the site of the existing one-storey building and within the car parking area. These proposals partly lie within an area not currently developed and consequently there remains the potential for the groundworks associated with this development to impact upon surviving below ground archaeological remains. Taking into account the impact of the proposals on this site of historic and archaeological interest a programme of archaeological works should be undertaken should planning permission be granted.

The **Highway Authority** has no objections to the proposal subject to conditions requiring occupation by students only, completion of the access, parking and turning areas, submission of details of off-site highway works, details of surfacing materials and drainage for the access and car park, delineation of

parking bays, a car park management scheme, closure of the existing access, car park to remain un gated, details of secure weatherproof parking for a minimum of 48 cycles, submission and approval of a Travel Plan and submission and approval of a Construction Method Statement.

Section 106 contributions totalling £67,200 are required towards travel plan monitoring, Real Time Passenger Information for bus services, provision of a designated cycle route from Newcastle town centre to Keele University and for parking surveys and the implementation of Residents' Parking Zones or parking restrictions if deemed necessary.

**Severn Trent Water** has no objections subject to a condition requiring the submission, approval and implementation of drainage plans for the disposal of foul and surface water flows.

The **Environment Agency** has no objections subject to a condition regarding contamination.

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, glazing specification, noise assessment, noise from plant and mechanical ventilation, details of ventilation, external artificial lighting and waste storage and collection.

The **Landscape Development Section** states that the new layout of the site will have an impact upon existing trees and therefore requests additional information, namely a tree survey, Root Protection Areas plotted on the site layout and an Arboricultural Implications Assessment. Notwithstanding this, full landscaping proposals should be secured by way of a condition and a Section 106 (contribution) would be required for nearby Public Open Space.

The **Crime Prevention Design Advisor** has no issues with the principle of the proposal but states there is a paucity of information in relation to security and student safety. Students can be attractive targets for offenders so it is important that this proposed development guards against this. As well as guarding against acquisitive crime, measures should promote student safety. Before approving this application, the local authority should satisfy itself that a comprehensive security strategy with a range of security measures will be in place, in an effort to provide the students with accommodation within which they will be and will feel safe and secure. Currently the application fails to demonstrate that this will be the case.

No comments have been received from the **Local Lead Flood Authority**, **United Utilities**, the Council's **Waste Management Section**, the **Society for the Protection of Ancient Buildings**, the **Council for British Archaeology**, the **Twentieth Century Society**, the **Ancient Monuments Society** and the **Newcastle South Locality Action Partnership**. Given that the period for comment has now expired, it must be assumed that all of the above have no comments to make.

#### Representations

One letter of representation has been received from **Thistleberry Residents' Association** making the following comments:

- The revised application appears to be slightly more sympathetic to both context/setting and surroundings however the new building still appears to be too dominant
- Before the application goes to Committee it is important that the materials are decided upon and agreed rather than left to a condition
- 3D images should be available
- The air pollution recommendations in the Air Quality Report should be fully implemented
- Traffic flow and parking issues are already an issue on this corner so with only 24 car parking spaces this could exacerbate the problem

#### Applicant's/Agent's submission

The applications are accompanied by the following documents:

- Heritage Statement
- Highway Parking Statement

- Noise Assessment Report
- Air Quality Assessment
- Bat Survey

All of these documents are available for inspection at the Guildhall and as associated documents to the applications via the following links

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00796/OUT>  
and  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00798/LBC>

### **Background Papers**

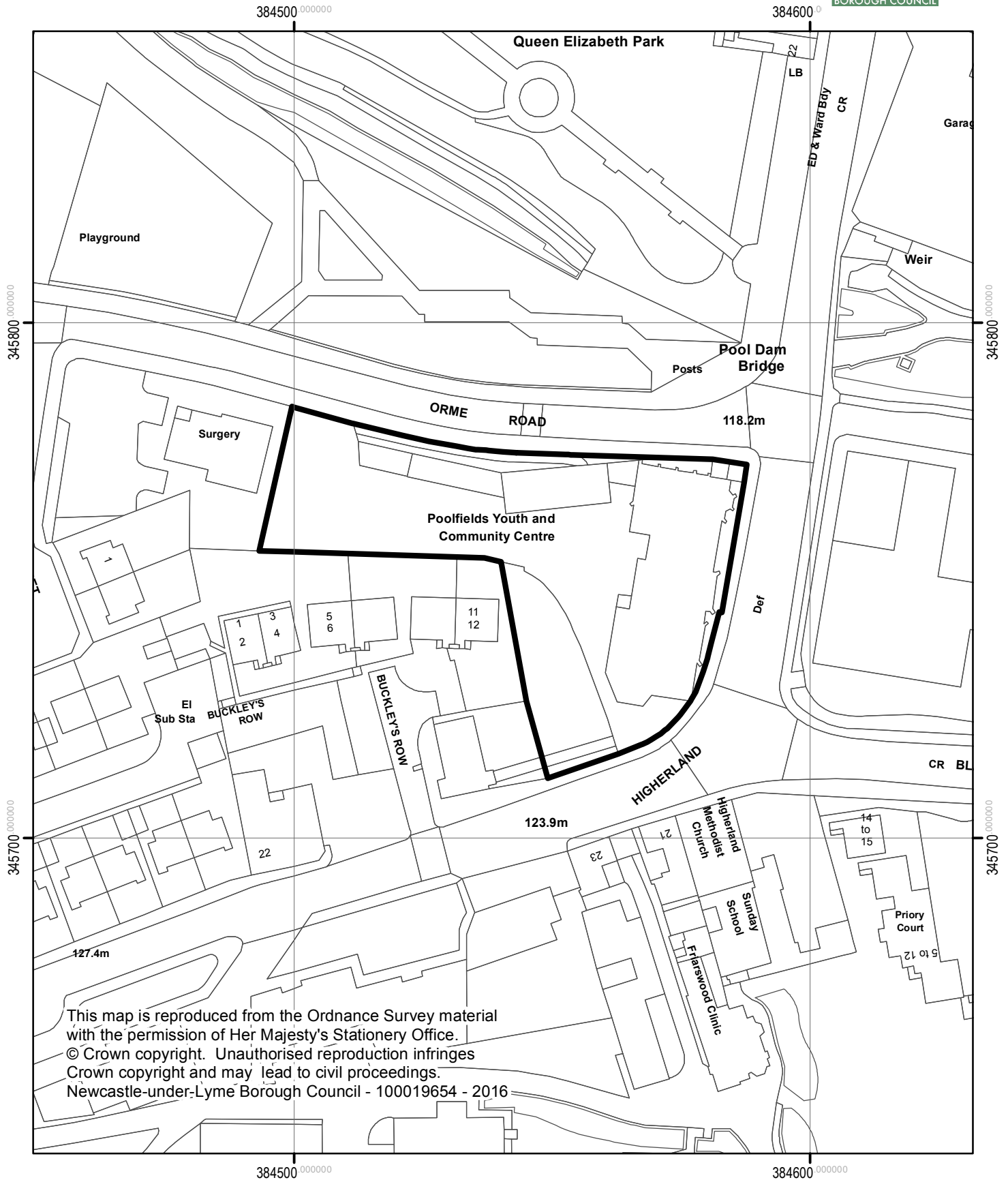
Planning files referred to  
Planning Documents referred to

### **Date report prepared**

12<sup>th</sup> April 2017

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**Former Orme Centre  
Orme Road , Newcastle  
16/00796/OUT and 16/00798/LBC**



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**SITE OF THE FORMER SILVERDALE COLLIERY, SILVERDALE**  
**DAVID WILSON HOMES**

**17/00097/FUL**

The application seeks to vary condition B8 of planning permission 06/00337/OUT which granted:

- A. Full planning permission for engineering and remediation works in preparation for redevelopment for housing, community uses and greenspace; and associated landscaping; and
- B. Outline planning permission for the erection of buildings for residential and community uses, with all matters of detail reserved for subsequent approval with the exception of the access points into the site from Scot Hay Road.

Condition B8 as worded in the decision notice is as follows:

*Prior to the commencement of development details of the following shall be submitted to and approved in writing by the Local Planning Authority:*

- *The provision of 2 Locally Equipped Areas for Play (LEAPs) and 1 Neighbourhood Equipped Area for Play (NEAP) which shall be designed as an integral part of the residential development of the site.*
- *At least one junior and one senior football pitch, associated changing facilities and parking*
- *A programme of works identifying the timescales for the provision of the LEAPs, NEAP and football pitches.*

*The LEAPs, NEAP and football pitches shall be provided in accordance with the approved details.*

The reason given for the condition within the decision notice was;

*To ensure adequate open space provision to meet the requirements of the development; to ensure that adequate sporting provision is made to meet identified needs of the community; and in accordance with Policies R1 and R6 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2001, Policies C4 and C7 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of PPS1 and PPG3.*

A single LEAP and a NEAP have been provided within the development. In addition a further play area has also been provided, adjoining the former Railway Line and next to the link to the village via Station Road, that contains a slide and path/cycleway. This area is not considered to constitute a LEAP and as such condition B8 has not been complied with as only one LEAP has been provided. The applicant is seeking to retain the play spaces as currently and as such a variation of the condition is sought to address the current breach of condition.

**The 13 week period for this application expires on 23<sup>rd</sup> May 2017.**

## **RECOMMENDATIONS**

- A. REFUSE - in the absence of a second Locally Equipped Area for Play 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 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.**

### **Reason for Recommendations**

The provision of a further Locally Equipped Area for Play (LEAP), in addition to the current LEAP and NEAP (Neighbourhood Equipped Area for Play) is required to meet the needs of the occupiers of this development and to accord with saved Local Plan policy C4 and as such the proposed variation of condition B8 to enable the retention of the informal play area provided in lieu of the second LEAP is unacceptable. As the development has been completed, and all the dwellings have been constructed, it is necessary and expedient that enforcement action is taken to secure the second LEAP within a reasonable time period, having regard to the provisions of the development plan and all other material considerations.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of this development.

### **Key Issues**

Outline planning permission for residential development was granted for part of the site of the former Silverdale Colliery in 2007 (06/00337/OUT). One of the conditions, B8, set out requirements with regard to play and sporting facilities that were to be provided in association with the permitted residential scheme. In terms of play, as indicated above, the condition specified that two Locally Equipped Areas for Play (LEAP) and one Neighbourhood Equipped Area for Play (NEAP) were to be provided in accordance with details that were approved prior to the commencement of the development, designed as an integral part of the development.

In 2010 a reserved matters application for 300 dwellings was permitted (09/00698/REM). The approved plans showed a LEAP off the internal access roads now named Sutton Avenue and Piren Green. A second LEAP was shown off Sutton Avenue adjoining the former railway line, close to Station Road. A circular amenity space, shown to be mown grass and indicating a pitch was included within the green space that runs in an approximate north-south direction through the site. In granting reserved matters approval the play areas indicated on the submitted plans were permitted and accepted as providing the required LEAPs and NEAPs.

The NEAP and the Sutton Avenue/Piren Green LEAP have been provided in accordance with the approved plans and notwithstanding comments received regarding the adequacy of these areas they cannot be reconsidered in the determination of this application. The second LEAP close to Station Road has not been provided as approved, however. What has been provided is a figure of eight shaped footpath/cycleway around a mound incorporating a slide. The applicant seeks to retain this informal play area which requires an amendment to condition B8 so that it refers to the provision of a LEAP, NEAP and informal play area.

In deciding the application the Authority must only consider the condition in question; it is not a complete reconsideration of the application. The effect of a grant of permission upon an application to vary a condition is to create a new planning permission.

The key issues for consideration in the determination of this application are whether the play provision within this development is adequate for the number of houses within the development i.e. is a second LEAP required to meet the needs of the development.

*Is play provision adequate?*

The outline and reserved matters applications for this site were determined in a different policy context than now, as the Regional Spatial Strategy and Staffordshire and Stoke-on-Trent Structure Plan still existed at that time. It is, however, necessary to assess the play provision requirements for this development of 300 dwellings at this time, and whether what is currently provided is adequate, within the current policy context.

Policy CSP5 of the Core Spatial Strategy indicates that the area's open space, sports and leisure assets will be enhanced, maintained and protected through measures including ensuring that all new residential development will be linked to existing and new open spaces and sport and recreation facilities through a series of well-defined safe routes/streets, incorporating pedestrian friendly routes and cycle ways. In the supporting text reference is made to the provision of good quality parks and green space as being an essential element in creating sustainable communities. Policy CSP1 refers to new development having public spaces, being well designed and contributing positively to healthy lifestyles.

Saved Local Plan policy C4 indicates that publicly accessible open space must be provided pro rata at a scale of 0.1 hectares for each 50 houses. It also indicates that appropriate play equipment must be provided within new housing areas with 100 or more dwellings, taking a gross figure for all contiguous development areas. The amount of equipment required will be appropriate to the size of the development. In terms of the quality of play space, the local standards are set out in the Green Space Strategy which amongst other things specifies that at least five pieces of play equipment should be provided (in a LEAP).

Very recently, at Cabinet on 22<sup>nd</sup> March 2017, an Open Space Strategy (replacing the Green Space Strategy) was adopted following public consultation. The Strategy has been prepared as part of the preparation of the new Joint Local Plan and anticipates that the formula for assessing the open space requirements for development will be adopted in the new Joint Local Plan. At this stage, prior to the setting of open space requirements, it is considered that this document has limited relevance to the determination of the planning application.

Therefore the key policy which quantifies the level of play space to be provided within residential development is saved Local Plan policy C4 and the local standards in terms of quality is specified in the Green Space Strategy.

Policy C4 clearly specifies for a development of this size play equipment must be provided appropriate to the scale of the development. Given that there are 300 dwellings the provision of two appropriately equipped LEAPs as well as a NEAP is justified and supported by policy. The lack of a second LEAP results in the development being underprovided for in terms of play, in the absence of any alternative to on-site provision having been made such as a contribution towards improvements to play areas in the area that existed at the time that the development took place. Taking into account that the amount of open space within the development could accommodate a second LEAP it is reasonable to require its provision within the site. For this reason, and taking into consideration that access to such existing, older play areas would all involve crossing main roads the alternative of securing a financial contribution towards improvement of these play areas is not supported in lieu of on-site provision.

The recommendation is therefore that the application should be refused and the requirements of condition B8 of 06/00337/OUT remains as imposed when planning permission was granted.

### *Enforcement Action*

A breach of planning control has taken place and in light of the recommendation to refuse the variation of the condition in the manner applied for thereby regularising this breach of planning it would be appropriate to take enforcement action to secure compliance with the requirements of condition B8. If the recommendation to refuse the application is accepted by Planning Committee it is therefore also necessary for Committee to resolve that the necessary enforcement action is undertaken to secure the provision of a second LEAP which accords with the local standards for a LEAP as set out in the North Staffordshire Green Space Strategy which, amongst other things, specifies that at least five pieces of play equipment are provided, within a period of six months. Having regard to the provisions of the development plan and to all other material considerations it is considered expedient that such enforcement action should now be taken.

## APPENDIX

### **Policies and proposals in the approved development plan relevant to this decision:-**

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy CSP1: Design Quality  
Policy CSP5: Open space/Sport/Recreation

Saved policies in the [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy C4: Open Space in New Housing Areas

### **Other Material Considerations include:**

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

[Open Space and Green Infrastructure Strategies \(adopted March 2017\)](#)

### Relevant Planning History

Planning permission reference 06/00337/OUT was granted in 2007. There have subsequently been a number of applications to vary conditions; however none are of particular relevance to the current application. In 2010 approval of reserved and other matters was granted for a housing development of 300 dwellings under reference 09/00698/REM.

### Views of Consultees

**Silverdale Parish Council** objects to the application on the following grounds:

- There is insufficient play equipment on the development with only one LEAP at Piren Green, which is aimed at children who can go out to play independently. This is locked and inaccessible. Due to the layout and design of the equipment it creates an opportunity for individuals to overlook neighbouring properties. This area should be redesigned with the input of the Police Architectural Liaison Officer and controlled access provided
- Planning permission was granted with the requirement that 2 LEAPs, 1 NEAP and informal play is provided within the development. These are still required as an integral part of the overall development to promote good health and wellbeing in the community.
- There are no other options for play facilities without children having to cross either Scot Hay Road to access the play area on Parksite (10 minute walking distance); or both Scot Hay Road and Pepper Street to access the play area off Underwood Road (10 minute walking distance); or the High Street, the busiest road in the village to access the Racecourse (20 minute walking distance).
- The requirements of the planning permission with regard to play areas should be met on the site

The **Landscape Development Section** do not support the application. The amount and positioning of open space on the approved plans meets Fields in Trust Standards but the detail, i.e. the level of equipment, is insufficient and would not meet the NEAP and LEAP definitions found in the Fields in Trust Guidance. The incomplete LEAP is well used and could accommodate the required play equipment along with seats, bins and signage. The bridge that has been provided in the space is of concern as it has no sides, the dip was holding water when visited; and it may be located within the run-off zone for the slide.

Their concerns about the level of provision are set out below:

- Equipment for play (especially older children) is lacking in general on this site in terms of quantity and quality.

- The NEAP does not meet the required equipment standards.
- No evidence of a significant anti-social behaviour issue has been submitted with this application and the Area Partnerships Team does not consider the incomplete LEAP to be a 'hot spot' for anti-social behaviour.
- The incomplete LEAP is well positioned being overlooked by nearby houses and there is adequate space to accommodate the additional equipment needed.
- No evidence of any investigations into any alternative solutions to help to address the anti-social behaviour issues has been provided.

The views of the **Police Architectural Liaison Officer** have been sought and will be reported.

#### Representations

31 objections have been received raising the following concerns:

- The play equipment provided within the development is inadequate and not what was promised by the developer.
- It is understood that second LEAP was not provided due to complaints about anti-social behaviour, but no such problems have been witnessed.
- Given that the second LEAP was never completed its impact on residents could not be detailed.

One letter of support has been received making the following comments:

- The slide and track provided are constantly used by children.
- There have been problems with anti-social behaviour and the introduction of benches and swings would provide more reason for people to congregate and more problems would arise.

#### Applicant's/Agent's submission

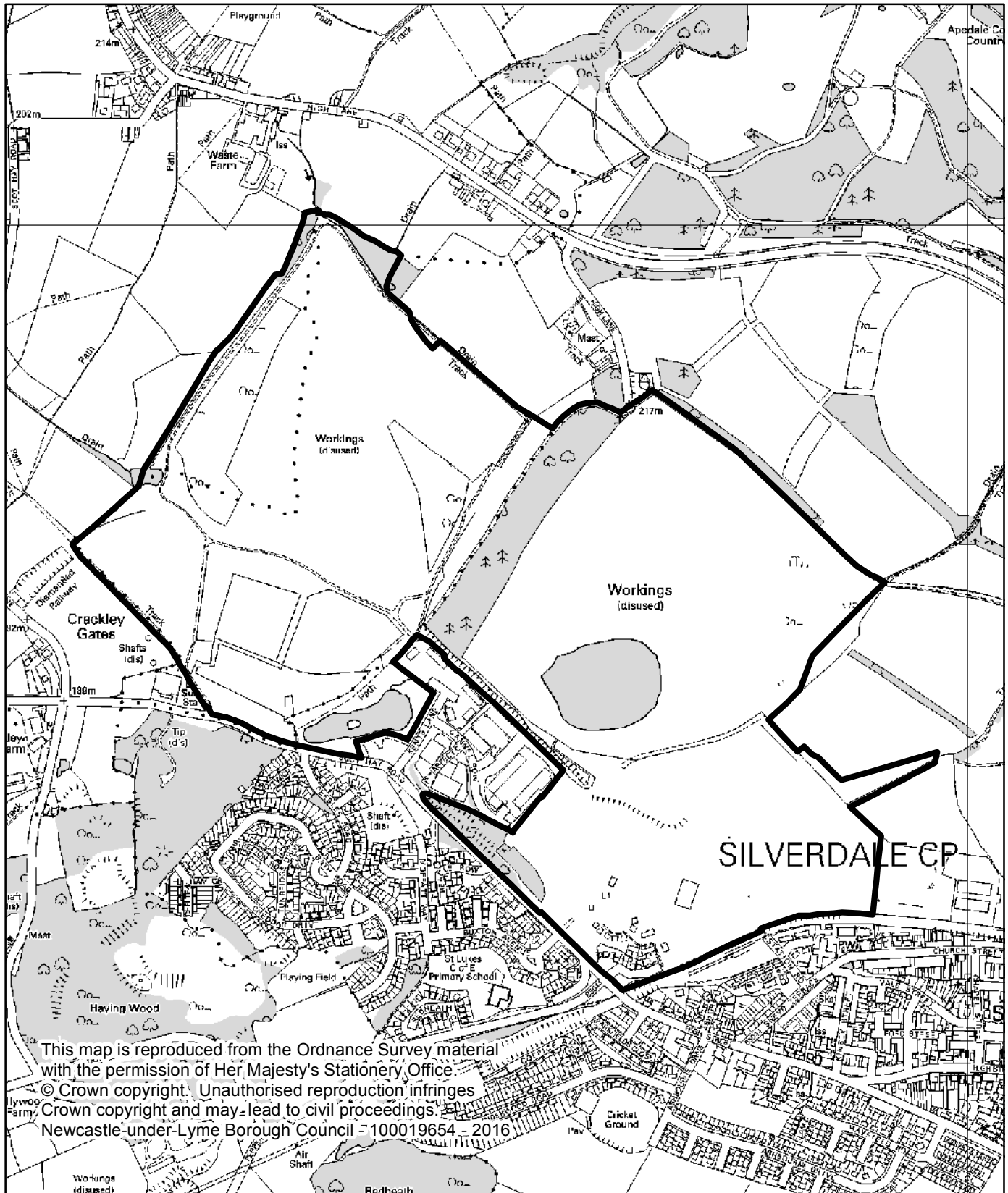
The application form and location plan and supporting information are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00097/FUL>

#### Background papers

Planning files referred to  
 Planning Documents referred to

#### Date report prepared

10<sup>th</sup> April 2017



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# Agenda Item 8

**FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB, 72, HIGH STREET, NEWCASTLE**  
**MODULTEC INTERNATIONAL LTD**

**17/00174/FUL**

The application is for full planning permission for the demolition of the former Savoy Cinema and the erection of a 13-storey student accommodation building comprising 227 units.

Pedestrian access to the site would be via The Midway and High Street. No parking provision is proposed within the site. Cycle storage for 116 cycles is proposed.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The nearest Listed Building to the application site is the Guildhall.

**The 13 week period for the determination of this application expires on the 1<sup>st</sup> June 2017.**

## **RECOMMENDATION**

- A) Subject to the applicant entering into a Section 106 obligation by 30<sup>th</sup> May 2017 to provide a free bus pass to each student for travel to the Campus at Keele University, Staffordshire University, Stoke-on-Trent College or the Royal Stoke University Hospital, and to secure financial contributions of £220,871 towards the enhancement of public open space, £2,200 towards travel plan monitoring, £8,000 towards the ongoing maintenance of the Real Time Passenger Information system for bus services, £11,600 towards improvements to the cycle route from Newcastle town centre to Keele University, and a sum yet to be determined towards public realm improvements in the vicinity/town centre

Permit, subject to conditions relating to the following matters:-

- Commencement time limit
  - Approved plans
  - Report of unexpected contamination
  - Construction hours
  - Construction environmental management plan
  - Noise from plant and mechanical ventilation,
  - Ventilation provision to habitable spaces
  - Glazing specification
  - Details of proposed generator
  - Occupation by students only
  - Cycle parking in accordance with approved details
  - Travel plan
  - Facing and surfacing materials
  - Sample panel to be retained on site
  - Detailed surface water drainage scheme
  - Archaeological evaluation
  - Building recording survey
  - Cladding cleaning arrangements
  - Provision of security measures to alleyway including a gate
  - Security measures to the building
- B) Should the above Section 106 obligations 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 matters being secured the public open space needs of the development would not be met, the development would fail to ensure it achieves sustainable development outcomes and the public realm improvements required to secure an appropriate context for the development / strong sense of place / inclusive development would not be achieved; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

## **Reason for Recommendation**

The site is located in a highly sustainable location within Newcastle town centre. The benefits of the scheme include the provision of such accommodation within an appropriate location making use of previously developed land. The introduction of student accommodation in this location should also benefit the town centre, making it a more vibrant place. Given that the existing building is not statutorily Listed, is not on the Council's Register of Locally Important Buildings and Structures and is identified on the Townscape Appraisal Map in the Conservation Area Character Appraisal (CACA) as having a negative impact on the Conservation Area, it is not considered that an objection could be sustained to the loss of the building on the grounds of impact on the character and appearance of the Conservation Area. Although it is considered that the development would have some adverse impact on the skyline of the town centre in long distance views, the landmark Listed Buildings of St. Giles' Church and the Guildhall would remain prominent and distinctive on the skyline. It is considered that with the stepping down of the building towards the High Street, the development would be of an

acceptable scale and massing that would preserve the character and appearance of the Conservation Area and would have no adverse impact on the setting of the Listed Buildings. The statutory requirement to pay special attention to such matters is considered to be met. Acceptable residential amenity would be provided for the occupiers of the building and given the highly sustainable location of the proposed development, it is not considered that the lack of parking within the application site would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

Subject to suitable conditions and S106 obligations as indicated above, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

Officers have worked with the applicant to address all issues and the application is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

Full planning permission is sought for the demolition of the former Savoy Cinema and the erection of a thirteen-storey student accommodation building comprising 227 units, communal areas, a laundry and bike storage.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The nearest Listed Building to the application site is the Guildhall which is Grade II Listed.

Earlier this year a similar application for the demolition of the former Savoy Cinema and the erection of a 12-storey student accommodation building comprising 174 units, communal areas, a laundry and bike storage was withdrawn (16/00933/FUL).

The main issues in the consideration of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?
- Are acceptable residential amenity levels achieved for the occupiers?
- Are crime prevention/security considerations appropriately addressed within the development?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?
- What, if any, planning obligations are necessary to make the development policy compliant?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

**1. Is the principle of the proposed development on the site acceptable?**

1.1 As indicated above the proposal is for residential accommodation specifically for students. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

1.2 Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

1.3 Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

1.4 The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

1.5 The SPD places the application site within the Town Centre Historic Core where any development opportunities would be likely to be infilling and intensification, with special attention to conservation. It also states that retail activities must continue to predominate. This site is set back from the Prime Frontage of the Primary Shopping Area which is where the SPD states that pure retail should dominate.

1.6 This is a previously developed site in a highly sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

1.7 The residential accommodation proposed if restricted to students only and in the absence of evidence that it would release housing onto the market elsewhere within the borough will not contribute to the supply of housing land, which can be taken into account when calculating the 5 year supply of deliverable housing sites within the Borough. However, it is still relevant to the consideration of the application that the Council is currently unable to demonstrate such a supply. In light of this, as set out in paragraphs 49 and 14 of the NPPF, the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a highly sustainable location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

1.8 On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

## 2. Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?

2.1 Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

2.2 The proposed development includes the demolition of the former Savoy Cinema, a large brick building constructed in 1913. Most of the internal features have already been lost but an Art Nouveau panel which is currently located over the main entrance would be retained as part of the entrance to the new building.

2.3 The NPPF states that the effect of a proposal on the significance of a designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

2.4 NLP Policy B11, a policy that broadly accords with the NPPF approach, states that consent to demolish a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:-

- i. The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area.
- ii. Detailed plans for redevelopment are approved where appropriate.
- iii. An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

2.5 The building to be demolished has been vacant for 12 years and has fallen into a state of disrepair. The Heritage Statement submitted with the application states that the building is a non-designated asset which is not recognised by the Council in the CACA as contributing to the character of the Conservation Area. It concludes that the loss of the building would result in a slight adverse impact to the significance of the Conservation Area and states that it is likely that a programme of historic building recording would be expected prior to demolition in order to record all historic elements of the building and to make a permanent record of the structure.

2.6 The Victorian Society strongly objects to the demolition of the Savoy which they consider would cause irreversible harm to the special interest of the Conservation Area and would entail the loss of an important building. In relation to the previous application which has been withdrawn (Ref. 16/00933/FUL), Historic England stated that the former cinema has some evidential, historic and communal value and therefore makes a positive contribution to the story of the town centre and the Conservation Area. However, both the Council's Conservation Officer and Staffs County Council Archaeology raise no objection to the loss of the building subject to an appropriate level of building recording.

2.7 The building is not statutorily Listed, is not on the Council's Register of Locally Important Buildings and Structures and it is identified on the Townscape Appraisal Map in the CACA as having a negative impact on the Conservation Area. Subject to the imposition of a condition requiring a building recording survey, your Officer does not consider that an objection could be sustained to the loss of the building on the grounds of impact on the character and appearance of the Conservation Area unless it is concluded that the proposed redevelopment is not appropriate. This issue is considered below.

2.8 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

2.9 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.10 NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas and Policy B10 lists a number of criteria that must be met in ensuring that the character and appearance of a Conservation Area is preserved or enhanced. These include inter alia that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis respect the characteristics of the buildings in the area; and that open spaces important to the character or historic value of the area are protected. NLP Policy B14 states that in determining applications for building in a Conservation Area, special regard will be paid to the

acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.11 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

2.12 The site slopes up from the Midway towards High Street, but does not itself front onto the High Street, being set behind the buildings occupied by Clinton Cards and the HSBC (No's 70 and 74 High Street). To the south-east of the site on the same side of the Midway there are two and three storey buildings, to the north-west is the Roebuck Centre building and overbridge, and to the south is Blackburn House which is 8 storeys in height and the Midway multi-storey car park. Overall there is a varied context within which the proposed building is set in terms of the scale and height of the buildings.

2.13 The proposal is to construct a 13-storey building of between 26m and 35.5m in height. It would be constructed from a series of modular units which would be pre-fabricated off site. The lower ground floor would be accessed from the Midway and would comprise a lobby/reception at the entrance and the main services for the building including the plant room, laundry, bike storage and refuse room, and a games room. The external Midway entrance would also feature the Art Nouveau panel which is currently located over the main entrance. The upper ground floor would be accessed from High Street and would comprise 18 rooms, a study area, a large communal area and IT zone. Levels 1-9 would comprise 20 studios per floor which feature en-suite bathrooms and kitchenette facilities and level 10 and 11 would have 18 and 11 studios respectively.

2.14 The materials would comprise stone effect cladding in mineral chalk and matte bronze. To achieve an appropriate balance between the ratio of glazing and cladding materials the window reveals would be chamfered and recessed back into the façade to give interest and modelling to the face of the building.

2.15 The previous scheme for this site (16/00933/FUL) was withdrawn further to concerns expressed by Officers regarding the height of the building and the impact of its scale, massing and design upon the character and appearance of the Newcastle Town Centre Conservation Area, and the setting of surrounding heritage assets. This revised scheme seeks to address these concerns by stepping down and reducing the height of the roof line. As a consequence the building is reduced in height by up to 9.2m compared to the previous proposal. The floor to floor storey heights have been reduced and the top two stories are stepped back to further reduce visual scale.

2.16 The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

2.17 The SPD states that while elsewhere there are opportunities for taller buildings on suitably located sites, the historic core is very sensitive, and runs the risk of being undermined by buildings that are too high or too low. It states that the need to safeguard important views will also be a key issue on determining acceptable heights. It goes on to state that existing landmark buildings and features provide orientation within the town and are important at both a strategic and local level. They should be protected and enhanced and so new development should not detract, nor compete with them. Important views should not be obscured. Both St. Giles' Church and the Guildhall are identified as existing tall landmark buildings which are Listed.

2.18 As the site is located within the Town Centre, views would generally be screened by existing development. The lower floors would only be visible from the Midway and from many other locations, the development would be either screened by intervening development or would be viewed in the context of the existing development including the Vue Cinema, Morston House, Blackburn House (now known as Keele House), and Midway Car Park.

2.19 A Visual Impact Assessment has been submitted which provides photomontages (some of which are to be found within the Design and Access Statement) designed to show the impact of the proposed building from a number of viewpoints within and around the town. In relation to the withdrawn scheme, your Officers were particularly concerned about the impact on views from Hassell Street adjacent to the Bus Station and from the eastern side of High Street southwards of its junction with Hassell Street. Due to the stepping down of the building towards the High Street, the impact of the proposal from these viewpoints has been significantly reduced. From the junction of High Street with Hassell Street, the building would be almost wholly screened by existing intervening development and from by the Bus Station, the stepped roof would assimilate the building more effectively within the surrounding development.

2.20 The Conservation Officer considers that there has been a significant reduction in the scale and massing of the building compared to the withdrawn scheme and is satisfied that from the Guildhall and within Character Area 1, the building will no longer be as visible within the skyline. It is considered that the varied roofline also reduces the visual impact from around the Town Centre and whilst there may be some harm from further away due to impact on the skyline of the historic town centre, the magnitude of that harm is dramatically reduced by the changes in the design. From longer distance views such as from Stubbs Walk to the proposed building would not dominate the view as it did previously with the height reduction and step down away from High Street.

2.21 Historic England is pleased to note the reduction in height of the proposed building compared to the previous scheme. They were extremely concerned by the impact of the previous scheme on key views within the Conservation Area and the uncomfortable juxtaposition with the Grade II Listed Guild Hall. Whilst they acknowledge that the current proposals will still have some impact, they consider that the revised scheme represents a significant improvement.

2.22 Urban Vision Design Review Panel (UVDRP) noted that the overall height of the building has now been reduced and the visual appraisal clearly indicates a reduced impact on the surrounding area and on views towards the building. They consider that the scheme has responded well to the Panel's concern over its overall design and the materials previously proposed. They state that the rationalisation of window design and the use of a simple, high quality palette of contemporary materials should help to reduce the visual impact.

2.23 Your Officer considers that although the development would have some adverse impact on the skyline of the town centre in long distance views, particularly in views from Stubbs Walk, the landmark Listed Buildings of St. Giles' Church and the Guildhall, would remain prominent and distinctive on the skyline and their profiles would not be lost against the outline of the proposed building. Your Officer concurs with the views of the Conservation Officer and Historic England and considers that with the stepping down of the building towards the High Street, the development would be of an acceptable scale and massing that would preserve the character and appearance of the Conservation Area and would have no adverse impact on the setting of the Listed Buildings. The statutory requirement to pay special attention to such matters is considered to be met.

2.24 Both Historic England and the Conservation Officer state that it is essential that the principles referred to in the Design and Access Statement and techniques such as chamfered window reveals are carried forward to the final scheme and that the architectural details, materials and finishes are of the highest standard. The UVDRP also state that the deep recessing of windows and the chamfered reveals is a welcome development but that it does not translate well into the plans.

2.25 The applicant has submitted revised elevations. The thickness of the external walls has been increased by 100mm so that the chamfer on the cladding at the reveals is more prominent. The materials would comprise stone effect cladding in mineral chalk and matte bronze. Sample panels will be available for Members to view at the Committee meeting. It is considered that sufficient detail has been submitted to enable the application to be appropriately considered and any additional detail can be required by conditions.

### 3. Are acceptable residential amenity levels achieved for the occupiers?

3.1 The application site is located within the Town Centre in between the Midway, a road within the ring road that primarily provides access to the Midway car park and to service areas, and the High Street, a pedestrianised shopping street. The site is not within a residential area and as it does not directly adjoin any residential properties, it is not considered that it will result in the loss of amenity for any nearby residents.

3.2 The area is predominantly commercial in nature and therefore external noise levels from road traffic noise, noise from external air handling plant and night time noise during the weekend are likely to affect the living conditions of the occupiers of the development. The application is accompanied by a Noise Impact Assessment which concludes that through the incorporation of noise mitigation into the design of the building, acceptable noise levels would be achieved within habitable areas. The Environmental Health Division (EHD) has no objections from a noise perspective subject to conditions.

3.3 Regarding air quality, the EHD initially raised concerns regarding a generator that would be located beneath bedrooms. Further information has been submitted clarifying that the generator is intended to provide for the operation of the lifts and other necessary systems only in the case of failure of electrical supply to the building and on this basis, the EHD has no objections subject to the imposition of a condition.

3.4 The UVDRP express concern that the reduction in the height of the building has resulted in a reduction of communal space and the inclusion of habitable rooms at ground and lower ground floors in unacceptable locations. They raise concerns that the quality of life for residents occupying these rooms would be poor.

3.5 Revised plans have been submitted omitting the rooms originally proposed on the lower ground floor. They have been replaced by a games room to provide additional communal amenity space. Your Officer is satisfied that sufficient communal space is proposed and that following the removal of the rooms on the lower ground floor, the residents of all rooms would have an acceptable outlook and level of amenity even taking account of the close proximity of the development to existing buildings, provided improvements to the immediate public realm were achieved. The building itself with its external lighting, all round activity and natural surveillance will help "lift" the area. Whilst there is very little outside amenity space proposed, occupiers would be within close proximity to a number of open spaces and parks within and around the town.

3.6 Overall it is considered that the development could provide acceptable living conditions for its occupiers.

### 4. Are crime prevention/security considerations appropriately addressed within the development?

4.1 The applicant intends to improve the walkway along the north-western elevation of the building by incorporating lighting, fencing, a new surface and low level planting. The walkway is currently closed off in the evening by town centre wardens from the High Street entrance (between the units currently occupied HSBC Bank and Clinton Cards) however the access from the Midway remains open. To increase the security of the bedrooms on the ground floor it is proposed to incorporate a gate on the Midway entrance and fence along the open side of the walkway so as to completely close it off during the evening. Your Officer considers that this is necessary to ensure an appropriate level of amenity for the occupiers of the rooms immediately adjacent to the walkway and it is considered that such measures would need to be secured by a Grampian style condition. At the main entrance and reception from The Midway there will be a 24 hour security service and the High Street entrance (between the units currently occupied by Clinton Cards and the 'Select' clothing store) will be a secure, student only entrance which permits access via a keypad or fob key. All entrances and communal areas will be monitored by CCTV.

4.2 The Crime Prevention Design Advisor states that the proposals to improve the alleyway that runs down the side of the building are welcomed. Restricting access during the evening/night has definite community safety benefits and reduces anti-social behaviour opportunities. Incorporating a gate at the Midway entrance to the walkway and fencing along its length to close off access during the evening/night should be beneficial for students living on lower floors.



4.3 It is considered that the building will be suitably secured and appropriate crime prevention measures adopted. A condition could be imposed to ensure such measures are provided. In addition, the presence of the building will significantly increase the natural surveillance of the Midway, the adjacent walkway and the Midway car park.

5. Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

5.1 Based on the maximum parking standards in the Local Plan relating to student accommodation expected to be provided by Keele University (the closest comparison), the development should not be permitted to provide more than 57 spaces according to the Local Plan. No parking is proposed within the site.

5.2 Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include. Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

5.3 The applicant has stated that correspondence from a property services company advises that the number of students requiring full-time parking facilities is not likely to exceed 10% of the total number of students. This is projected using data from their managed student developments which service both Keele and Staffordshire Universities, the proximity of the development to local amenities and good transport links, the provision of a secure area for bicycle parking within the development and the policies of both Staffordshire and Keele Universities encouraging students to use alternative means of transport.

5.4 On the basis that it is recognised that it cannot be guaranteed that students will not have a car, the applicant has been in discussions with the Council's Car Park Manager with regards to utilising the Midway car park. 5 spaces would be provided within the Midway for mobility impaired drivers and it has been agreed that car park passes can be purchased annually in advance of occupation each year and students would therefore be given the option of purchasing a pass should they wish to utilise the parking facilities. However members should avoid giving any particular weight to this approach in their decision as the Planning Authority. There is no suggestion that the Highway Authority considers that a planning permission should be subject to a condition requiring the obtaining of such permits.

5.5 Approximately 116 cycle spaces would be provided within the site and the applicant has offered to provide free bus passes to cover travel from the site to the Universities.

5.6 Your Officer's view is that there is a very good bus service between the town centre and the University Campus or Staffordshire University, and very limited parking is available to students at both Staffordshire and Keele Universities – all of which would influence students to leave any vehicle they may have at home. In addition there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

5.7 The Highway Authority has considered the sustainable location of the site and has no objections subject to a number of conditions including one requiring the submission approval and implementation of a Travel Plan to promote travel by sustainable transport modes. They have also requested a number of Section 106 contributions which will be considered in detail in Section 6 of the report.

5.8 Given the highly sustainable location of the proposed development and subject to appropriate planning conditions or planning obligations as recommended by the Highway Authority, it is not

considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

#### 6. What planning obligations are considered necessary and lawful?

6.1 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

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

6.2 The development would put pressure on nearby areas of public open space given that such needs are not satisfied on site and it considered that in principle a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD

6.3 The Landscape Development Section (LDS) has requested a contribution but has made certain adjustments in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and that all of the units within this development will be single person accommodation. The adjustment that has been made is to request 2/5ths of the total for the single units. This is considered reasonable. The LDS has indicated that any financial contribution that is secured would be used for either town centre greenspaces, Queen Elizabeth Park or Queen's Gardens. Given the proximity of the application site to Queen's Gardens and Queen Elizabeth Park it is considered that a contribution to either would be acceptable as it would be directly related to the development.

6.4 The Council's Supplementary Planning Document for Developer Contributions refers to contributions towards public realm improvements as being a type of developer contribution that the Council is likely to seek. 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. A financial contribution towards public realm improvements in this area is considered necessary to create a more attractive and user-friendly environment for occupants of the building, a sense of place and to create an inclusive development. Your Officer is in discussions regarding this issue and where public realm improvements might be appropriate and a further report will be given on the matter addressing both the sum that may be involved, its purposes, and whether or not an obligation securing such a contribution would meet the statutory tests indicated above and be lawful.

6.5 The Highway Authority (HA) requests a number of financial contributions. Firstly, they request a travel plan monitoring fee of £2,200 and this is considered to comply with the CIL Regulations. They also require the provision of a free bus pass to each student for travel from Newcastle Town Centre to Keele University, Staffordshire University, Stoke-on-Trent College or The Royal Stoke University Hospital. Your Officer has sought clarification on whether a bus pass limited to travel on particular routes is available and the applicant's agent has submitted information regarding the 'Keele Key bus ticket' which is a discounted ticket for Keele University students. This is considered appropriate in the interests of achieving a sustainable development.

6.6 The HA also requests a contribution of £8,000 towards the ongoing maintenance of the Real Time Passenger Information system for bus services. Live running information on public transport services in North Staffordshire is currently being developed and given that it will require ongoing maintenance and updates, it is considered that it is reasonable to seek a financial contribution and that this is necessary to make the development acceptable in planning terms (on the grounds of moving towards more sustainable forms of development). A financial contribution of £11,600 is also requested to provide improvements to the cycle route from Newcastle town centre to Keele University. Again, in the interests of moving towards more sustainable forms of development, this is considered to comply with the CIL Regulations, and policy support for this approach is contained within saved Local Plan policy T17.

#### 7. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

7.1 In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

## APPENDIX

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11:	Demolition in Conservation Areas
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy C4:	Open Space in new housing areas
Policy C22:	Protection of Community Facilities
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

### **Other Material Considerations include:**

*[National Planning Policy](#)*

[National Planning Policy Framework](#) (March 2012)

[Planning Practice Guidance](#) (March 2014)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

*[Supplementary Planning Guidance/Documents](#)*

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Newcastle Town Centre SPD \(2009\)](#)

[Newcastle Town Centre Conservation Area Appraisal](#)

[North Staffordshire Green Space Strategy](#)

[Newcastle Town Centre Public Realm Strategy \(March 2004\)](#)

[Waste Management and Recycling Planning Practice Guidance Note \(January 2011\)](#)

Relevant Planning History

04/01319/FUL	Erection of 12 storey building comprising 92 apartments with commercial/retail at ground level	Refused
05/00103/CON	Demolition of existing buildings	Refused
16/00933/FUL	Demolition of the former Savoy Cinema and the erection of an 11-storey student accommodation building comprising 174 units, communal areas, a laundry and bike storage	Withdrawn

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding noise from plant and mechanical ventilation, hours of construction, construction environmental management plan, ventilation provision to habitable spaces, glazing specification, details of the proposed generator and unexpected contamination.

The **Highway Authority (HA)** has no objections to the proposal subject to the imposition of conditions regarding occupation by students only, provision of parking for 116 cycles, implementation of the Travel Plan in accordance with the timetable set out in the Plan and submission of a Construction Method Statement. A Section 106 Agreement is required securing a Travel Plan monitoring fee (£2,200), a requirement to provide a free bus pass to each student, and financial contributions to Real Time Passenger Information (£8,000) and improvements to the cycle route from Newcastle town centre to Keele University (£11,600).

The **Crime Prevention Design Advisor** has no objections to the proposal but draws attention to their previous comments made in respect of application 16/00933/FUL which are applicable. In relation to the previous scheme they had no objection to the proposals and stated that the design and layout appeared to seek to address a range of crime prevention issues. CCTV coverage should extend to cover the bike store doors. Proposals to improve the alleyway that runs down the side of the building were welcomed. Restricting access during the evening/night has definite community safety benefits and reduces anti-social behaviour opportunities. Incorporating a gate at the Midway entrance to the walkway and fencing along its length to close off access during the evening/night should be beneficial for students living on lower floors.

**Historic England** is pleased to note the reduction in height of the proposed building compared to the previous scheme. They were extremely concerned by the impact of the previous scheme on key views within the Conservation Area and the uncomfortable juxtaposition with the Grade II listed Guild Hall. Whilst the current proposals will obviously still have some impact, the revised scheme represents a significant improvement. The revisions that have been made to the elevations are noted. The Design and Access Statement refers to examples of façade precedents and emphasises the need to ensure interest and modelling to the face of the building and highlights the importance of achieving an appropriate balance of glazing to cladding, using techniques such as chamfered window reveals. It is essential that such principles are carried forward to the final scheme and that the architectural details, materials and finishes are of the highest standard. They state that whilst they no longer object to the proposals in principle, they urge the Council to ensure that the architectural interest of the elevations is more fully resolved prior to a decision being made.

The **Conservation Advisory Working Party** welcomes the reduction in height of the building and the viewpoints show that there will be a reduction in the impact of the building on the character and appearance of the Conservation Area. However it is still felt that the building is too big and that its design and style is totally inappropriate and will still have an adverse impact on the Conservation area. No buildings within the Town Centre are completely clad in metal and Newcastle is predominantly a brick town. The proposal will have a harmful impact on the Midway part of town, the design will date quickly and will create an even more unpleasing environment along the alley. The original cinema building is important historically and not enough has been made of this within the design consideration of the proposed building.

The Council's **Conservation Officer** refers to her comments and background information for the previous application (Ref. 16/00933/FUL) which discusses the Conservation Area character appraisal areas. As stated, the level of significance of the Guildhall is high holding a dominant position and being a key focal building with the Conservation Area. Character Area 1 is also a significant part of the Conservation area. "Considerable weight" should be given to the harm caused to the setting of listed buildings and conservation areas even when weighing up other issues, such as the advantages of the proposed development.

The scale and design of the proposed building has changed, particularly in terms of its height and its relationship with the market square and the buildings within this area and with the character and appearance of Character Area 1. The building height overall has been reduced by over 2 metres at its highest point closest to Midway and by over 8 metres closest to High Street. This is a significant reduction in the scale and massing of the building and the images show that from the Guildhall and within Character Area 1 the building will no longer be as visible within the skyline. The varied roofline also reduces its visual impact as one moves around the Town Centre. There may be some harm from further away but the magnitude of that harm is dramatically reduced by the changes in the design. From longer distance views there is still potential to cause some harm especially from Stubbs Walk Conservation Area where St. Giles Church tower and the Guildhall clock tower are key assets on the skyline. However, the proposed building does not dominate the view as it did previously with the height reduction and step down away from High Street.

Whilst being less harmful to the most significant parts of the Conservation Area, the building will still be very prominent and will affect key gateways into the town centre and Conservation Area. It is absolutely crucial therefore that the building is of a high quality as this may have the effect of improving and enhancing certain parts of the Conservation Area. Images in the Design and Access Statement show examples of other buildings which show high quality elevations but this quality doesn't particularly come through in the elevation drawings. Queries are raised regarding the chamfers around the windows, the paving and the finish, size and fixings of the cladding panels.

The **Victorian Society** objects to the application which would strip the town of an important and adaptable historic building and would harm the significance of the Town Centre Conservation Area. The former Savoy Cinema is a distinctive, imposing, monolithic structure that retains noteworthy fabric from its early phase of construction. Despite evident neglect the Savoy remains something of a landmark building that contributes positively to the special interest of the Conservation area and it is asked that the Council considers it for inclusion on its Local List. They strongly object to the demolition of the Savoy which would cause irreversible harm to the special interest of the Conservation Area and would entail the loss of an important building.

The level of harm caused by the total demolition of a significant piece of the Conservation Area and the erection of a building which is completely at odds with the prevailing character and special interest of the Conservation Area must be quantified as "substantial".

Even if one were to concede to the loss of the existing building, the proposed new block is not of the necessary quality to render it anywhere near acceptable and it would cause significant harm. In conclusion, the Victorian Society strongly objects to this application. It would entail the unjustified and unnecessary loss of a notable, locally significant non-designated heritage asset, thereby causing harm to the Conservation Area. This harm would be compounded by the erection of a building which would be detrimental to the Conservation Area as well as to the setting of nearby Listed structures. The scheme would conflict with the aims of the Council's 'Vision' as laid out in its Supplementary

Planning Document for the Town Centre which warns against this sort of development. The application should be refused consent and options for the retention and reuse of the Savoy explored.

**Urban Vision Design Review Panel (UVDRP)** states as follows:

- It is noted that the overall height of the building has now been reduced and the visual appraisal clearly indicates a reduced impact on the surrounding area and on views towards the building.
- The scheme has responded well to the Panel's concern over its overall design and the materials previously proposed. The rationalisation of window design and the use of a simple, high quality palette of contemporary materials should help to reduce the visual impact. However the redesign has created some further areas of concern and some ongoing issues remain.
- There are concerns regarding the possible introduction of plant on the roof and the lack of safety on the roof. It is important to contain plant to lower ground floors as much as possible.
- The reduction in the height of the building has resulted in a bigger footprint, a reduction of communal space and the inclusion of habitable rooms at ground and lower ground floors in unacceptable locations. There remain concerns that the quality of life for residents occupying these rooms would be poor and the balconies proposed would not be attractive to use.
- There is concern that the 'accessible' rooms are spatially deficient.
- The minimal provision of communal space exacerbates this lack of amenity.
- The overall benefit of the reduction in the height of the building is somewhat negated by the lack of shared space, the unacceptable locations for habitable rooms and the overall loss of amenity. The increase in the number of rooms seems implausible.
- The superficial detailing of the lower floors requires more detailed consideration and specification to ensure that the building articulates well with its surroundings.
- The deep recessing of windows and the chamfered reveals is a welcome development but it does not translate well into the plans.
- Windows have been omitted from the principal gable elevation. It is suggested that the elevation would benefit from some relief by relocating windows.
- There is concern that no co-ordinated vision for the sustainable low carbon operation of this development has yet been proposed.
- The statements within the application regarding security are noncommittal and require stronger endorsement.

In conclusion, the intent to develop this difficult disused site and to provide much needed student accommodation in the town centre is commended. The iterative design review process that has been engaged in is also welcomed and the incremental improvement in the quality of the development is noted. The attempts to reduce the impact of this imposing building on the surrounding area and importantly the Conservation Area are acknowledged. There remains concern however that the proposal represent overdevelopment to the detriment of residential amenity and would produce a poor quality of life for occupiers of the building if adequate levels of space and amenity are neglected.

*The following additional comments were received regarding the recently withdrawn scheme (Ref. 16/00933/FUL):*

The **Education Authority** states no education contribution is requested as it is not their current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.

The **Lead Local Flood Authority** has no objections subject to a condition requiring submission, approval and implementation of a detailed surface water drainage scheme.

The **Housing Strategy Officer** states that if the development is intended to be built as student accommodation with communal facilities, affordable housing would not be sought as it would be deemed as "C2 Residential Institutions". However, a condition would be necessary setting out that the accommodation would be exclusively for students.

**Staffordshire County Council Archaeology** states that the submitted Heritage Assessment appears to represent a robust assessment of the building but bearing in mind the demonstrable archaeological

sensitivity of the building and the location within the core of the medieval town, it is disappointing to note that a full Historic Environment Desk-Based Assessment was not carried out to inform the scheme. The assessment fails to include photographic evidence to assist in the consideration of potential impacts on designated heritage assets and it also fails to consider the potential for longer distance views of the building from outside the town centre and the degree to which the scale and massing of the structure will impact on the skyline of the town.

The scheme sits within Historic Urban Character Area (HUCA) 6: Newcastle Town Centre as identified in the Newcastle Extensive Urban Survey which was identified as having high evidential, historical, aesthetic and communal value and the site lies within the historic core of medieval Newcastle within an area of former medieval burgage plot activity. The site also lies almost immediately to the north of Lower Street which is considered to represent one of the earliest areas of settlement in Newcastle. The building itself retains important elements of historic character and if demolition is approved, the LPA might consider discussing the retention of iconic elements and their incorporation within any new build. Given the demonstrable archaeological potential from the area and the scale of the proposed development, it is advised that an archaeological evaluation be carried out in advance of groundworks. It is also advised that a Level 2 building recording survey be carried out

The **Landscape Development Section** states that a Section 106 contribution would be required for a financial contribution towards public open space.

### Representations

Two letters of objection have been received. A summary of the objections made is as follows:

- The building is too tall for the site and it would overshadow several significant buildings in the town centre and would dominate the skyline of Newcastle in a detrimental way.
- Another 'landmark' building is not needed as St Giles Church and the Guildhall already fulfil that position quite adequately.
- It would set an unwelcome precedent.
- Apart from the entrance plinths the building lacks any kind of charisma or architectural merit.
- Together with the multi-storey car park opposite, it is considered that the building will create a canyon effect.
- There would be no aesthetic views from most of the windows.
- This development would add to the already growing number of around 1400 units in the area and 2000 more are to be built on Keele campus. Cramming every available building in the town centre with students might not be the only way to achieve Newcastle as a University town.
- There is inadequate parking and there is a heavy reliance on existing car parking facilities in the vicinity which are already at almost maximum capacity.
- It is questionable whether one communal area would be sufficient.
- The report on land contamination needs careful scrutiny.
- Councils should commission their own reports as those submitted with the application give a somewhat subjective account in favour of the project.
- It is questionable whether an 'extensive' community consultation took place.
- The application appears light on detail leaving it to be agreed with an individual officer once planning (permission) has been obtained.
- It is disappointing that the existing building could not be modified and put to some community use.
- An improvement is needed in this location but that will only be brought about by a building that will fit in and be compatible with the Conservation Area.

### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Supporting Statement
- Statement of Community Involvement
- Design Review Report



- Structural Report
- Flood Risk and Foul Drainage Assessment
- Tree Survey Report
- Visual Impact Assessment
- Noise Assessment Report
- Heritage Statement
- Preliminary Ecological Appraisal
- Transport Statement
- Travel Plan
- Land Contamination Assessment

All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00174/FUL>

Background papers

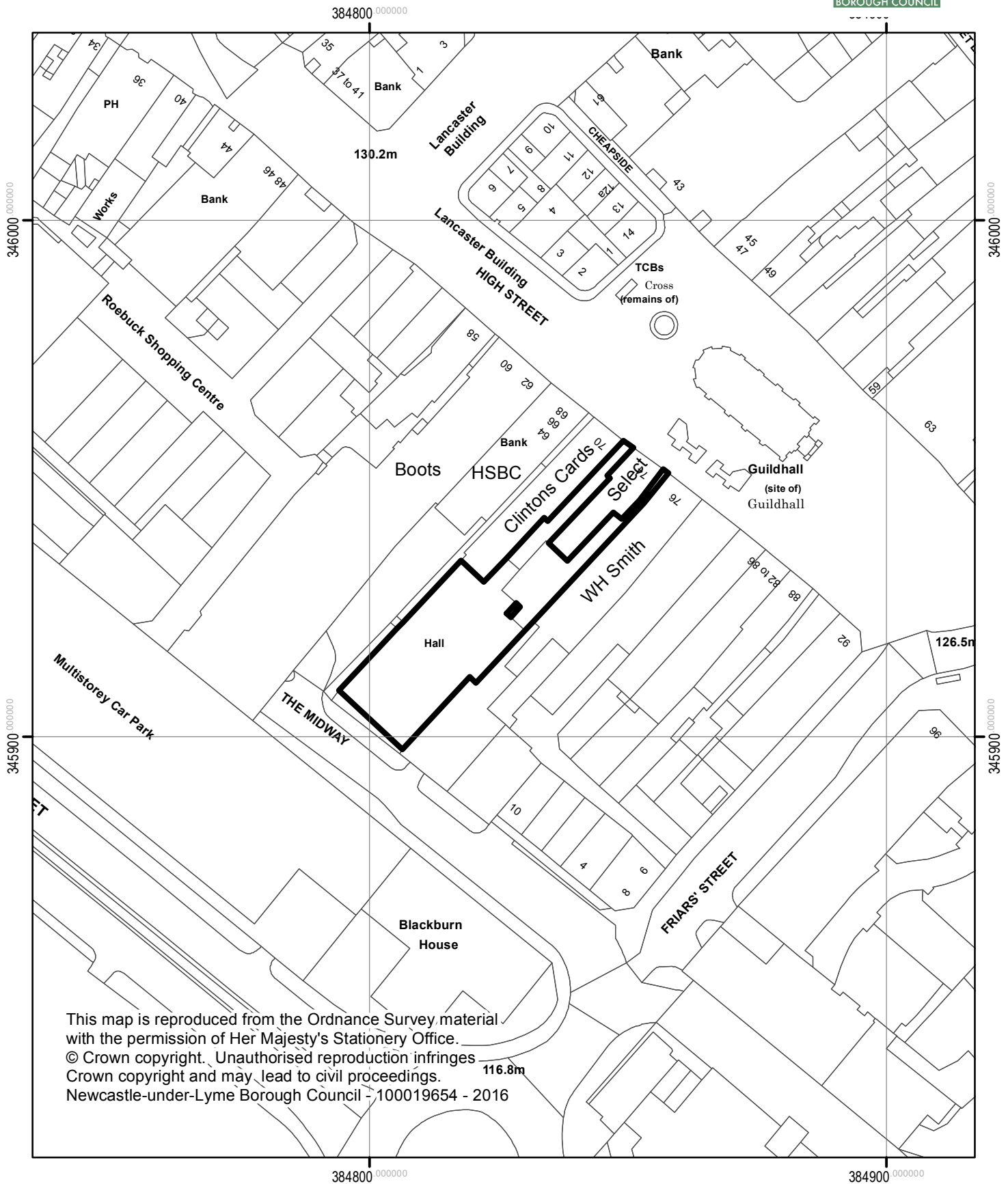
Planning files referred to  
Planning Documents referred to

Date report prepared

11<sup>th</sup> April 2017

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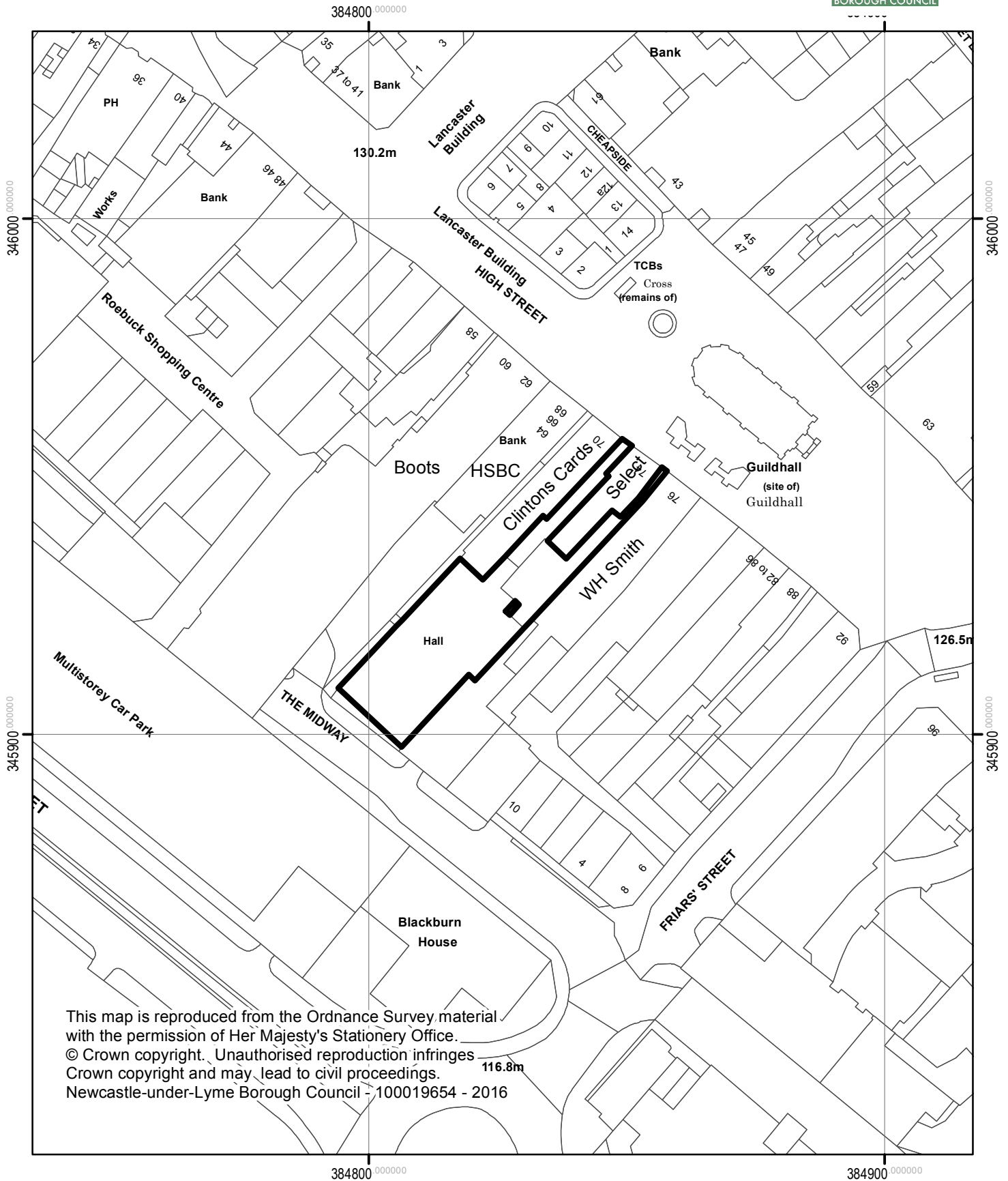
**Former Savoy Cinema/ Metropolis Nightclub,  
The Midway, Newcastle  
17/00174/FUL**



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**Former Savoy Cinema/ Metropolis Nightclub,  
The Midway, Newcastle  
17/00174/FUL**



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**2 – 4 MARSH PARADE, NEWCASTLE UNDER LYME**  
**WESTLANDS ESTATES LIMITED (GAVIN DONLON)**

**17/00179/FUL**

The application seeks full planning permission for the demolition of existing buildings and their replacement with a four storey apartment block containing 27 one bedroom apartments.

This application follows the withdrawal of an application that came before the Planning Committee on the 2nd February 2017, reference 16/00630/FUL.

The site lies within the urban area close to Newcastle town centre. The site is adjacent to but not within the Stubbs Walk Conservation area, As indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.10 hectares. The site lies within a Live –Work Office Quarter as indicated in the Town Centre Supplementary Planning Document

A tree adjacent to the site is covered by Tree Preservation Order No.16.

**The statutory 13 week determination period for the application expires on the 31<sup>st</sup> May 2017**

**RECOMMENDATION**

**A. Subject to the applicant first entering into a Section 106 agreement by 26<sup>th</sup> May 2017 to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space and the provision of policy-compliant on-site affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing 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. **Submission of Materials**
4. **Window reveal specification**
5. **Roof Specification Plans**
6. **Boundary Treatments**
7. **Approval of Tree Protection Proposals**
8. **Arboricultural Method Statement**
9. **Landscaping Scheme (including replacement tree planting)**
10. **Hard Surfacing**
11. **Provision of Parking and Turning areas**
12. **Construction Method Statement**
13. **Visibility Splays**
14. **Existing Access Permanently Closed**
15. **Secure Cycle Storage**
16. **Design Measures to Secure Noise Levels**
17. **Ventilation Provision/ Arrangements**
18. **Full Land Contamination**
19. **Drainage Details**
20. **Bat Mitigation Measures**

**B. Should the matters referred 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 provision of policy compliant affordable housing and financial contribution towards public open space.**

**Reason for recommendation**

The development is located on previously developed land within a highly sustainable urban area and given that there is a strong presumption in favour of sustainable development in the context of the Council's inability to be able to demonstrate a 5 year supply of deliverable housing it is considered that the development is acceptable in principle. The design of the scheme, impact on heritage assets, tree, highway safety and noise impacts are considered acceptable subject to conditions. It is also accepted, following the obtaining of independent financial advice, that the scheme is not viable with any affordable housing and contribution towards public open space, and whilst these policy compliant requirements are not sought, given the benefits of the scheme, a S106 agreement should be secured for a review mechanism.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application**

Since the withdrawal of the previous application, and the submission of the current application, the applicant has been in discussions with officers of the LPA to address concerns raised by consultees and this has resulted in amended plans being submitted. The proposed development is still considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **KEY ISSUES**

1.1 The application seeks full planning permission for the demolition of existing buildings and the replacement with a four storey apartment block containing 27 one bedroom apartments. The application follows the withdrawal of a previous application that came before the 2nd February Planning Committee when the Committee resolved to permit the application subject to conditions and the securing of planning obligations securing a review mechanism of the financial viability of the scheme, should it not be substantially commenced within an appropriate period.

1.2 The application was withdrawn because the applicant did not have the required control to be able to enter into the planning obligation. The new application refers to a site that is slightly different (smaller) and that has affected the design and layout of the scheme proposed.

1.3 The principle of residential development on the site was accepted in the consideration by the Planning Authority of the withdrawn application and it is not considered necessary to consider this matter again. The financial viability of the scheme was also considered and it was accepted that the proposed development was financially unviable with policy compliant affordable housing and a contribution towards public open space, subject to the securing of a financial viability reappraisal mechanism which is still necessary as part of this planning application if the scheme is again considered to be acceptable. Although the scheme is different in terms of its content, the difference is not such as to mean that a new financial appraisal is now required, having regard to the clear cut conclusions of the previous appraisal. The impact on the residential amenity levels of future occupiers was also accepted, subject to conditions.

1.4 The main issues to now consider in this proposal are whether the revised scheme would impact on the following;

- Visual amenity, adjacent Conservation Area and Listed Buildings?
- Protected and visually significant trees, and
- Car parking and highway safety

### **2.0 The design and impact on the adjacent Conservation Area and Listed Buildings?**

2.1 The application site is adjacent to the Stubbs Walk Conservation Area and NLP policy B10 indicates that permission will only be granted to construct a building ... if its proposed appearance..will preserve the character and appearance of a Conservation Area and that this will be achieved by interalia ensuring that important views... into and out of the Conservation Area are protected.

2.2 The site is also adjacent to two Grade II Listed Buildings and NLP policy B5 states that "The Council will resist development proposals that would adversely affect the setting of a Listed Building."



2.3 The design of the previous scheme was accepted as being acceptable, subject to conditions, that would not harm the character and appearance of the adjacent Conservation Area or the setting of the adjacent Listed Buildings.

2.4 The revised scheme now proposed only results in changes to the north facing side elevation with a brick stairwell being repositioned further towards the rear of the proposed building. This elevation has prominent views from public vantage points to the north looking into the Conservation Area from Hassell Street/Brunswick Street and whilst it would increase the expanse of brick on this elevation it is not considered that it would have a significant and harmful impact on the visual amenity of the area. However, a visually significant sycamore tree has now been removed since the previous application and the impact of this is considered in the section below.

2.5 The revised design would not have any greater impact on the adjacent Conservation Area and Listed Buildings.

### 3.0 Protected and visually significant trees

3.1 In the consideration of the previous application it was identified that there would be two trees that would be affected by the proposed development. Following changes to the layout of the scheme and appropriate conditions it was accepted that the Lime tree towards the front of the site, which is covered by Tree Preservation Order T16, would not be adversely affected. However, it was demonstrated and subsequently agreed by the Landscape Development Section (LDS) that the visually significant sycamore tree, which is not covered by a TPO, towards the rear of the site could be removed due to it being downgraded to a category C - being unsuitable for long term retention due to structural defects.

3.2 A factor in agreeing the removal of the sycamore tree was that appropriate replacement tree planting could and should be proposed to mitigate the loss of this tree.

3.3 The change to the application site now results in the site being more constrained and limits the space available for a replacement tree and any soft landscaping. This has resulted in LDS raising concerns about the layout and on the basis that it allowed no space for suitable replacement trees and the removal of the sycamore tree is now not justified.

3.4 The applicant has sought to address the concerns of the LDS and a further revised layout has been submitted which results in one of the car parking spaces being removed. This allows more space for a suitable replacement tree and soft landscaping to be proposed within the revised application site. LDS have indicated that this now addresses their previous concerns and the proposal can be supported subject to the conditions previously advised.

### 4.0 Car parking and highway safety

4.1 The access to the site will remain in the location previously proposed and is taken off Marsh Parade via an access point that passes through the front elevation of the building to the rear. The previous scheme allowed 11 vehicles to park within the site.

4.2 NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

4.3 Based on the maximum parking standards in the Local Plan a development of 27 one bedroom flats/ apartments would require a maximum of 36 car parking spaces.

4.4 The Highways Authority (HA) raised no objections to a proposal with 10 parking spaces subject to the conditions previously agreed.

4.5 As discussed however the applicant has submitted a further layout plan to allow more space within the site for a suitable replacement tree and landscaping but this is at the expense of an additional car parking space. Therefore the number of spaces indicated on the plans is now reduced to 9 in total which is a shortfall of 27 spaces. The HA have objected to this revision and they have indicated that the parking bays which are parallel to the stairwell are not of a sufficient length which would reduce the number of usable spaces to 8. They indicate that the poor parking provision is likely to result highway danger due to the likelihood of vehicles being parked on the public highway.

4.6 The application is again supported by a transport statement (TS) but it does not reflect the reduction of two spaces now proposed since the previous application.

4.7 The justification for the shortfall relative the maximum standards set out in policy T16 of the previous scheme was that the provision is acceptable for a development of the scale and location proposed, cycle parking is proposed, there are car parking restrictions on surrounding roads and there are public car parks in close proximity to the site and regular bus services that run along Brunswick Street. The site is also within walking distance of the town centre. Furthermore the TS indicated that the higher the percentage of 1 bedroom units within a development the lower the parking demand becomes.

4.8 As discussed the NPPF identifies that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Your officers have no evidence to suggest that this development is likely to lead to a severe parking problem within the locality. The applicant has also been in contact with the Council about car parking permits for future residents on nearby public car parks which are within walking distance of the site, but members should avoid giving any particular weight to this approach in their decision as the Planning Authority. There is no suggestion that a planning permission could (or indeed should) be subject to a condition requiring the obtaining of such permits. Such a condition would almost certainly not meet the standard tests (for conditions)

4.9 It is accepted that the number of spaces would be reduced to 8 useable spaces and whilst this is a further reduction in car parking spaces, which is likely to increase the demand for on-street car parking from future occupiers of the apartments, it has to be recognised that the site is located within a sustainable location as identified above and for this reason it is accepted that the loss of two further spaces is acceptable, subject to the advised conditions of HA. On balance it is also considered that the weight to be given to the benefits of additional landscaping is greater.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009) (CSS)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy B10	The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B14	Development in or Adjoining the Boundary of Conservation Areas
Policy B15	Trees and Landscape in Conservation Area
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of essential supporting infrastructure and community facilities

### **Other material considerations include:**

National Planning Policy Framework (March 2012) and March 2015 Ministerial Statement

Planning Practice Guidance (2014)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

#### Supplementary Planning Guidance/Documents

Developer Contributions Supplementary Planning Document (September 2007)

Affordable Housing Supplementary Planning Document (2009)

Space around Dwellings SPG (SAD) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Newcastle Town Centre Supplementary Planning Document (2009)

Stubbs Walk Conservation Area Appraisal and Management Plan Supplementary Planning Document (2016)

#### Relevant Planning History

N12592 (1983)	Change of use to offices	Permitted
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08/00882/FUL Demolition of existing buildings and erection of a single storey building to be used as a place of worship with associated parking Refused

16/00630/FUL Proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking Withdrawn

#### Views of Consultees

The **Highway Authority** raised no objections to the original layout for 10 car parking spaces subject to conditions regarding access, parking, servicing and turning being provided, submission and approval of a construction management statement, visibility splays and the existing access being permanently closed off are still advised.

However, they have objected to the reduction of spaces down to 9 spaces and indicate that the parking bays which are parallel to the stairwell are not of a sufficient length which would reduce the number of usable spaces to 8. They indicate that the poor parking provision is likely to result highway danger due to the likelihood of vehicles being parked on the public highway.

The **Environmental Health Division** raises no objections subject to the conditions recommended for the previous withdrawn application, 16/00630/FUL.

The **Landscape Development Section** initially raised objections to the loss of a visually significant tree that has been removed which they say was only justified in the last application because appropriate replacement could mitigate this loss. However, the revised layout now allows no space for a suitable replacement trees. Furthermore, from the new information provided, it is now unclear as to whether the developer owns that tree, additional information is required. Problems may arise should the owner of the tree not support its removal. However, following the submission of amended plans which provides for additional space for a replacement tree and landscaping they are now satisfied with the revised layout and impact of the development.

A contribution of approximately £65,000 towards public open space maintenance and improvements of the Stubbs Walk Open Space is sought.

The **Waste Management Section** raises no objections. They indicate that it will help that there is a management company on site to keep the site tidy and they would want to work with the company to implement recycling collections.

**The Newcastle South Locality Action Partnership (LAP)** have been consulted on this application and has not responded by the due date and so it is assumed that they have no comments to make on the application.

#### Representations

None received.

#### Applicant/agent's submission

The application is accompanied by the following documents:

- Planning, Design and Access Statement
- Arboricultural Report
- Arboricultural Impact Assessment
- Phase 1 Geo-Environmental Report
- Acoustic Reports
- Heritage Report
- Affordable Housing position Statement
- Preliminary Ecology Appraisal

All of the application documents can be viewed at the Guildhall or using the following link.

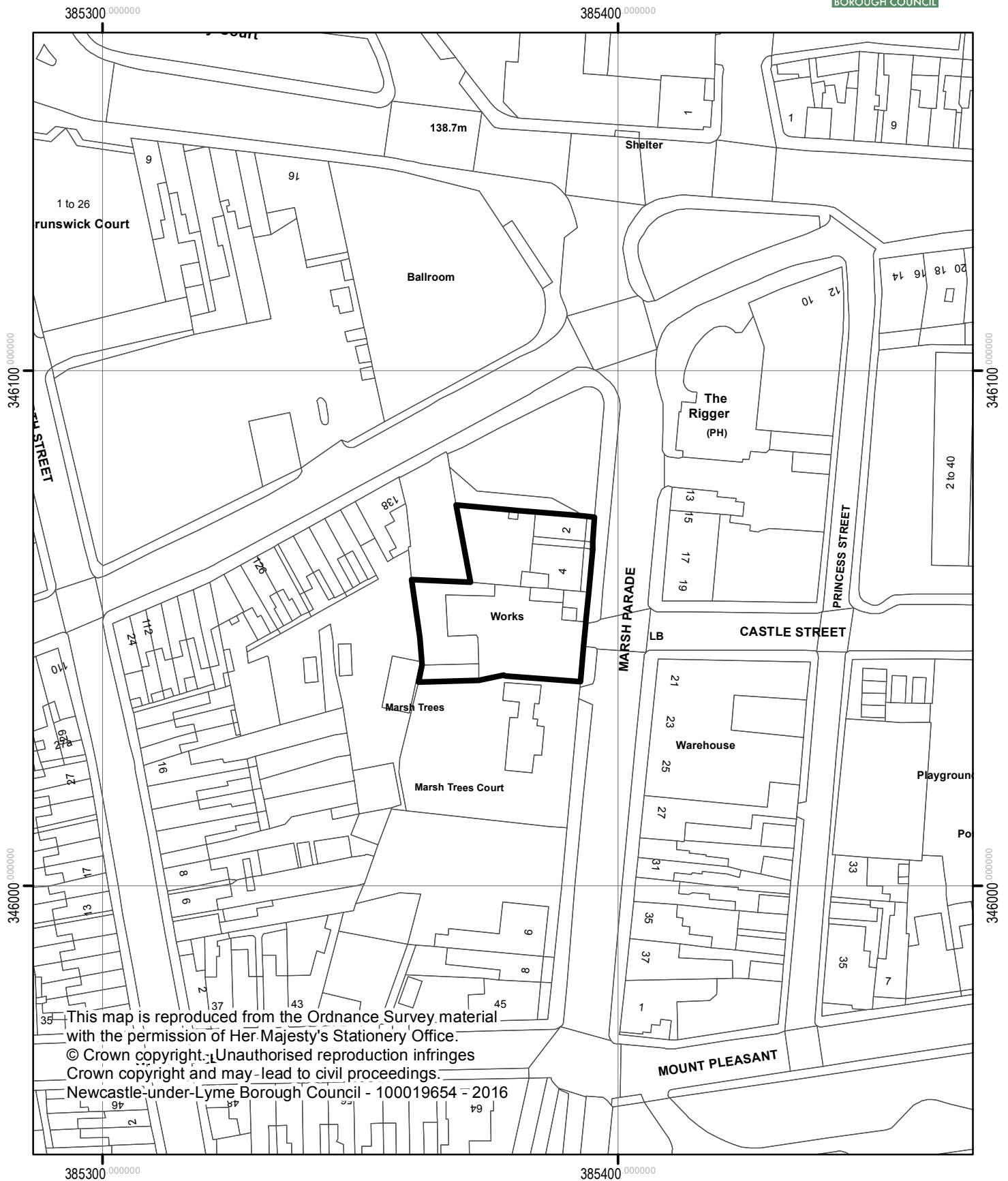
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00179/FUL>

Background Papers  
Planning File  
Development Plan

Date report prepared

12<sup>th</sup> April 2017

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**LAND AT WEDGWOOD AVENUE, WESTLANDS**  
**NEWCASTLE BOROUGH COUNCIL**

**16/01108/DEEM4**

The application seeks outline planning application for two detached dwellings on Wedgewood Avenue with all matters of detail (appearance, landscaping, layout, scale and access) have been reserved for subsequent approval.

The site lies within the Newcastle Urban South and East Area of Newcastle as indicated on the Local Development Framework Proposals Map

**The statutory 8 week determination period for the application expired on 3<sup>rd</sup> March 2017 but the applicant has agreed an extension to the statutory period until 28<sup>th</sup> April.**

**RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time Limit for submission of reserved matters and implementation of the development**
- 2. Approval of reserved matters required before any development**
- 3. Restriction of hours during construction**
- 4. Contaminated land conditions**
- 5. Details of boundary treatment, to include an acoustic fence between the rear gardens and the tennis courts, to be submitted as part of any reserved matters application.**
- 6. Approval of an Arboricultural Method Statement (BS5837:2012)**
- 7. Tree Protection Plan (BS5837:2012)**
- 8. Schedule of Works to Retained Trees (BS5837:2012)**
- 9. Parking and turning areas in place for the community centre as approved, with spaces delineated & retained**
- 10. Weatherproof parking storage for 5 bicycles to be provided and thereafter retained for use in connection with the community centre**
- 11. Drainage to prevent any additional discharge onto the highway**

**Reason for recommendation**

The site is located within a sustainable urban area. The benefits of the scheme include the contribution to the housing supply and the economic benefits commensurate with such a development. Some harm has been identified involving the noise levels within the gardens of the properties which have the potential to affect the activities in the adjoining tennis courts which would limit the health and fitness benefits that arise from such a sporting activity and loss of trees. However, when applying the appropriate weight to the adverse impacts of the development it is considered that they do not significantly and demonstrably outweigh the benefits. The proposed development therefore accords with the guidance and requirements of the National Planning Policy Framework 2012.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application**

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application seeks outline permission, with all details reserved for subsequent approval, for the erection of two detached dwellings within the existing disused tennis courts currently used as overspill parking area for the adjoining Whitfield Community Centre. The car park to the north of the

Community Centre, which currently has space for 13 vehicles, is to be reconfigured to provide a total of 29 spaces.

The main issues to address for the application are as follows;

- Principle of development
- Whether the site can accommodate residential development without an adverse impact upon the character of the area, including trees
- Whether the impact upon residential amenity would be acceptable
- Highway implications
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

#### Principle of Development

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods within General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy ASP5 of the Core Spatial Strategy (CSS) sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban South and East (within which the site lies).

Furthermore, policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The National Planning Policy Framework (NPPF) advises, at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date 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.

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14. As such whilst policies on the location of housing within the Development Plan are supportive of the proposal they are out of date and have limited weight.

The site involves previously developed land within walking distance of access to public transport links to Newcastle and Stoke-on-Trent. This is considered to be a sustainable location for residential development.

In light of the above, the starting point must be one of a presumption in favour of residential development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. This will be considered later in this report.

#### Design and Impact upon Character of the Area, including impact on trees

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The information submitted at this stage is for illustrative purposes only, however it is considered that the application site is large enough to accommodate two detached two storey dwellings, and that the relocation of the overspill parking area would not adversely affect the character of the area or street scene.

There are a number of mature and visually significant trees along the highway boundaries and in light of this the application is supported by arboricultural information. Some trees have been identified as being required to be removed to allow for the development to take place but such trees are not visually significant. Those trees that are visually significant can be retained provided that the layout of the site is appropriately designed to take account of such trees. This would be addressed in the consideration of any submission of reserved matters that would follow the granting of outline planning permission which would need to be supported by an Arboricultural Method Statement. It is considered necessary to request level details with full soft and hard landscaping to also be submitted as part of any reserved matters applications also.

Overall, the proposed development is considered to have an acceptable impact on the character and form of the area, and complies with Policy CSP 1 of the Core Spatial Strategy and the aims of the NPPF.

#### Impact upon Residential Amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

#### *Privacy, Outlook, Light and Overbearing Impact*

Whilst the submitted plan is for illustrative purposes, it is noted that sufficient spacing could be achieved between the proposed housing and the closest neighbouring dwelling on Emery Avenue and Whitfield Avenue.

#### *Noise*

A Noise Assessment was submitted with the application. The assessment found that with regards to general environmental noise that housing development on the site is acceptable, subject to appropriate glazing and ventilation provision that would ensure appropriate internal noise levels. However, concerns have been raised with regards to external noise levels, i.e. in the garden areas of the proposed dwellings due to their proximity to the neighbouring tennis courts. The Environmental Health Division (EHD) consider that there is the potential for the noise levels and noise characteristics associated with tennis playing has the potential to cause a statutory noise nuisance in line with the Environment Act 1990. Discussion with EHD have established that no complaints have been made by existing residents who back onto the tennis courts and whilst this does guarantee that no complaints would be received from residents of the proposed development, it does indicate that the noise conditions within rear gardens can be acceptable to people. In addition an acoustic fence can be provided between the rear gardens of the proposed houses and the tennis courts without it having an unacceptable visual impact and whilst this would not fully deal with noise it would reduce noise levels within the gardens.

#### Highway Implications

Policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. Maximum parking standards are provided, within table 3.2 of Appendix 3, which sets the level of parking for community centre, which are Class D2 uses, at 1 space per 10m<sup>2</sup>. The existing

community centre floor area is 87.6sqm including a 4.4sqm kitchen area and to accord with Local Plan policy a maximum of 9 parking spaces are required.

The existing car park to the community centre provides 13 spaces with additional, overspill, spaces provided on the part of the application site where the dwellings are proposed to be sited. To compensate for the loss of the overspill parking spaces the proposal includes a re-design the parking area to be retained to provide 29 spaces. What is proposed therefore significantly exceeds the maximum level of parking set out in Appendix 3 and is therefore contrary to policy. In light of this, notwithstanding the objections that have been received, it would be difficult to sustain a refusal of the proposal on the basis of inadequate parking provision, particularly as the Highway Authority have not objected.

Parking surveys have been undertaken in connection with the proposal which indicated that on average 19 cars were parked at the Community Centre per session (morning, afternoon, and evening) and on only two sessions were more cars parked than the 29 proposed. Whilst it could be argued that the proposal is unacceptable on the basis that too many parking spaces are proposed, bearing in mind the level of parking that has been observed in the surveys it is considered that the level of parking proposed should be accepted. The level of parking proposed would appear to better meet the operational needs of the Centre than adopted parking standards.

Whilst, as indicated, there were two occasions where the level of parking observed exceeded the level of parking to be provided it is considered that this would not create or aggravate any on street parking or traffic problem as there is on street parking available in the area to accommodate such overspill parking demands .

Overall the development is considered to be acceptable and would not result in any unacceptable highway safety concerns.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

The proposal would result in the provision of two houses, which would make a small contribution towards addressing the current shortfall in housing supply. Additionally there are economic benefits arising from the development through constructions jobs and the additional custom to local shops, services and public transport from the two new households. Such benefits can be given some weight.

Concern has been expressed about the noise levels within the gardens of the properties which have the potential to affect the activities in the adjoining tennis courts which would limit the health and fitness benefits that arise from such a sporting activity. The harm, however, can to some extent be reduced through the provision of an acoustic fence. The loss of trees would also be harmful but more visually significant and important trees can be retained.

Applying the appropriate weight to the identified benefits of the proposed development, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy N2: Development and nature conservation – site surveys  
Policy N12: Development and the Protection of Trees

### **Other material considerations include:**

#### [National Planning Policy Framework \(NPPF\) \(2012\)](#)

#### [Planning Practice Guidance \(PPG\) \(2014\)](#)

#### [Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

#### [Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

#### Relevant Planning History

None relevant to this application

#### Views of Consultees

The **Environmental Health Division** has raised no objections with regard to land contamination subject to a condition ensuring a survey is carried out. However, an objection is raised with regards to the dwellings being sited in close proximity of the existing tennis courts which could cause a statutory nuisance due to noise in the proposed garden areas.

Following receipt of additional information, the **Highway Authority** has no objections to the proposal subject to conditions relating to the following:

- Provision of parking and turning areas for the Community Centre, in accordance with the submitted drawing, before the development commences.
- Provision of secure weatherproof parking for a minimum of 5 cycles.
- Drainage to the additional car parking area to be designed so surface water is not discharged onto the public highway.
- No residential development until details of access, layout, parking, surfacing materials and surface water drainage has been approved.

The **Landscape Development Section** indicates that there are errors in the arboricultural document by reference to the site being Horton Hall and through the inclusion of two site plans. The submission appears to show the retention of important trees, but the layout needs to ensure that there is room for trees to development. Notwithstanding this should the application be approved the following conditions are recommended.

- Approval of an Arboricultural Method Statement (BS5837:2012)

- Tree Protection Plan (BS5837:2012)
- Landscaping Proposals
- Schedule of Works to Retained Trees (BS5837:2012)

### Representations

15 letters of objection were received during the course of the application. A summary of their contents is provided below; however the full documents can be viewed on file.

- Concerns about the loss of parking causing issues on the local highway
- Would result in an increase of on street parking – already an issue in the area
- Concerns relating to the provision of parking after the houses have been constructed and the effect that this would have
- Traffic issues caused by the construction phase of the development
- What would happen to the existing BT box
- Highway safety concerns due to increased traffic and parking
- Loss of open space
- Loss of trees and planting
- No need for housing in the area
- Out-of-character with the area
- Flooding caused by the loss of the existing turfed area – the proposed parking should be placed on the disused tennis courts
- Insufficient replacement parking has been proposed
- Insufficient parking proposed for the new dwellings
- Loss of amenities at the community centre

A petition has also been submitted objecting to the application signed by residents from 84 different addresses.

An additional email submission was made from the Bridge Club to demonstrate that the car park is full when bridge is played at the Hall, providing a number of photographs.

### Applicant/agent's submission

The application is supported by an Outline Planning Application, plans, and Phase 1 Contaminated land survey and Noise Assessment.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01108/DEEM4>

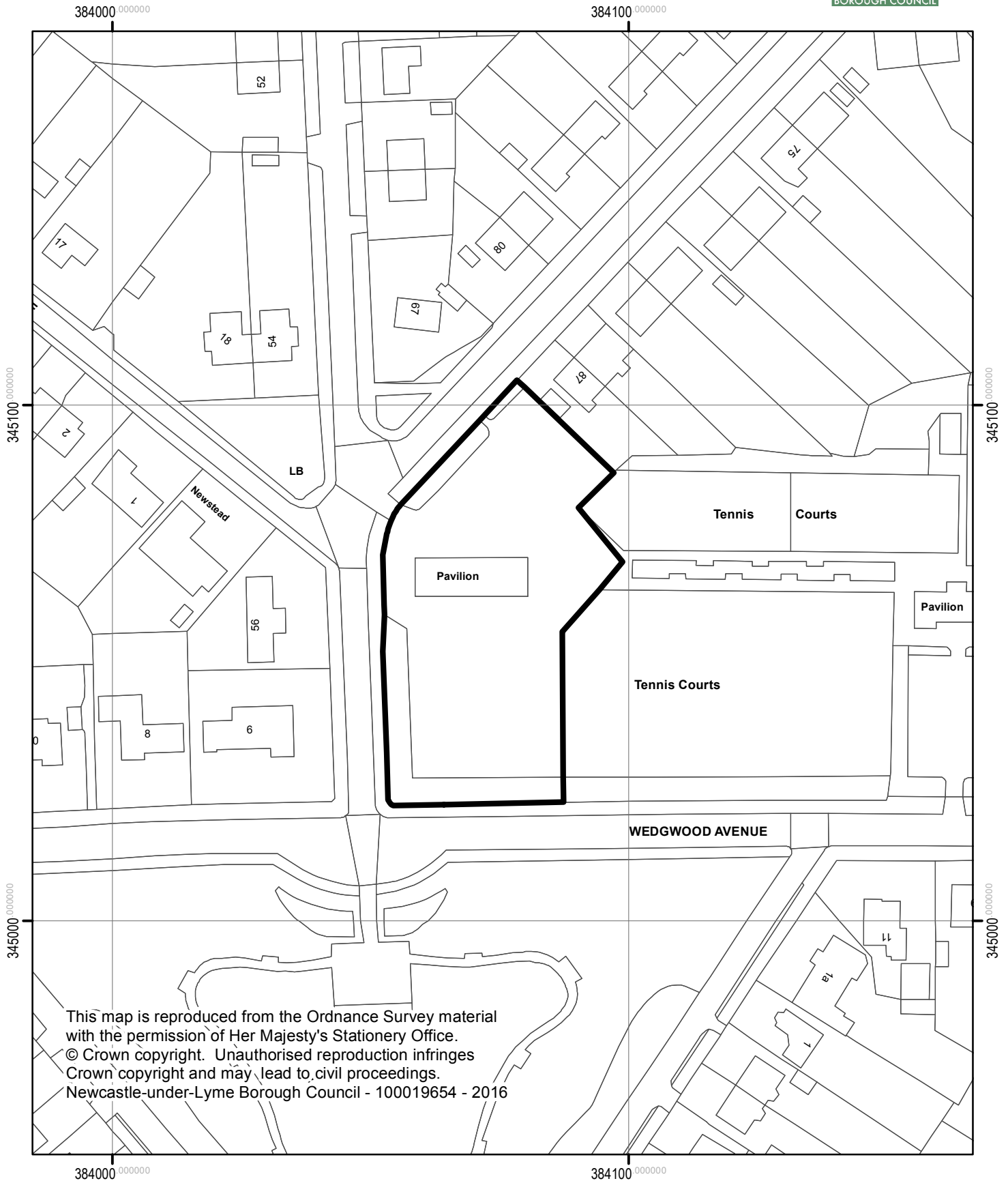
### Background Papers

Planning File  
Development Plan

### Date report prepared

11th April 2017

**Land at Wedgwood Avenue,  
Whitfield Community Centre, Westlands  
16/01108/DEEM4**



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## ARTICLE 4 DIRECTIONS FOR THE BRAMPTON AND WATLANDS PARK CONSERVATION AREAS

### **Purpose of the report**

This report proposes the making of two Article 4 Directions, one in the Brampton Conservation Area and the other in the Watlands Park Conservation Area, which will remove some permitted development rights from certain properties and require planning approval for certain minor works.

### **Recommendation**

**To agree to the making of an Article 4 Direction for the Brampton and Watlands Park Conservation Areas on the terms set out in the report.**

### **Reasons**

The removal of permitted development rights through an Article 4 Direction would help protect features in Conservation Areas which are key elements to their distinctive special character, and give effect to the proposals within the agreed Conservation Area Appraisal and Management Plans for these Conservation Areas.

## **1.0 Background**

- 1.1 The Council resolved in March 2011 to undertake a rolling programme of Conservation Area Appraisals and Management Plans (CAMPs) for the Conservation Areas in the Borough. Conservation Area Appraisal and Management Plans have been adopted by the Council for The Brampton Conservation Area and the Watland Park Conservation Areas. One of the proposals set out in these Management Plans is that the Borough Council would consider the making of an Article 4 Direction for certain and relevant types of development.
- 1.2 This process has already been carried out in Butterton, Betley, Basford and more recently last year in Madeley, Audley, Whitmore following similar Appraisals, and relevant consultation. Article 4 Directions have been made and confirmed in all of these areas. A report on the confirmation of an Article 4 Direction for the Stubbs Walk Conservation Area is to be found elsewhere on this agenda.
- 1.3 Extensive consultation was undertaken on the Management Plans for The Brampton and Watlands Park, involving the seeking of the views of local stakeholders, including local residents groups on the particular issues facing each Conservation Area. Support for Article 4 Directions was given during this consultation from residents and the Residents group at Watlands Park have been involved in jointly considering the Direction with the Council.
- 1.4 The final versions of the Appraisal and Management Plans for both Conservation Areas were approved by the Borough Council as a Supplementary Planning Document on 7<sup>th</sup> December 2016.

- 1.5 Article 4 Directions are one of the tools available to local planning authorities to help to respond to the requirement in legislation to preserve and enhance their Conservation Areas. Such Directions are made under Article 4 of the General Permitted Development Order (the GPDO) and they can withdraw selected automatic planning permissions granted by the GPDO. The existence of an Article 4 Direction ensures that the community, through its Local Planning Authority, has an opportunity to consider any proposed changes by requiring the submission of a planning application to obtain planning permission first for particular types of development. An Article 4 Direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. It does not mean that such development is not allowed.
- 1.6 The National Planning Policy Framework (NPPF) states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. Conservation Areas are designated because of their special character and appearance and their architectural and historic interest. The aim of such a designation is to try and preserve and enhance this special character and appearance.
- 1.7 The Conservation Area Working Party recommends to the Planning Committee that the Council make Article 4 Directions for the Brampton and Watlands Park Conservation Areas as set out in the report. With particular regard to the Watlands Park Conservation Area the Working Party consider that the Article 4 Direction is justified as a lot of infill housing has been constructed which is not good quality and it is necessary to control further development to avoid unsympathetic alterations damaging the special character of the Conservation Area

## 1.8 **National Planning Practice Guidance**

- 1.9 The Town and Country Planning (General Permitted Development) Order 2015, as amended, makes various forms of development permitted development and thus grants automatic planning permission for them.
- 1.10 The 2014 *National Planning Practice Guidance* provides easy accessible and up to date information on all aspects of Planning including the making of an Article 4 Direction. The following link sets out the information needed to make such a direction and answers general questions on procedure and the implications of a Direction.

<http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>

## 2.0 **Removal of Permitted Development Rights**

- 2.1 Local planning authorities can remove permitted development rights by either a condition on a planning permission or by an Article 4 Direction. The latter are made on a case by case basis and should be based on whether the exercise of permitted development rights, in the case of Conservation Areas, would harm the visual amenity of an area or damage the historic environment. The potential harm that the Direction is intended to address should always be clearly identified. An Article 4 Direction means that a particular development cannot be carried out under permitted development and therefore needs a planning application.

- 2.2 Not all areas have the same permitted development rights. There are a range of exclusions to what development is permitted in protected areas, which is known as Article 2(3) land, which covers Conservation Areas. Article 4 Directions are however a means to bring within the scope of planning control some of the incremental changes which can damage the important characteristics of a Conservation Area. The Guidance states that there should be a particularly strong justification for the withdrawal of permitted development rights relating to
- a wide area (such as the whole of a local authority area)
  - agricultural and forestry development – such directions would need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
  - cases where prior approval powers are available to control permitted development
  - leisure plots and use, and
  - the installation of microgeneration equipment.

2.3 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation of at least 21 days and the Directions only come into force on a specified date which is not less than 28 days after the notice is published. Permitted development rights are withdrawn after consideration has been given to any representations and the Direction is formally confirmed by the Local Planning Authority.

2.4 Directions can also be made with immediate effect where permitted development rights are withdrawn straight away. This is only where the local planning authority considers that the development to which the Direction relates would pose an immediate threat to local amenity or would be prejudicial to the proper planning of an area. They can only relate to development within the curtilage of dwelling houses, works to fences or walls or other minor operations, some changes of use and temporary buildings and works of demolition (other than by Historic England). To remain in force immediate directions must be confirmed following consultation within 6 months of when it was originally made otherwise they will no longer remain in force. Article 4 Directions cannot be made for development which has already started or completed.

### 2.5 **Existing Article 4 Direction within the Brampton Conservation Area**

The Council made an immediate Article 4 Direction in within the Brampton Conservation Area (following the extension to the boundary made in 2016) which removes permitted development rights to change from a dwellinghouse use (Class C3) to small houses in multiple occupation (SHMOs) (Class C4). The area covered is Sidmouth Avenue, Gower Street, Granville Avenue, Northcote Place and King Street.

### 3.0 **Scope of Article 4 Directions**

- 3.1 The proposals within the Management Plans are limited to a removal of certain permitted development rights indicating that if such a Direction was made planning permission might then be required for
- all extensions whatever the size, including porches, on the front of the building
  - changing roof materials and insertion of rooflights on front-facing roofslopes
  - replacing windows or doors or other architectural features on the front elevation
  - removal or partial demolition of a chimney
  - the erection, alteration or removal of a wall, gate, or fence at the front of the house can also be controlled as well as demolition (front means a public highway or open space)

3.2 Important features such as windows, doors, roofs, frontages, chimneys and boundary walls all play a part in defining the character of an area. This is especially relevant to these two Conservation Areas which both have a high percentage of buildings with original windows, doors and boundary walls.

#### 4.0 **Proposed Article 4 Direction for Watlands Park and the Brampton Conservation Areas**

4.1 Officers have considered carefully the buildings in the 2 Conservation Areas including those identified as “positive buildings” within the Conservation Area Appraisals and those identified as potential buildings which might be added to the Council’s Local Register of Buildings of Architectural or Historic Interest, to determine which buildings are the most appropriate for an Article 4 Direction. **Schedule A** below sets out the specific buildings for which it is proposed to remove certain permitted development rights in the Brampton Conservation Area, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area. **Schedule B** below sets out the specific buildings for which it is proposed to remove certain permitted development rights in the Watlands Park Conservation Area.

4.2 A plan for each of the Conservation Areas indicating the location of these properties will be displayed at the meeting. Attached as Appendix 1 is the plan for the Brampton and Appendix 2 the plan for Watlands Park.

4.3 It is proposed that the Council should proceed via the use of a non-immediate Direction for both areas which could come into effect following the proposed consultation and after the required consideration of any representations that may be received.

4.4 Consideration has been given to the removal of Permitted Development rights for extensions and alterations to financial or professional services and offices in the Brampton Conservation Area. Such uses do not tend to have Permitted Development rights within Conservation Areas and planning permission is required for most alterations and extensions or is restricted and controlled by conditions to ensure that materials match. It is therefore not proposed to take away permitted development rights for commercial premises for these forms of development because there is little to gain and Directions should only be used when there is real threat to the amenity of an area.

#### 5.0 **Consultation**

5.1 Consultation will be done through the following:

- By production of a leaflet explaining the effect of the Direction and how to make representations and the serving of the required notice on the owner/occupier of every house affected by the Direction.
- Placing an advert in The Sentinel which will set out the properties and classes of development affected, explain the Direction’s effects and specify a period of 21 days to make representations to the Local Planning Authority.

#### 6.0 **Compensation**

6.1 Following the making of an Article 4 Direction, the local planning authority may be liable to pay compensation to those whose permitted development rights have been removed if permission is refused (or granted subject to more limiting conditions than the GPDO), where development would normally be permitted. The grounds for compensation are

limited to abortive expenditure (for example on the drawing up of plans) or other loss or damage directly relating to the withdrawal of permitted development rights. These rights for compensation are set out in sections 107 and 108 of the Town and Country Planning Act (as amended) and the Town and Country Planning (Compensation) (England) Regulations 2015 set out when time limits apply. Where notice of withdrawal of the above rights is published not less than 12 months and no more than 2 years before the withdrawal took place, the issue of potential compensation does not arise at all.

## 7.0 **Conclusions**

- 7.1 The Conservation Area Management Plans for the Conservation Areas contain a number of recommendations which when successfully implemented will meet the Council's statutory duties and responsibilities under the planning and conservation legislation to preserve and enhance the special architectural or historic interest of this area.

## **Schedule A**

### **The Brampton Conservation Area - Article 4 Direction Property Schedule**

*1. The following properties would be affected by removal of Permitted Development rights relating to extensions; the provision of replacement windows and doors, porches; any alteration to the roof on front roof slopes; the removal of chimneys; and boundary treatments*

1, 2, 2A, 4, 5, 6, 7, 9, 16, 17, 18 & 19 Sidmouth Avenue  
1, 2, 3, 4, 5, 6, 7, 8 & 9 Northcote Place  
8 Gower Street  
9, 11 (odd) Granville Avenue  
2 – 10 (even) Granville Avenue  
Glen Mayner, Hobbergate, and The Manor House, Brampton Road

*2. The following properties would be affected by removal of Permitted Development rights for boundary treatments only.*

1A, 3, Registry Office, Maple Court, 11, 12, 13, 15 Sidmouth Avenue  
15 & 17, 19, 21, 23, 25, 27, 29 King Street  
1, 2, 3, 4, 6, 11a, 15, 17, 19, & 21 Gower Street  
2a & 12 Granville Avenue  
1-7 (odd) Granville Avenue  
Brampton Hill, Kingsley and The Brampton, Derwent House, Homelea, Netherby, Eversley, and Derwent, Brampton Road

## **Schedule B**

### **Watlands Park Conservation Area - Article 4 Direction Property Schedule**

*1. The following properties would be affected by removal of Permitted Development rights relating to extensions; the provision of replacement windows and doors, porches; any alteration to the roof on front roof slopes; the removal of chimneys; and boundary treatments*

26 – 42 (even) and 3 – 25, 31 - 33 Woodland Avenue  
14 – 20, 30, 32 (even) and 13 – 23 & 43 (odd) Watlands Avenue  
3 – 5, 9, 17 & 19 (odd) and 8 – 12 (even) Park Avenue  
9 - 29 Marsh Avenue  
1, 3, 61 - 81(Newcroft Court) and 38, 62 Albert Terrace  
18 & 20 23, 25, 27, 29, 41 – 45 High Street

*2. The following properties would be affected by removal of Permitted Development rights for boundary treatments only.*

2, 20, 27 Woodland Avenue

1, 42, 44 Watlands Avenue

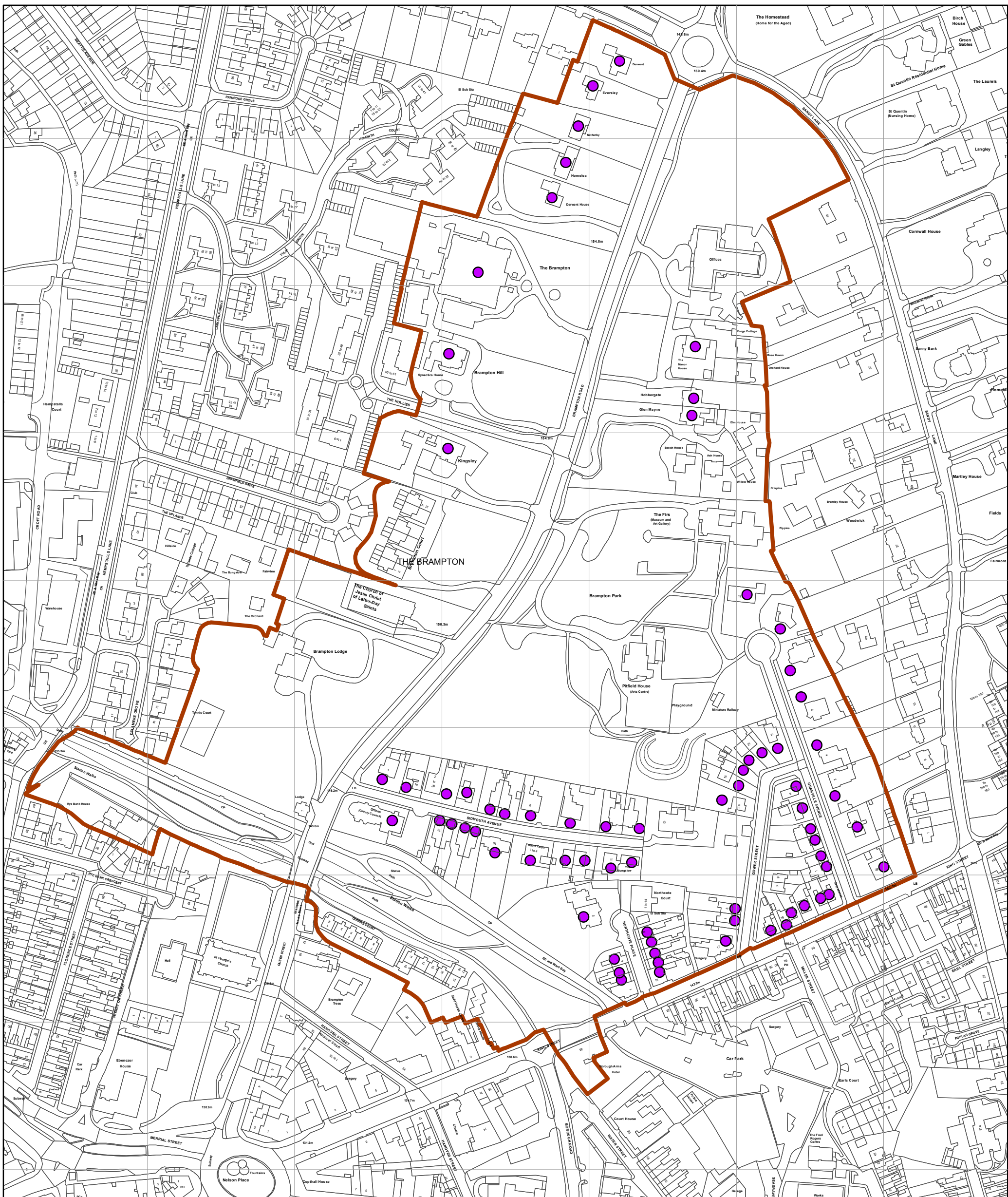
1, 11, 15, 2, 2a, 4 & 14a, 14b, 14c, 14d, 14e, 16 - 22 Park Avenue

4, 20 – 38 & Marsh Avenue

24 & 21, 31 – 39, 47 High Street



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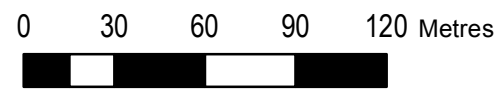




# Brampton Conservation Area Article 4 Direction March 2017

## Key

-  Conservation Area boundary
-  Buildings subject to Article 4 direction



1:2,500  
at print size A3



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Conservation Area Boundary

# Watlands Park Conservation Area Proposed Article 4 Direction April 2017

## Key

- Buildings subject to Proposed Article 4 Direction

1:2,000 at print size A3

0 25 50 75 100 Metres

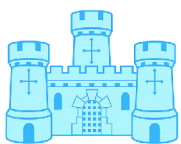


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Page 99

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## **Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund**

**St Margaret's Church, Church Lane, Betley (Ref: 16/17005/HBG)**

### **RECOMMENDATION:**

**That the following grant is approved:-**

**£5,000 for the repointing the tower, replacing and re-facing defective sandstone blocks and re-gilding clock face at St Margaret's Church, Betley, subject to the appropriate standard conditions**

### **Purpose of report**

To enable members to consider this application for financial assistance.

St Margaret's Church in Betley is the parish church and is a Grade I Listed Building. It has a timber framed core that has been encapsulated with ashlar sandstone.

The church tower is in need of repointing and the church architect has compiled a schedule of work and arranged a tender process. The pointing will be in appropriate lime mortar mix and new stone will be replaced with red Hollington, samples of which would be agreed with architect before any work was undertaken. The clock face is to be repainted and the hands and numerals re-gilded and the preferred contactor has undertaken satisfactory work on the church before. The architect (conservation accredited) is retained and will inspect the work during the contract.

The total cost of the works is estimated at £35,500 excluding VAT which is recoverable. Architects fees are £4,600 so the total cost is £39,600. The works are eligible for grant up to 20% of the total cost which is £7,920. The maximum grant which can be awarded to a Listed Building is £5,000, so in this case it is recommended that the Church is offered £5,000 towards the cost of the above works.

The Conservation Advisory Working Party are supportive of this application.

### **Financial Implications**

There is sufficient funding to meet this grant application with £30,000 in the Fund allowing for commitments.

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## **Confirmation of Tree Preservation Order**

### **LAND AT THE OLD COAL YARD, RYE HILLS, BIGNALL END**

#### **Tree Preservation Order No.182 (2016)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Order** protects a tree situated on land at the Old Coal Yard, Rye Hills, Bignall End. The Order was made to safeguard the longer term visual amenity that the tree provides due to concern that it might be felled as an obstacle to development.

The Order was made using delegated powers on 21<sup>st</sup> December 2016. Approval is sought for the Order to be confirmed as made.

**The 6 month period for this Order expires on 21<sup>st</sup> May 2017**

## **RECOMMENDATION**

That Tree Preservation Order No 182 (2016), land at The Old Coal Yard, Rye Hills, Bignall End, be confirmed as made and that the owner of the site be informed accordingly.

## **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the tree is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the tree is generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be appropriate species for the locality and provide public amenity value due to its form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the tree nor progressing plans to develop the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage and wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to safely manage it.

## **Representations**

No representations have been received.

## **Issues**

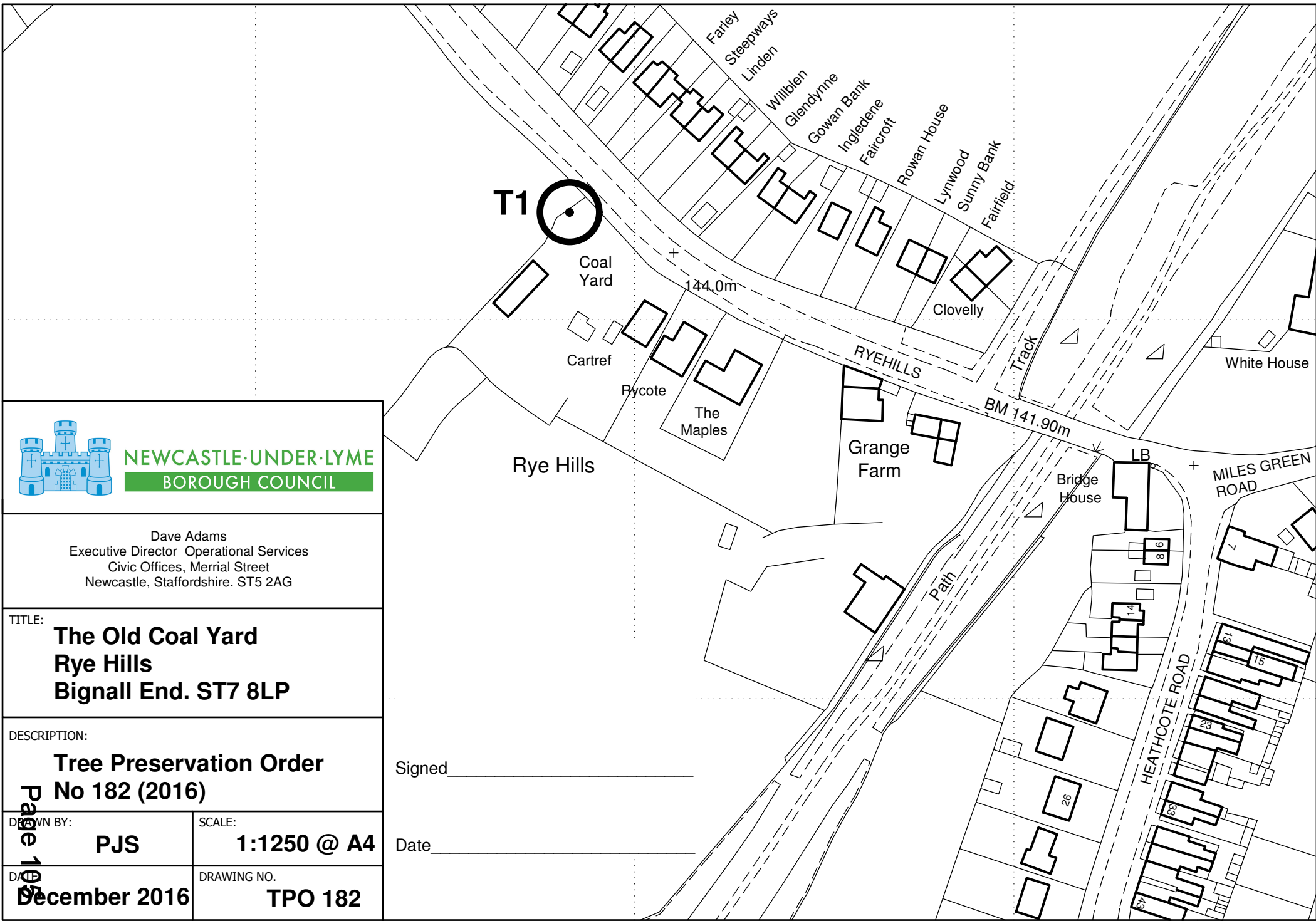
The tree is located to the front of the site of the Old Coal Yard adjacent to RyeHills, within the hedgerow on the north-western boundary. It is a mature oak tree, is clearly visible from RyeHills and surrounding areas to the west and south. It is a significant feature to the locality and provides an important contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. The site currently has planning permission to build a detached bungalow, reference 14/00322/FUL, and there is concern that the tree may be felled as an obstacle to the development.

Your officers inspected the tree on the site on 20 December 2016 and carried out a TPO assessment, and found it worthy of an Order. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 21st December 2016 in order to protect the long term well-being of the tree.

Date report prepared

3<sup>rd</sup> April 2017





Dave Adams  
 Executive Director Operational Services  
 Civic Offices, Merril Street  
 Newcastle, Staffordshire. ST5 2AG

TITLE:  
**The Old Coal Yard  
 Rye Hills  
 Bignall End. ST7 8LP**

DESCRIPTION:  
**Tree Preservation Order  
 No 182 (2016)**

DRAWN BY:  
**PJS**

SCALE:  
**1:1250 @ A4**

DATE:  
**December 2016**

DRAWING NO.  
**TPO 182**

Signed \_\_\_\_\_

Date \_\_\_\_\_

Page 1 of 1

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## REPORT ON THE OPERATION OF THE COMMITTEE'S GUILLOTINE ON LATE REPRESENTATIONS ON PLANNING COMMITTEE ITEMS

### Purpose of the Report

To advise members of the receipt, after the guillotine, of "late" representations from some Parish Councils and to give the Committee the opportunity to consider whether they wish to change the Committee's procedure

### Recommendations

1. That the Committee resolve that late representations from Parish Councils be considered to be subject to the guillotine procedure, with immediate effect
2. That the Parish Councils be informed of this decision and reminded as to the operation of the Committee's policy on late representations

As members will be aware the Committee's policy, established in 2007, is to operate a guillotine after which late representations, whether from applicants or third parties, will not be reported to or taken into account by the Committee. The policy does not prevent the reporting of late submissions where the submission refers to a material consideration that would otherwise not be considered.

The policy allows as an exception the reporting of late representations from statutory consultees.

In recent years representations have upon occasion been received from a Parish Council after the guillotine and your Officers have reported it. Such representations have generally been in the form of comments on the published officer's report, normally published some 6 days in advance of the guillotine.

On one recent occasion because of the lateness of the receipt of the submission officers had to provide members with a supplementary report of some length on the day of the actual meeting. As members will be aware the practice has been to issue supplementary reports some 5 days before the meeting itself

Not only does this significantly assist the Committee in undertaking its business but it assists in preventing all parties producing arguments and submissions at the last minute and supports the Committee and the Council as Local Planning Authority in maintaining the principles of transparency and considered decision making in the exercise of its planning functions

Your Officer's view is that there is no logical basis for allowing Parish Councils to make last minute representations, that this does not assist the Committee in its role, and that the policy should be amended so that Parish Councils are subject to the same guillotine procedure as applies to third parties and agents. The Parish Councils will still have an opportunity to submit to the Committee comments upon officers' recommendations

Date Report prepared

13<sup>th</sup> April 2017

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## CONFIRMATION OF ARTICLE 4 DIRECTION FOR STUBBS WALK CONSERVATION AREA

Report to Planning Committee 25<sup>th</sup> April 2017

### Purpose of the report

To provide the Committee with the opportunity to consider any comments received on the Article 4 Direction for Stubbs Walk Conservation Area and to decide whether to confirm the Direction.

### Recommendation

**That the Committee confirms the Article 4 Direction for Stubbs Walk Conservation Area as coming into force on 1<sup>st</sup> May 2017, as set out in the Direction.**

### Reasons

The notification period is over and the Council must now decide if the Direction should be confirmed or not.

## 1.0 Background

- 1.1 The Planning Committee, on 28<sup>th</sup> February 2017 resolved that a non-immediate Article 4 Direction be issued to remove certain permitted development rights with respect to specified properties within Stubbs Walk Conservation Area including rights associated with works of improvement, extension and alteration of a dwelling, works to boundary walls and the demolition of such walls. This was made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The purpose of this report is to enable the Planning Committee to consider whether the Article 4 Direction should be confirmed. The Direction was made subject to confirmation by the Local Planning Authority.
- 1.3 In the case of Stubbs Walk a non-immediate Direction has been progressed which will come into effect if now confirmed on 1<sup>st</sup> May. The Council in deciding whether or not to confirm the Direction is required to take into account any representations received during the consultation period.

## 2.0 Consultation

- 2.1 Representations were invited between 17<sup>th</sup> March and 7<sup>th</sup> April 2017. In accordance with legislation, the relevant notifications were undertaken.
- 2.2 One comment has been received from a householder requesting that these principles apply to Newcastle School and not just residents within the Conservation Area. It will be made available for inspection at the meeting. The Permitted Development rights (Class A of Part 2 and Class C of Part 11 of the Order) which deal with gates, walls and fences will apply to all of the school buildings, where the structure fronts a highway or open space. No other comments have been received.

## 3.0 Conclusions

- 3.1 It is considered that the Direction, as made, is justified and will hopefully help to retain the special architectural details which contribute to the character of the area. An Article 4 Direction only means that a particular development cannot be carried out under permitted development rights and therefore needs a planning application. This gives a Local Planning Authority the opportunity to consider the proposal in more detail. Accordingly it is recommended that the Committee now confirm the Direction.

**APPEAL BY MR TIMOTHY COOPER AND MR ARTHUR WILLIAM COOPER AGAINST THE BOROUGH COUNCIL'S FAILURE TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE ERECTION OF A SINGLE DWELLING WITH ALL ASSOCIATED SITE WORKS ON PLOT 40, LAND ADJACENT TO WOODBURY, OFF SNAPE HALL ROAD, WHITMORE HEATH**

**Application Number**                      **16/00395/PLD**

**LPA's Decision**                              **The appeal was made against a failure to give notice within the prescribed period of a decision on an application. Subsequent to the appeal being lodged it was decided under delegated powers that had the appeal not been lodged the application would have been refused.**

**Appeal Decision**                              **Allowed**

**Date of Appeal Decision**                      **3<sup>rd</sup> April 2017**

The Inspector recognises that whilst the appeal was submitted as a result of the Council failing to give notice within the prescribed period the Council have indicated that they would have refused permission to grant a Lawful Development Certificate. The Inspector identified the main issue for this appeal is whether any planning permission has been granted, is extant and is capable of implementation for the proposed erection of a single dwelling with all associated site work on the appeal site.

In dismissing the appeal the Inspector made various observations including as follows:-

- The site lies within a designated Green Belt, but nevertheless surrounded by post-war dwellings set in spacious plots. The properties were built following grants of planning permission for residential development near to the village of Whitmore.
- Outline planning permission, reference NNR780, was granted in 1953 for the development of land for housing at Whitmore Common. The approved plan identified 28 unnumbered housing plots.
- A further outline planning permission, reference NNR1378 was granted in 1958 for the erection of dwellinghouses at Whitmore Heath. The approved plan identified 40 plots indicated that plots 1-28 and 31-40 as developed.
- The majority of dwellings built in this area appear to have been built in accordance with applications that were not definitively made pursuant to NNR780 or NNR1378. However application reference NNR1849 was expressly made pursuant to NNR780 notwithstanding that the officer's report indicated that it was pursuant to NNR1378. In the absence of any statement as to why the Council considered the application to be inaccurate the decision relating to NNR1849 the Inspector indicated that it must be deemed to be approval of what was applied for and as works commenced so NNR780 will be extant.
- NNR1378 is also extant because application reference NNR1689 was made pursuant to it for a single storey dwelling and garage at plots 39,40, approved in 1958 and then implemented.
- It follows that dwellinghouses could still be built on any remaining plots approved under NNR780 or NNR1378 but only after the submission and approval of details as required by condition of those permissions.
- Since NNR1689, built pursuant to NNR1378, involved the erection of a single residential property on plots 39,40 the Council plainly authorised the development of those plots as a single residential property. The dwelling was shown across the line that divided the two plots and it was built as approved and named Woodbury.
- The area of land forming plots 39 and 40 under NNR1378 were also shown as two plots on the plan approved under NNR780 with the unnumbered plots differently subdivided. Woodbury was not approved pursuant to NNR780 but it stands

nevertheless so that it is contained within what would have been the plot on the eastern side of the line on the approved plan to NNR780.

- Whilst the appeal concerns land described as plot 40 which can only be a reference to the annotation on the plans subject to NNNR1378, the site edged red correlates, as a matter of fact and degree, with the plot to the west of Woodbury as shown on the approved plan for NNR780. The site has no buildings upon it, although it was to be used as part of the garden at Woodbury.
- Case law indicates that there can be any number of permissions covering the same area but if one planning permission makes it physically impossible to implement the second planning permission, that second permission cannot then be implemented. Further case law clarified that there is a difference between 'incompatibility' and 'inconsistency' between planning permissions and that where it is physically possible for the second planning permission to be implemented mere incompatibility with the first planning permission doesn't render the second incapable of implementation.
- In this case it is physically possible to construct a dwelling on the appeal site edged red and there is no evidence that the conditions imposed on NNR780 could not be complied with. Therefore, in light of the case law the Inspector did not accept the Council's case that the planning permission and subsequent construction of Woodbury 'extinguished' the outline planning permission for the appeal site granted by NNR780.
- On the balance of probabilities the Inspector concluded that NNR780 is an extant outline planning permission and it is capable of implementation on the appeal site. It does not follow, however, that the appellants could simply proceed to erect a dwelling on the land but it does pave the way for the appellants to submit a reserved matters application in accordance with the conditions imposed on NNR780 and with details of the access to and scale, layout, appearance and landscaping of the proposed dwelling.

#### **Recommendation**

**That the decision be noted.**