

Public Document Pack

Date of meeting Wednesday, 6th December, 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

- 9a APPLICATION FOR MINOR DEVELOPMENT – FORMER AUDLEY WORKINGMENS CLUB. NEW ROAD, BIGNALL END. BRAMPTON HOMES LTD. 17/00673/FUL (Pages 3 - 12)

Revised Report. Please note that the report on the electronic version of the main agenda is the correct one.

- 9b APPLICATION FOR MINOR DEVELOPMENT – FORMER AUDLEY WORKINGMENS CLUB. NEW ROAD, BIGNALL END. BRAMPTON HOMES LTD. 17/00673/FUL (Pages 13 - 16)

- 10a APPLICATION FOR MINOR DEVELOPMENT – MCDONALDS RESTAURANT, DIMSDALE PARADE WEST. MCDONALDS. 17/00856/FUL (Pages 17 - 18)

- 12a APPLICATION FOR OTHER DEVELOPMENT – NEW SPRINGS COTTAGE, AUDLEY ROAD, TALKE. MR C PURKISS. 17/00651/FUL (Pages 19 - 20)

- 17 URGENT BUSINESS (Pages 21 - 22)**

CONSULTATION - FORMER MMU ALSAGER CAMPUS SITE. DAVID WILSON HOMES.
17/5557C 348/249

This is considered urgent as the last date for consultations falls before the date of the next Planning Committee.

18 URGENT BUSINESS

(Pages 23 - 24)

8 Barford Road Appeal and Sn106 position - 17/00483/FUL

This item is considered urgent as there is another application for the same property on this agenda.

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

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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.

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AUDLEY WORKINGMEN'S CLUB, NEW ROAD, BIGNALL END
GREATREX, BRAMPTON HOMES LTD

17/00673/FUL

The application is for full planning permission for a new A1 retail unit on part of the site of the former Audley Workingmen's Club within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The site is accessed off New Road which is a B classified Road.

A grade II Listed milepost is located on New Road opposite and in close proximity to the site.

The application has been called in to Committee by two Councillors due to the following concerns:

- Inappropriate development in a residential area.
- Unnecessary development in the area.
- The 12 dwellings approved on this site were welcomed by local residents as it was in keeping with other development nearby. The building of a retail store immediately behind and in front of nearby dwellings is completely inappropriate and unacceptable to residents.
- There is no justification of a store as the area is very well served both other food stores. There is no requirement for further retail facilities.
- It would be perverse for a site identified as suitable for 12 houses to be sacrificed for unnecessary retail development when Newcastle Borough Council is unable to demonstrate a five year housing land supply.

The 8 week period for the determination of this application expired on the 4th October 2017 but the applicant has agreed to an extension of time to that period to the 8th December 2017.

RECOMMENDATION

PERMIT subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials as per application
4. Completion of access prior to use of the building
5. Parking, turning servicing and loading areas provided prior to the use of the building
6. Surfacing, drainage and delineation of parking bays,
7. Weatherproof cycle provision,
8. Submission and approval of Delivery Vehicle Management Plan,
9. Submission and approval of Construction Method Statement,
10. Submission and approval of Environmental Management Plan,
11. Restriction of Operational Hours - Construction and Demolition,
12. No noise generating plant, such as mechanical ventilation, refrigeration or air conditioning units, or refuse compacting and baling equipment unless agreed prior to installation,
13. Submission and approval of any Kitchen Ventilation System and Odour Abatement,
14. Submission and approval of Details of the External Lighting Scheme for Approval,
15. Restriction of Operational Hours - Deliveries To Store and Waste Collections,
16. Air Quality Impact Assessment,
17. Land Contamination,
18. Foul and surface water drainage details.

Reason for Recommendation

The proposal involves retail development in an out of centre location; however no sequentially preferable sites have been identified, in addition, given the scale of the development there is no requirement to undertake an impact assessment. There are therefore no grounds to object in

principle of this development. The site is within a sustainable village has an acceptable design of the building is acceptable and subject to conditions the impact on highways safety and residential amenity levels is acceptable and in accordance with the guidance and requirements of the National Planning Policy Framework.

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

The applicant has been informed of progress on the application and submitted information where necessary. The proposed development 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 is for full planning permission for a new A1 Retail Unit on part of the site of the former Audley Workingmen's Club within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The proposed retail unit would have a gross internal floor area of 418 sqm. The site is accessed off New Road which is a B classified road.

A grade II Listed milepost is located on New Road opposite and in close proximity to the site but it is not considered that the proposal would have an unacceptable impact on the setting of the structure.

A planning application for 12 houses has been permitted on the site, under reference 16/01036/FUL and the proposed development would result in only 6 of the houses being capable of construction.

A report was prepared for the 7th November Planning Committee but following the submission of a revised site layout plan a further statutory consultation with the Parish Council was required and a decision could not be made at that meeting.

The main issues for consideration in the determination of this application remain accordingly:-

- The principle of a new retail unit in this location
- The design and impact on the character and appearance of the area
- Car parking and highway safety
- Impact on the amenity of the area

The principle of a new retail unit in this location

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development, and for decision taking this means, unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

The proposal is for a new A1 Retail Unit on part of the site of the former Audley Workingmen's Club within the village envelope of Bignall End.

The NPPF supports a prosperous rural economy and at paragraph 28 specifically promotes the retention and development of local services and community facilities in villages, such as local shops.

At paragraph 24 the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses (including retail development) that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering

edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 25 states that the sequential approach to main town centre uses should not be applied to small scale rural development, what constitutes 'small scale' is not defined.

At paragraph 26 the NPPF indicates that retail impact assessments for shop applications, which are not in accordance with an up to date Local Plan, is not required by national policy for schemes below the 2,500 sqm threshold set in paragraph 26 of NPPF or a locally set threshold.

Audley Parish, within which the site is located, is defined in the Core Spatial Strategy (CSS) as a rural service centre which provide the most comprehensive range of essential rural services. The NPPF glossary indicates that reference to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance and, in addition, that they are areas defined on the local authority's proposals map. The proposals map does not define a primary shopping area for Audley Parish. The application site cannot be considered, therefore, to be a town centre or edge of centre site.

In this instance the application is not supported by an assessment of identified sites within or on the edge of centre. The applicant's agent has indicated that the proposal is a food (convenience) store and;

"This is an application for a small store (270 sqm of net trading area). It is the kind of store which is designed for and sits within local centres and rural communities such as this one. An important point to consider and the reason for a ST is whether the use could go within the town centre. As a matter of fact this proposition does not arise at all in this case. The use is to serve this local community along with any who pass through it. It will not draw any significant trade away from the town centre and most importantly even if planning permission is refused here the use will not simply seek another site in or closer to the town centre."

Your Officer does not agree with the applicant that the sequential test does not apply in this case. It is, however, accepted that to accord with planning practice guidance the application of the sequential test should be proportionate and appropriate and should therefore involve an area of search that reflects the scale and nature of the retail development that is proposed taking into account the likely catchment area of that store. In this regard the applicant has not identified what the catchment area for the proposed shop would be, but given that the proposed store could only accommodate a relatively small proportion of the product range sold in larger format stores and will therefore provide top-up shopping rather than main/bulk food shopping trips, its catchment will be limited in extent. A robust sequential site search of an area within 700m radius of the site has been undertaken by your Officer (which takes in parts of Audley village centre) however no sites have been identified within that search area. As such it must be concluded that there are no sequentially preferable sites available for this store.

A representation has been received from a planning consultant on behalf of residents which indicates that an impact assessment to consider the effect of the proposed retail unit on the existing village centre in Audley and the other retail facilities in Audley Parish which is identified as a Rural Service Centre should have been submitted. However, as the proposed development falls short of the set threshold within the NPPF and there is no local standard currently set there is no requirement to undertake an impact assessment.

Whilst there are other food stores in both Bignall End and Audley, the NPPF does not require any demonstration of need and therefore the existence of such stores are not material to the determination of this application. The NPPF does however seek to support a prosperous rural economy. The proposed development would increase the range and choice of shops in the area and reduce the need for people to travel a greater distance to other main centres and to Audley which has a greater range and choice of shops.

Objections have also been raised regarding loss of housing on the site because 6 of the 12 houses granted under 16/01036/FUL could no longer be built if the development proposed in this application were to go ahead. The reduction in the number of houses that can be constructed on this site as a

result of the proposed store is unfortunate. However even in the circumstances that the Council finds itself in, without a five year housing land supply, the loss of such housing land is not contrary to specific local or national planning policies and such a loss does not constitute grounds to refuse the application.

Overall it is considered that the principle of the proposed development accords with the guidance and requirements of the NPPF and should be supported without delay.

The design and impact on the character and appearance of the area

The NPPF provides more general guidance on the design of development proposals. It indicates at paragraph 56 that great importance should be attached to design which is a key aspect of sustainable development that should contribute positively to making places better for people. It further states at paragraph 64 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.

Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them."

The application site has been vacant for a number of years and the former workingmen's club building has now been demolished.

The proposed store will be sited at the front of the site, with its shorter side elevation fronting New Road. It is of a simple design, constructed in brick with a tiled pitched roof and taking into consideration its orientation will fit in with the character of the wider area.

The access arrangements onto New Road would serve both the retail unit car parking and servicing area and the remaining 6 houses that have been permitted at the back of the site. This arrangement results in there being limited opportunity for soft landscaping towards the site frontage which is disappointing but not unacceptable.

Overall, whilst the proposed building would have a functional design it will integrate well with other buildings in the area. The proposals are considered to accord with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

Car parking and highway safety

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. LPAs have also been encouraged not to set maximum limits on the amount of parking either.

As discussed the applicant has submitted a revised layout plan which increased access radii to 9 metres (to change the tracking alignment on access and egress), amend the internal movement profile to ensure that all deliveries can take place simply and quickly within the site, increased the number of parking spaces from 18 to 22, and relocated the cycle store to reduce clutter at the front of the store and enable a covered store to be provided.

Both the Parish Council and the Highways Authority have objected to the revised site layout plan and the applicant wishes to now revert back to the originally submitted scheme but has indicated that they wish to provide four further car parking spaces indicating that this could be achieved by condition.

Based on the maximum parking standards the development should be permitted to provide no more than 30 off street car parking spaces. The original scheme, which is again to be considered, provides a total of 18 car parking spaces, including two accessible parking spaces, for the proposed store. Bearing in mind that the proposed store can be easily accessed on foot from the neighbouring residential areas, it is considered that the level of parking proposed is acceptable and will not result in any highway safety concerns. The additional four car parking spaces, which the applicant indicates that they would wish to provided would, in your officer's opinion, limit the space within the site to manoeuvre and may adversely affect the relationship between the store and the six dwellings beyond the rear of the site. The condition to secure a further four parking spaces is therefore not recommended.

Vehicle access to the site will be taken via a priority controlled junction off the B5500 New Road. The positioning of the access has been moved to the east to allow a parking aisle to be provided along the western boundary of the site.

The application is supported by a transport statement (TS) which identifies that the proposed store will generate an increase in 70 two-way trips to and from the site during the Weekday AM peak, 84 two-way trips during the Weekday PM peak and an increase of 46 two-way trips during the Saturday peak. However, it is accepted that the total number of trips attracted to a new retail development are not all 'new' trips, the majority already exist on the highway network and a visit to the store will be incorporated into existing travel movements. When this is factored in, the submission indicates that the number of new trips on the network amount to an additional 19 two-way trips during the Weekday AM peak, 23 two-way trips during the PM peak and 11 two-way trips during the Saturday peak. This is considered to be a minimal increase in trip movements which would not have a significant detrimental impact on the operation of the junction or local highway network.

A number of objections have been received on highway and parking grounds and a highway report in support of the objections from residents has been received. The submitted TS does, however, demonstrate that no highway safety issues arise from the proposed development and it is noted that the Highway Authority raises no objections, subject to conditions which secure the proposed arrangements and the management of deliveries/ servicing and the construction of the development it is considered that the proposed layout, parking and access arrangements are broadly acceptable and accord with the local plan and the guidance and requirements of the NPPF. It is not considered that a refusal of the application on the grounds of highway safety could be sustained.

It should be noted that in reaching this conclusion the contents of the Highway Report submitted on behalf of residents objecting to the development have been taken into considered by both your officer and the Highway Authority however the TS submitted on behalf of the applicant is considered to be a sound basis upon which to conclude that there are no adverse highway safety will arise from this development.

Impact on the amenity of the area

Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed building is located on a busy road through the village and residential properties are located beyond the rear boundary and both side boundaries. In particular the car parking and servicing areas would be located close to the proposed six dwellings at the rear and properties that form Pump Court.

The increased vehicle movements and operation of commercial premises close to residential properties would cause some level of impact to neighbouring properties but any impact can be suitably addressed through the imposition of conditions as recommended by the Environmental Health Division.

The Staffordshire Police Crime Prevention Design Advisor is supportive of the design approach taken by the application but does make a number of recommendations and these can be included as an advisory note to the applicant.

Subject to the conditions the impact of the proposed development on the residential amenity would be acceptable and the living conditions and/ or the quality of life of neighbouring occupiers should not be adversely harmed.

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 (adopted 2009)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

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 C22: Protection of Community Facilities
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations

National Planning Policy

National Planning Policy Framework (2012)
Planning Practice Guidance (March 2014)

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Relevant Planning History

15/00279/FUL	Proposed Re-development at Audley Workingmens Club for the erection of 14 houses	Refused
15/00692/FUL	Erection of 12 houses	Permitted
16/01036/FUL	Variation of condition 2 (substitute drawing no. 2352-005; 006; 011 &13 due to amendments made to both site layout, plot size and elevations) of planning permission 15/00692/FUL - Erection of 12 houses	Permitted

Views of Consultees

Audley Parish Council objects to the application on the grounds that it is inappropriate development in an area surrounded and dominated by residential properties. It is not compliant with the NPPF due to it being unsustainable development. There will be an impact on quality of life for the neighbours due to the hotbed of ASB issues which already occur in that area, which will be worsened by the attraction of an off licence/late night shop. The Police Architectural Liaison officer is requested to make a comment in this respect. The hours of opening are a concern along with the large HGV lorry deliveries. There is a concentration of children in this area due to two nearby road crossing patrols for the primary school and also nursery opposite – on an already congested and hazardous main through road. There is a demand and a need for residential units due to a lack of housing land supply. Existing

retail facilities are nearby and this would be superfluous to requirements. There is no travel plan for the 20-25 FTE staff who will work from the store – where will they park? A site visit is requested if it is considered by the planning committee.

They have also raised objections to the revised site layout plan on the grounds that there will be a severe impact in terms of highway safety and internal design issues for manoeuvring large vehicles that cannot be controlled, and will block off the residential end. The developer has not responded to the issues raised in this regard and it is unclear why the Highway Authority has not passed the highway report in support of the objector or acknowledged its contents. Furthermore pedestrians will need to walk across the path of the manoeuvring vehicles, due to the pavement design. The original drawings and the design and access statement demonstrated a clearly defined retail area from the residential area with planting – the new plans now remove this distinction, although the design and access statement has not been amended to reflect this change. Currently it is intended to be a private access road, however consideration must be given to the potential for this to become adopted due to the residential units. It is also noted that there is a Grade II listed building opposite the entrance, which may be placed in danger, should vehicles bump up the kerb to avoid the delivery vehicles which are entering/exiting the premises. Finally they question why an independent safety audit has not been carried out for all associated vehicular movements.

The **Environmental Health Division** raises no objections subjects to conditions which secure the following;

- Construction and Demolition– Restriction of Operational Hours,
- Environmental Management Plan,
- Provision of a Kitchen Ventilation System and Odour Abatement,
- Control of Noise and Submission of a Noise Assessment,
- Submission of Details of the External Lighting Scheme for Approval,
- Deliveries To Store and Waste Collections – Restriction of Operational Hours,
- Air Quality Impact Assessment. and
- Land Contamination

The **Highway Authority** raises no objections subject to conditions which secure the access prior to the use of the building, until the parking, turning servicing and loading areas have been provided, provision of a surface water drainage interceptor, surfacing materials and delineation of the parking bays and servicing area, secure weatherproof parking for 8 cycles, the submission and approval of a Construction Method Statement and Delivery Vehicle Management Plan.

In response to the revised site layout plan HA objects to this revised scheme on the grounds that the scheme raises a number of concerns that have failed to be addressed within the revised scheme. The revised layout fails to provide an acceptable standard junction radii, details which show how pedestrians will cross at the junction, swept path analysis information, details of how the proposed car park and access road to the dwellings will be maintained, and, details of the proposed turning manoeuvre of the delivery vehicle within the access road to the six dwellings, A Stage 1 Road Safety Audit will be required if the radii is increased to 10 metres.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** indicate that whilst they can offer no grounds for objection and most assuredly welcome the references to site security and crime prevention within the Design and Access Statement, there would appear to be scope to improve the extent of the security and crime prevention provision.

United Utilities raises no objections subject to foul and surface water drainage conditions and a condition which secures the long term maintenance of Sustainable Drainage Systems.

Cadent (National Grid) advises that searches have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. They therefore provide a number of advisory notes/ recommendations prior to works commencing on site.

The **Waste Management Section** has been consulted on this application and have not responded by the due date and so it is assumed that they have no comments to make on the application.

Representations

248 letters of representation have been received with 240 raising objections and 9 in support of the applications.

The 9 letters of support identify the following matters and a 212 signature petition in support has also been submitted;

- The site has for many years been derelict it would be a welcome change to the village serving the local community,
- The access to the site has good visibility and is large enough for the delivery vehicles to access the store without causing major traffic disruption as it currently does in Audley village,
- The existing shop has unsafe parking,
- The proposal would offer choice for residents,
- It will reduce car movements,
- It will create new jobs,
- It will ease car parking pressure on Audley,
- Opening hours and car parking on neighbouring streets would need to be controlled,

The letters of objections include a submission from a planning consultant and a highways consultant on behalf of residents. The representations raise the following concerns;

- The use of the site as a shop would generate additional traffic on an already busy road,
- HGVs would not be able to manoeuvre the site safely,
- The use would increase the potential parking problems on the highway and result in highway danger,
- The Transport Statement is inaccurate and does not include existing traffic movements,
- There is an argument that this retail application will impact on the vitality and viability of Audley and the existing Bignall End shops,
- No substantive evidence has been put forward to show that the proposal will maintain the sustainability of the centre,
- Noise and disturbance would be caused to the living conditions of neighbouring properties,
- It would exacerbate existing anti-social behaviour issues,
- It would impact on local shops and businesses,
- The proposals are unsustainable,
- The application should have been supported by a retail impact assessment,
- Litter and light pollution would be increased,
- The village is already served by other shops,
- Housing on the site is a better solution and would contribute to housing supply,
- There appears to be no identification of "planning gain" in the application,
- The proposal is contrary to PPS6,
- The design of the building would not be in keeping of the area.

A petition of objection has also been received with 60 signatories.

Applicant/agent's submission

The application is supported by the requisite plans and application form along with the following documents;

- Planning Statement,
- Design and Access Statement,
- Transport Statement, and
- Site Investigation Report

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/17/00673/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

21st November 2017

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
6th December 2017

Agenda item 9

Application ref. 17/00673/FUL

Former Audley Workingmens Club, New Road, Bignall End

Since the preparation of the main agenda report the **Highway Authority** (HA) has submitted revised comments following the reversion back to the original site layout plan – drawing no. 5525-011D. The purpose of the revised comments is to clarify their reasons for their original response and the reason for their objections to the revised site layout plan - drawing no. 5525-011E.

The HA note that the application site already has full planning permission for 12 dwellings which proposed a 6 metre junction radii (15/00692/FUL). This included a road width of 5.5 metres and a turning area for an 11.9 metre waste collection vehicle, which was acceptable to the Waste Management Section and the Local Planning Authority. A Road Safety Audit (RSA) was not included or requested as part of the determination of that planning application. The HA accept that drawing no: 5525-011D has moved the position of the access slightly east from the position already approved as part of the housing development on the site, but the junction radii is retained at 6m and includes details of tactile paving for pedestrians to cross and 'give way' road markings. In addition the road width has been increased from 5.5m to 8m. They consider that the drawing demonstrates that with the junction radii of 6m a 12m truck can enter and exit the site. They acknowledge that the vehicle does cross over onto the other side of road on egress, however they indicate that this is a usual scenario on the highway network for large vehicles manoeuvring at junctions and this is permitted within the Highway Code. A waste collection lorry would similarly cross over onto the other side of the road when exiting the site.

They consider that a RSA is not required for a 6 metre junction radii as currently proposed given that an access into the site with such radii has been previously approved. However, they note that the construction of the proposed access will require a Major Works Agreement and as part of the technical approval a RSA will be required (by the Highway Authority).

The HA indicate that the revised site layout plan ref 5525-011E (the now withdrawn scheme) proposed a 9 metre junction radii and alterations to the proposed servicing arrangements. This was not considered acceptable, partly due to the lack of information submitted to support the revised plan and because a 9 metre radius is non-standard and to the closest standard being 10m radii kerbing. The reason that a Stage 1 Road Safety Audit (RSA1) was requested by the HA in response to that revision is in regard to pedestrians crossing the proposed access being shown. With the larger radii the access junction would be wider and this could create issues for pedestrians as they would require more time to cross particularly for less mobile pedestrians. No details of the proposed pedestrian crossing points, including tactile paving at the access junction, were set out on this revised drawing. Given the width of the access the pedestrian crossing point might have needed to be located within the site and guard railing provided to ensure pedestrians cross at the correct location. With the larger 10m radii drivers may enter and egress the site faster than with the 6m radii.

A letter of support has been received from the prospective end user of the retail unit, **Central England Co-operative**, in a response to letters of objections received to the application. The letter sets out the following points:-

- Bignall End is a close knit community within the North Staffordshire area and there is a strong need for an improved local shopping offer in this village.
- The convenience store will operate as a community retailer from 7am to 10pm on a daily basis, providing fresh food and produce, and convenience based products to their members and local community.

- As a community retailer they work closely with groups and projects in the vicinity of its stores.
- They have supported seventeen schools in the area by delivering healthy eating workshops to many pupils.
- They have given Membership and Community Grants to clubs and organisations across Staffordshire and are hopeful to receive further applications local to this store in the future.
- They have a policy of employing local people.
- This development would especially benefit those within the village who are unable to easily travel to other areas for their shopping.
- They offered to meet with the Parish Council to hear their concerns first hand, and to be given a chance to respond to them. This request was not accepted by the Parish Council.
- There is reassurance with regard to a lack of tolerance for anti-social behaviour and a commitment to be a responsible retailer with regard to age restricted products. They fully support and implement the 'challenge 25' programme which seeks to put in place an ID check on any customers who appear under the age of 25 to ensure there are no alcohol sales to underage people.
- The Police have confirmed that they have no objection to the application and any planning conditions to minimise anti-social behaviour will be supported.

Officer Response

Your Officer is satisfied that the HA has been consistent in their consideration of the access details as initially proposed, which the applicant has now reverted to, and their consideration of the amended and now withdrawn access details. In addition the HA has justified why they maintain that they have no objections to the current proposal, including a 6m junction radii, when they objected to the amended plan which showed a 9m junction radii. It remains the position of your Officer that, subject to the conditions set out in the main agenda report, that the proposed layout, parking and access arrangements are broadly acceptable and accord with the Local Plan and the guidance and requirements of the NPPF. It is not considered that a refusal of the application on the grounds of highway safety could be sustained

Concerns have been raised about the map that accompanies the main agenda report which has a "Builders Yard" annotated on land adjacent to the application site. The map is an extract from the Ordnance Survey, but for the avoidance of any doubt it is confirmed that the area to the south east of the application site is in part the remainder of the site of the former Club and in part an area of open space. Your Officer has not referred within the report to the site being adjacent to a builder's yard, and the error on the map has played no part in the recommendation before the Committee. If members wish to see the adjoining land uses photographs will be available at the meeting to be displayed.

For the avoidance of doubt it is confirmed that notwithstanding the statement in the report as originally published, the comments of both the Highway Authority and the Parish Council on the revised scheme were received (and indeed were provided within the consultation section of the report).

It has been suggested by third parties that if the Planning Committee were to proceed to approve the application on the basis of and relying upon the comments of the Highway Authority on the original scheme – that which is before the Committee to determine – such a decision would be capable of being the subject of a successful application for Judicial Review i.e that such a decision would be an "unreasonable" one, as defined in law. Your Officer is satisfied in the light of the explanation provided by the Highway Authority this is not the case.

Similarly it has been suggested that the Council has maladministered the application. There are no grounds to consider this to be so.

Whilst the comments of the Co-operative are noted members should not give any weight to non-planning considerations, such as the Co-operative's community and education engagement programmes, and they should bear in mind that whilst the Co-operative may be

the named occupier, the planning permission if granted would not be restricted to that company

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

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
6th December 2017

Agenda item 10

Application ref. 17/00856/FUL

McDonalds, Dimsdale Parade West

Since the preparation of the main agenda report the **applicant** has submitted a letter which seeks to respond to the letters of objection received.

The letter outlines that the matter for consideration is whether the increased operation of the site would have a material impact upon the residential amenity of the area, primarily with regard to noise, traffic, the potential for antisocial behaviour to occur and other matters concerning the extended use of the site. The letter makes the following key points;

Noise impacts

The letter reiterates that the previous planning application for the site contained a Noise Impact Assessment (NIA) demonstrated that the extension to opening hours will not have the potential of causing anything more than a 'slight risk of observable effect'. The restaurant's franchisee replaced the extraction system in an act of good faith and this has successfully reduced the potential for noise impacts to occur.

With regard to the operation of the COD (customer intercom), the system is fitted with a 'night-time' mode, which allows the noise to be reduced at hours where background noise is lower. This can be done automatically and controlled by software which cannot be altered by McDonald's staff.

It is important to note that the NIA considered the impacts of increased traffic to the site, delivery vehicles and the use of the drive-thru as part of the assessment.

Overall, the assessment shows that noise impact in terms of people, plant and vehicle noise would be not cause more than a low impact on the nearby residential amenity.

Increase in Traffic

Given the hours of operation proposed, it is clear that the proposal will result in a low number of vehicles, travelling to the site at a time when the road network is not vulnerable to congestion. As such, the proposal cannot be said to have an adverse impact on the operation of the road network.

Antisocial Behaviour & Impact on Police

The updated Noise Impact Assessment memorandum, supporting this application, includes McDonald's Guidance on Anti-Social Behaviour at Appendix 4. The document details McDonald's procedures to identify, mitigate and address instances of anti-social behaviour where they occur at their restaurants.

Importantly, it should be noted that neither the Environmental Health Division or Staffordshire Police have raised any issues with regard to antisocial behaviour occurring at the site as a result of this application.

On-Street Parking on Dimsdale Parade West

McDonalds has not applied for double yellow lines to be marked on the highway around the building or within the immediate vicinity of the site.

Deliveries and Delivery Vehicles

It should be noted that deliveries to the site continue to be controlled by Conditions 5 & 6 of Planning Permission: 99/00330/FUL, which limits deliveries to between the hours of 07:00 – 23:00, and also limited the type of delivery vehicles which could access the site. No alteration to the approved delivery details is proposed as part of this application, and therefore should not be given as a reason for refusal.

Increased Litter

It should be noted that litter was not given as a reason for refusal of the previous application for the site. It is not anticipated that the current application will in any way cause an increase in litter beyond that assessed under the previous application.

Pollution

It should be noted that the proposed development faces no objections from either Environmental Health or County Highways with regard to congestion, increased traffic or pollution. During the extended hours, in line with other restaurants in the group, vehicles accessing the site are primarily already on the road network. That is, most customers visit McDonald's as part of a trip to another location, rather than making a destination trip solely to the restaurant.

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

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
6th December 2017

Agenda item 12

Application ref. 17/00651/FUL

New Springs Cottage, Talke

It has been identified that an error was presented in the main agenda report. The statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application is incorrect and should read as follows;

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

The proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. As such, no amendments were considered necessary to the application.

The recommendation remains as set out in the main agenda.

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FORMER MMU SITE OFF HASSALL ROAD, ALSAGER

DAVID WILSON HOMES

CHESHIRE EAST ref: 17/5778C (NuIBC ref 348/249)

The Borough Council has been consulted by Cheshire East on an application to amend planning approval 15/5222C to re-plan the North Barratt part of the site off Dunnocksfold Road and replace Plots 311-318, 326-33 + 334-340 and increase the total number of dwellings on site by 1, from 23 to 24

For any comments that the Borough Council may have on this application to be taken into account, they have to be received by Cheshire East by no later than 8th December.

The Chair has agreed that this item can be considered by the Planning Committee as business that is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

RECOMMENDATION

That the Cheshire East be informed that the Borough Council has no objections to the application

Reason for Recommendation

The proposed increase in the total number of dwellings is very limited in a strategic context and has no implications for the Borough.

Key Issues

Planning permission (Cheshire East reference 15/5222C) was granted by Cheshire East for the demolition of all buildings on the former MMU site off Hassall Road, Alsager and the erection of 426 dwellings with associated car parking, laying out of grass pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses. This is the same site as referred to in agenda item 8 earlier on this agenda.

For details of the application, if you are viewing this electronically [please click here](#).

The applicant is seeking to alter the house types on certain plots and increase the number of units (on a particular part of the site) by 1 from 23 to 24. The principle of residential development on this site has already been accepted.

There are no strategic implications for the Borough Council arising from this application.

Date Report Prepared

30th November 2017

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8 BARFORD ROAD, NEWCASTLE

THE COUNCIL'S POSITION IN THE APPEAL AGAINST THE REFUSAL IN SEPTEMBER OF APPLICATION 17/00483/FUL, WITH RESPECT TO THE SEEKING OF A PUBLIC OPEN SPACE CONTRIBUTION

The above application was for full planning permission for the demolition of the existing bungalow on this site and the construction of 3 detached dormer bungalows. The application was refused by the Planning Authority on the 26th September (in accordance with the resolution of the 12th September Planning Committee) and an appeal against that decision has now been submitted to the Planning Inspectorate.

This report concerns a different application for planning permission and should not be confused with the current application 17/00878/FUL which is reported elsewhere on this agenda

The Local Planning Authority has very recently been informed that it is required to submit its Statement of Case with respect to this appeal by the 2nd January 2018. The Authority furthermore needs to be mindful of the requirement to give appropriate notice of its position in the appeal. It is accordingly important the Council determines its position and communicates that to the appellant as a matter of urgency. To leave the matter until the 2nd January (the date of the next meeting of the Committee) would be too late.

The Chair has agreed that this item can be considered by the Planning Committee as business that is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

RECOMMENDATION

That the Committee confirms:

- 1) that it wishes officers to now write to the appellant to confirm that the obligation referred to in the recommendation that was provided to the Planning Committee on 25th are required by the Local Planning Authority;
- 2) that in preparing the Council's Statement of Case, officers include reference to the above requirement; and
- 3) that should the appellant seek before the appeal is determined to enter into a Section 106 agreement with the Council containing such an obligation, officers have the appropriate authority to enter into such an agreement.

Reason for report

The application was refused planning permission on the 26th September. An appeal against that decision has been submitted to the Planning Inspectorate. This report is solely concerned with the issue of the seeking of a planning obligation.

Background

The Planning Authority refused planning permission for this application for the following reasons:

1. *The scale, form and appearance of the development scheme is out of keeping with its immediate surroundings and is visually detrimental to Bunny Hill and the prevailing form and character of the local area. The proposal would therefore be contrary to Policies CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Saved Policy N12 of the Newcastle under Lyme Local Plan, Policies R3 and R12 of the Newcastle-under-*

Lyme and Stoke-on-Trent Urban Design Guidance, and the aims and objectives of the National Planning Policy Framework (2012).

2. *The development, due to its scale and position, would have an unacceptable impact on the occupiers of neighbouring properties by virtue of an overbearing impact and therefore contrary to Policy R15 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010), the aims and objectives of Space Around Dwellings SPG (July 2004) including Paragraph 5.7, and the aims and objectives of the National Planning Policy Framework (2012).*

The recommendation on the application before the Planning Committee of the 12th September was that planning permission be granted subject to the applicant entering into a Section 106 obligation to secure a public open space contribution of £11,158 towards improvements to Guernsey Drive Play Area, and/or Wye Road Playing fields. The amount was equivalent to the rate for two dwellings (that being the net increase in the number of dwellings on the plot).

Members will note that in reporting a subsequent planning application for the development of this site elsewhere on this agenda (Agenda item 11, application 17/00878/FUL) it is being similarly recommended that this public open space contribution is required.

The report to the 12th September Committee on the application advised that without the obligation (to secure such a contribution) the development would fail to secure the provision of appropriate play facilities (and their maintenance). A detailed justification for the obligation was contained within the body of the report. It is considered that above obligation would meet the statutory tests and would be lawful.

The decision notice of the Local Planning Authority, drawn up on the basis of the resolution of the Planning Committee of the 12th September, makes no express reference to the absence of this obligation, which at the time of the decision of the Committee was not “on the table”.

Notification by the Planning Inspectorate of its receipt of the appeal was sent to the Authority on the 14th November and confirmation of its validity was received on the 15th November. On the 28th November the Authority were advised of the timetable of the hearing of the appeal, which the Planning Inspectorate propose to deal with under the Written Representations procedure. The LPA is required by the 2nd January to send the Planning Inspectorate its Statement of Case.

The decision of the Authority has been made with respect to 17/00843/FUL, the decision notice has been issued, and that decision is now the subject of the appeal. There is no suggestion that the Council either can or should add to its grounds of refusal of the application. However, notwithstanding that the appellant may currently not wish to enter into a Section 106 obligation, your officers would submit that it is appropriate and timely to determine the Local Planning Authority’s position with respect to planning obligations. The Council needs to make its position clear and to communicate that to the appellant without delay.

Date report prepared : 6th December 2017