

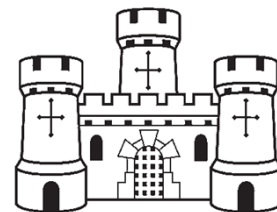
# Public Document Pack

**Date of meeting** Tuesday, 18th July, 2017

**Time** 6.30 pm

**Venue** Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG

**Contact** Geoff Durham



**NEWCASTLE  
UNDER LYME**

**BOROUGH COUNCIL**

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

## Planning Committee

### SUPPLEMENTARY AGENDA

#### PART 1 – OPEN AGENDA

- |  |                 |
|--|-----------------|
| 5a APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF MEADOW WAY, BALDWINS GATE. BELLWAY HOMES (WEST MIDLANDS). 16/01101/FUL                 | (Pages 3 - 4)   |
| 5b APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF MEADOW WAY, BALDWINS GATE. BELLWAY HOMES (WEST MIDLANDS). 16/01101/FUL                 | (Pages 5 - 6)   |
| 6a APPLICATION FOR MAJOR DEVELOPMENT – LAND AROUND WILMOT DRIVE ESTATE, LOWER MILEHOUSE LANE, NEWCASTLE. KIER LIVING LTD. 17/00281/FUL | (Pages 7 - 8)   |
| 6b APPLICATION FOR MAJOR DEVELOPMENT - LAND AROUND WILMOT DRIVE ESTATE, LOWER MILEHOUSE LANE, NEWCASTLE. KIER LIVING LTD. 17/00281/FUL | (Pages 9 - 12)  |
| 12a APPLICATION FOR MINOR DEVELOPMENT – EARDLEY HALL KENNELS, CROSS LANE, AUDLEY. MR TIM JONES. 17/00425/FUL                           | (Pages 13 - 14) |
| 20a APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - ST MARY AND ALL SAINTS CHURCH, WHITMORE                          | (Pages 15 - 16) |

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

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

**FIELD\_TITLE**

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

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2017**

**Agenda item 5**

**Application ref. 16/01101/FUL**

**Land off Meadow Way, Baldwin's Gate**

Following the preparation of the main agenda report, Officers have received a copy of a letter from Baldwin's Gate Action Group Number 2 that has been circulated to Members of the Planning Committee. The issues raised are addressed within the main agenda report.

A letter has been received from Sir William Cash MP enclosing an e-mail from Baldwin's Gate Action Group Number 2 requesting the Chairman to agree an adjournment of the hearing of this application by the Planning Committee on Tuesday 18<sup>th</sup> July. This communication was not directly received by the Chairman. The Group states that it is unable to present a complete argument for its objection to this application due to a failure of the Planning Department to provide information requested in a formal Freedom of Information application made on 7<sup>th</sup> April on behalf of the Group.

The request for information made under the Freedom of Information Act has now been responded to.

Your Officers' advice on the request for an adjournment (deferral) is that whilst the delay in responding to the FOIA request was both unfortunate and regrettable that delay is not detrimental to the requester's ability, or that of any Group he is a member of - such as BGAG#2, to submit to the Local Planning Authority their views on the planning merits or otherwise of the application (as both he and they have done). With the exception of the consultation responses and public representations, all of which have been available to view on the Council's website since soon after receipt, none of the information sought by the requester is information which the Council is required, by the Town and Country Planning Act, to make available for public inspection, nor is the delay in its provision now a proper or justifiable basis for the Committee not now determining the application.

**On this basis the recommendation that is given to the Committee remains that which was provided in the main agenda report**

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2017**

**Agenda item 5**

**Application ref. 16/01101/FUL**

**Land off Meadow Way, Baldwin's Gate**

Following the preparation of the main agenda report, discussions have taken place between your Officer, Severn Trent Water and the applicant regarding the wording of the condition recommended by Severn Trent Water. The following is considered to be acceptable by all parties:

*No dwelling within the development hereby permitted shall be occupied until 1<sup>st</sup> May 2019, or until works to improve the local sewage works so that they are able to accommodate the flows from the proposed development without increasing the risk of breaches to the discharge consent from that sewage works, have been completed in accordance with details to be submitted to and agreed beforehand in writing by the LPA, whichever comes first, unless otherwise agreed in writing with the LPA.*

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

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**18<sup>th</sup> July 2017**

**Agenda item 6**

**Application ref. 17/00281/FUL**

**Land around Wilmot Drive Estate, Lower Milehouse Lane, Newcastle**

Following the preparation of the main agenda report it has been noted that the District Valuer (DV) has adopted a different approach to the off-site highway costs that are involved to the one normally adopted. Normally any off-site highway works are taken into consideration when assessing viability in the same way as on-site highway works - as a construction cost, and once all construction and other related costs are taken into account the amount that any development can sustain without becoming unviable is calculated. That sum of money then covers all the financial contributions that are necessary to make the development policy compliant. In this case, however, the DV has viewed the cost of the off-site highway works as a financial contribution to be added to the other financial contributions required in this case (i.e. the Multi-Use Games Area, the travel plan monitoring fee and the commuted off-site affordable housing contribution).

In light of that, and to avoid the need to instruct the DV to reassess the proposal, it is necessary in this case to include the off-site highway works within the matters to be secured through the required planning obligation.

**REVISED RECOMMENDATION**

**(A) Subject to the applicant entering into a Section 106 obligation by 25<sup>th</sup> August 2017 to secure the following:**

- i. A financial contribution of £60,000 (index linked) for the provision/maintenance of a Multi-Use Games Area (MUGA) to be paid prior to commencement of development**
- ii. A travel plan monitoring fee of £6,430 to be paid prior to commencement of development**
- iii. Off-site highway works involving improvements to the signalised junction of Lower Milehouse Lane with 'Morrisons' store entrance (expected to be around £30,000)**
- iv. Management agreement for the long-term maintenance of the public open space on the site**
- v. A commuted off-site affordable housing contribution amounting to whatever remains of the £996,000 when i, ii, and iii, are deducted (index linked) to be paid in three equal payments which is to be ring-fenced for five years for Aspire Housing Ltd**
- vi. The review of the financial assessment of the scheme, if there is no substantial commencement (which will be defined in the obligation) within a period, yet to be advised, of the grant of planning permission, and additional affordable housing contributions then being made, up to a policy compliant level, if the scheme is evaluated at that time to be able to support such a contribution.**

**Permit subject to conditions set out in the main agenda report.**

**B) Should the matters referred to in (i), (ii), (iii), (iv), (v) and (iv) 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 matters being secured the development would fail to secure an appropriate level of affordable housing, the provision and management of public open space, and measures to ensure that the**

development achieves sustainable development outcomes, and without a review mechanism there would be no up to date justification for a development with no policy compliant affordable housing provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.



**SECOND SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2017**

**Agenda item 6**

**Application ref. 17/00281/FUL**

**Land around Wilmot Drive Estate, Lower Milehouse Lane, Newcastle**

Since the preparation of the main agenda and the first supplementary reports further comments have been received from the **Landscape Development Section** regarding the additional information provided by the applicant.

- The additional tree information provided shows that most major trees within group G12 can be retained although a significant amount of smaller trees and shrubs might be lost. Of particular concern is the loss of vegetation opposite plots 1 to 5.

Also of concern is that the significant loss of vegetation on the western boundary has not adequately been addressed. The plans do not appear to show existing trees immediately outside the site boundary.

Permission should be subject to reinforcement planting to fill any gaps in these areas, including outside the site boundary if necessary, along with a management plan to ensure satisfactory establishment.

- The construction of the proposed retaining wall on the southern corner of the site could cause loss of trees outside the site boundary. Information should be provided as to the minimum working area that will be required. Tree planting should be included to the front of the wall to screen it.
- It appears that the proposed levels generally try to follow existing levels, however very few road levels are shown and it is difficult to assess the likely extent of changes in level that will be required to accommodate the roads. There are no objections in principle if it can be guaranteed that there will be no changes of level within Root Protection Areas (RPAs).
- Trees 753, 755, 756 and 757 in the area of the proposed play area should be retained.
- The choice of tree species is acceptable but a schedule showing the total number of trees to be planted, and of each species, is required to give a better indication of the proposed tree cover.
- Permission should be subject to a detail tree protection plan, arboricultural method statement, details of special engineering within RPAs, arboricultural site supervision and arboricultural monitoring schedule, all to BS5837:2012. Tree protection fencing should be to figure 2 of BS5837:2012 and not figure 3 as indicated in the Arboricultural Impact Assessment AIA.

The **Environmental Health Division** have advised, following further consideration of the impact of the noise arising from Lyndale Cross and Lyndale Industrial Estate, that there are no objections subject to appropriate design measures being secured to ensure appropriate noise levels within the proposed dwellings and their gardens.

## **Officer Response**

The matters raised by the Landscape Development Section and the Environmental Health Division can be addressed through the appropriate conditions.

In addition, with regard to recommendation (A) (vi) it has been agreed with the developer that the review of the financial assessment of the scheme should be required if there is no substantial commencement within 18 months and that the definition of substantial commencement in this case is the completion of at least 50 dwellings to damp proof course and construction to base course level only of the road/s serving those dwellings.

## **REVISED RECOMMENDATION**

**(A) Subject to the applicant entering into a Section 106 obligation by 25<sup>th</sup> August 2017 to secure the following:**

- i. **A financial contribution of £60,000 (index linked) for the provision/maintenance of a Multi-Use Games Area (MUGA) to be paid prior to commencement of development**
- ii. **A travel plan monitoring fee of £6,430 to be paid prior to commencement of development**
- iii. **Off-site highway works involving improvements to the signalised junction of Lower Milehouse Lane with 'Morrisons' store entrance (expected to be around £30,000)**
- iv. **Management agreement for the long-term maintenance of the public open space on the site**
- v. **A commuted off-site affordable housing contribution amounting to whatever remains of the £996,000 when i, ii, and iii, are deducted (index linked) to be paid in three equal payments which is to be ring-fenced for five years for Aspire Housing Ltd**
- vi. **The review of the financial assessment of the scheme, if there is no substantial commencement (which will be defined in the obligation) within a period, yet to be advised, of the grant of planning permission, and additional affordable housing contributions then being made, up to a policy compliant level, if the scheme is evaluated at that time to be able to support such a contribution.**

**Permit subject to the following conditions.**

1. **Standard time limit**
2. **Approved plans**
3. **The reporting of unexpected contamination**
4. **Controls over the importation of soil/material**
5. **Submission and implementation of a remediation scheme**
6. **Construction and Environmental Management Plan (addressing environmental and highway safety)**
7. **Controls over piling**
8. **Internal and external noise levels**
9. **Landscaping scheme to include additional trees, the number of each species of tree, reinforcement planting to fill any gaps adjoining the western and northern site boundaries and in front of the proposed retaining wall to mitigate the loss of trees and vegetation arising from the development and to soften the appearance of the wall.**
10. **Providing fencing and a gate to the access to the substation.**
11. **Provision of suitable boundary treatments where gardens back onto the cycle/footpath**
12. **Off-site improvements to the signalised junction of Lower Milehouse Lane and the Morrisons store.**
13. **Surfacing of driveways prior to occupation.**
14. **Travel Plan**

15. Prior approval of the rear boundary treatment to plots 163-164
16. Prior approval of a gate to the substation on Breedon Close
17. Prior approval of the precise facing materials
18. Surface water drainage details to be provided in accordance with approved details.

**B) Should the matters referred to in (i), (ii), (iii), (iv), (v) and (iv) 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 matters being secured the development would fail to secure an appropriate level of affordable housing, the provision and management of public open space, and measures to ensure that the development achieves sustainable development outcomes, and without a review mechanism there would be no up to date justification for a development with no policy compliant affordable housing provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2017**

**Agenda item 12**

**Application ref. 17/00425/FUL**

**Eardley Hall Kennels, Cross Lane, Audley**

Since the preparation of the main agenda report the applicant has now submitted an amended plan and an acoustic report which identifies that no adverse noise impact will occur from the proposed new kennels building. The amended plan changes the roof specification (to include noise attenuation) and results in a glazed curtain wall instead of the open bar front. These are considered minimal alterations to the design.

The **Environmental Health Division** now raises no objections subject to conditions which further minimise noise impacts. These conditions primarily relate to any external doors being kept shut and self-closers being fitted.

The recommendation is therefore revised in the following manner;

**Permit subject to the following conditions;**

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and application form**
- iv) Demolition of existing reception and storage building within 3 months from the occupation of the new kennels**
- v) Landscaping scheme to include replacement tree planting**
- vi) Noise mitigation measures**

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2017**

**Agenda item 20**

**Application for financial assistance (Historic Buildings Grant) - St Mary and All Saints Church, Whitmore**

The Conservation Advisory Working Party have recommended to the Planning Committee that the application be approved

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