

The application seeks to vary conditions 4, 20 and 22 of planning permission 15/01004/FUL which granted permission for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele. The conditions relate to the residential development at the Hawthorns and refer to the timing of the provision of site accesses and of contaminated land site investigations and remediation.

The site is washed over by the Green Belt and lies within an Area of Landscape Maintenance as identified within the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 30<sup>th</sup> October 2017.

### **RECOMMENDATION**

Subject to the applicant entering into a planning obligation that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/01004/FUL, PERMIT the variation of conditions 4, 20 and 22 of 15/01004/FUL so that they read as follows:

***4. No dwelling shall be occupied until the access serving that dwelling has been provided in accordance with Drawing No. 0377-01.***

***20. In accordance with the Phase I and Phase II Site Investigations, a further investigation and risk assessment post demolition shall be submitted and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the remainder of the development. The report of the findings shall include:***

- a. A survey of the extent, scale and nature of any contamination;***
- b. An assessment of the potential risks to:***
  - o Human health;***
  - o Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;***
  - o Adjoining land;***
  - o Ground and surface waters;***
  - o Ecological systems; and,***
  - o Archaeological sites.***
- c. An appraisal of remedial options, and proposal of the preferred option(s).***

***This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.***

***22. The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable of works agreed as part of Condition 21.***

**And subject to the imposition of all other conditions attached to planning permission 15/01004/FUL that remain relevant at this time.**

### **Reason for Recommendation**

There would be no adverse impact on highway safety or the future users of the land and neighbouring land due to ground contamination as a result of the variation in the wording of the conditions.

The effect of a grant of approval is to create a new planning permission. The previous permission was only granted following the entering into of a Section 106 agreement securing a number of matters, all of which remain relevant and would require a further obligation to be entered into to ensure that these matters continue to be secured.

Subject to this and the imposition of the same conditions as were imposed on 15/01004/FUL that remain relevant at this time 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**

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

**Key Issues**

The application seeks a variation of conditions 4, 20 and 22 of planning permission 15/01004/FUL which granted permission for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele.

**Condition 4**

Condition 4 as worded in the decision notice states as follows:

*The development hereby permitted shall not be brought into use until the accesses have been provided in accordance with Drawing No. 0377-01.*

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

*In the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework (2012).*

The development is to be brought forward in phases and given that there are two proposed accesses to the site, one on Station Road and one on Quarry Bank Road, the variation that is being sought is to require the construction of only the access serving particular properties prior to occupation of those properties.

The applicant has requested that the wording is revised as follows:

*No dwelling shall be occupied until the access serving that dwelling as shown on Drawing No. 0377-01 has been constructed in accordance with construction details that have been agreed in writing by the Local Planning Authority.*

The location of the accesses would remain as approved and the variation in the wording relates solely to the timing of their provision. The Highway Authority has no objections to the proposed variation to Condition 4 and your officer accepts that it is reasonable to require only the access serving a particular dwelling to be provided prior to occupation of that dwelling. The original condition did not require the approval of construction details and therefore it is not considered necessary to require that now. Therefore, it is proposed that Condition 4 is varied as follows:

*No dwelling shall be occupied until the access serving that dwelling has been provided in accordance with Drawing No. 0377-01.*

**Condition 20**

Condition 20 as worded in the decision notice states as follows:

*No development shall take place (apart from works of demolition) until a further investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The report of the findings shall include:*

- a. A survey of the extent, scale and nature of any contamination;*
- b. An assessment of the potential risks to:*
  - o Human health;*
  - o Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;*
  - o Adjoining land;*
  - o Ground and surface waters;*
  - o Ecological systems; and,*
  - o Archaeological sites.*
- c. An appraisal of remedial options, and proposal of the preferred option(s).*

*This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

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

*To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of the National Planning Policy Framework (2012).*

As recommended in the Phase II Site Investigation Report submitted with the original planning application, further validation testing is required following demolition of the existing campus buildings and infrastructure. The applicant has stated that due to the nature of the site and timescales, including site constraints such as bats, it may not prove practical to complete demolition of all the buildings prior to commencing other phases of the development. It is requested therefore that the condition is varied to allow appropriate investigation for each phase to be carried out as the development progresses. The wording suggested by the applicant is as follows:

*In accordance with the Phase I and Phase II Site Investigations, a further investigation and risk assessment post demolition shall be submitted and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The report of the findings shall include:*

- a. A survey of the extent, scale and nature of any contamination;*
- b. An assessment of the potential risks to:*
  - o Human health;*
  - o Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;*
  - o Adjoining land;*
  - o Ground and surface waters;*
  - o Ecological systems; and,*
  - o Archaeological sites.*
- c. An appraisal of remedial options, and proposal of the preferred option(s).*

*This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

Although the applicant states that it may not prove practical to complete demolition of all the buildings prior to commencing other phases of the development, it appears that the need to vary the condition is more because to provide the further investigation and risk assessment requires the demolition of the buildings and that restrictions on when buildings can be demolished mean that it may not prove practical to complete demolition of all the buildings prior to commencing other phases of the development. The Environmental Health Division has no objections to the variation to Condition 20 and the wording proposed by the applicant is considered appropriate with the addition of the words 'the remainder of' prior to the word 'development'.

Although the Parish Council state that they would not wish to see parts of the site lying derelict for substantial periods of time, the variation in the wording does not alter the likelihood of this happening, there being no controls in the existing permission which seek to limit the time between demolition works and the new build, and there has been no change that would justify introducing any such restriction. Furthermore there is no reason to believe that parts of the site will lie undeveloped for any period of time.

### **Condition 22**

Condition 22 as worded in the decision notice states as follows:

*The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted and no development shall take place (apart from works of demolition) until that report has been approved in writing by the Local Planning Authority.*

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

*To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of the National Planning Policy Framework (2012).*

The final verification report will only become available once the whole site, and therefore remediation, is completed. The applicant has requested that to enable the commencement of development the verification report be submitted in accordance with the timeframe submitted and required by Condition 21.

The wording suggested by the applicant is as follows:

*The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable of works agreed as part of Condition 21.*

The Environmental Health Division has no objections to the variation to Condition 22 and the wording proposed by the applicant is considered appropriate.

### **Planning Obligation**

The previous permission was only granted following the entering into a Section 106 agreement securing a number of matters, all of which remain relevant and therefore a further obligation would be required to be entered into to ensure that these matters continue to be secured.

## **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](#)

None relevant

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

None relevant

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

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

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

### **Relevant Planning History**

15/01004/FUL Demolition of the Management Centre buildings at the Hawthorns, Keele and construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele – Approved

15/01009/FUL Demolition of Management Centre Buildings at The Hawthorns - Approved

### **Views of Consultees**

The **Highway Authority** has no objections.

The **Environmental Health Division** has no objections.

**Keele Parish Council** makes the following comments:

- Concern is expressed that no justification or explanation for the proposed changes is provided by the applicant.
- No objection is raised to the change to Condition 4.
- It is accepted that phasing of site investigation and risk assessment may be reasonable given the size and diversity of uses on the site but explanation is sought of the implications of phasing for local residents.
- The Parish Council would expect the local community to be kept informed throughout the construction process and they would not wish to see parts of the site lying derelict for substantial periods of time.
- No objection is raised to the changes to Condition 22 but it is requested that the wording of the reason for the condition be retained.

### **Representations**

None received

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

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00646/FUL>

**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

20<sup>th</sup> September 2017