

Public Document Pack

Date of meeting Thursday, 3rd January, 2019
Time 6.00 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Planning Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- 4a APPLICATION FOR MAJOR DEVELOPMENT – FORMER BRISTOL STREET MOTORS, LONDON ROAD. ADOBE RESIDENCIES. 16/01106/FUL (Pages 3 - 4)
- 5a APPLICATION FOR MAJOR DEVELOPMENT - SITES OF HORWOOD, LINDSAY AND BARNES HALLS, KEELE UNIVERSITY, KEELE. MR PHIL BUTTERS, KEELE UNIVERSITY. 18/00698/FUL (Pages 5 - 6)
- 6a APPLICATION FOR MAJOR DEVELOPMENT – ORCHARD HOUSE, CLAYTON ROAD, NEWCASTLE. GLADMAN RETIREMENT LIVING LTD. 18/00693/FUL (Pages 7 - 8)
- 9a APPLICATION FOR MAJOR DEVELOPMENT – FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB, 72, HIGH STREET, NEWCASTLE. MODULTEC INTERNATIONAL LTD & METROPOLIS STUDENT LTD. 18/00483/FUL (Pages 9 - 10)
- 18a TREE PRESERVATION ORDER OLD BUTT LANE, WEST AVENUE, KIDSGROVE. TPO 196 (Pages 11 - 12)

Members: Councillors S. Burgess, Mrs J Cooper, A. Fear (Chair), H. Maxfield, P. Northcott, S. Pickup, B. Proctor, M. Reddish (Vice-Chair), C. Spence, S Tagg, G Williams and J Williams

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.

Contacting the Council:

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

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd January 2019

Agenda item 4

Permission ref: 16/01106/FUL

Former Bristol Street Motors, London Road, Newcastle

Since the preparation of the agenda report the Final Viability Appraisal report of the District Valuer has been received. As anticipated in the agenda report, having taken into account the indexation of the contributions the District Valuer notes that this reduces the Residual Land Value of a Policy compliant scheme down to £1,933,000 from the £1,971,000 figure referred to in the main agenda report. His conclusion remains that the scheme is unviable on a policy-compliant basis, and that the scheme can afford a maximum of £280,000 by way of Section 106 contributions (paid before commencement of construction) without being rendered unviable. Your Officer's recommendation continues to be that the Council agree to amend the Section 106 agreement so that it requires contributions totalling £300,000 (index linked as from October 2017) (Recommendation 1).

The developer has asked that the payment triggers be revisited.

The guidance contained within the Council's Developer Contributions SPD concerning this issue emphasises the importance of contributions being received in sufficient time to enable the additional provision or works that they are to be funding to be provided prior to the associated need arising.

In that the 4 phased payment triggers for the contribution towards public open space and public realm improvements are already linked to occupation of the units rather than to their commencement your Officer does not consider there to be further scope to alter the payment triggers for this contribution in a manner that would assist the viability of the development, and respect the principles that underlie lawful planning obligations.

Your Officer's understanding is that the County Council have previously insisted that the Bus Stop Shelter Upgrades contribution, the Cycle Network Improvement Contribution; the Real time passenger information Contribution; the Residential Parking Zone Contribution and the Travel Plan Sum are all paid prior to the commencement of development (as defined in the Section 106 agreement).

In that the County Council are party to the current Section 106 agreement its variation will require their approval as well as that of the Borough Council.

It is recommended that the Borough Council should be supportive of a variation of the payment trigger insofar as the Residential Parking Zone Contribution is concerned. This contribution is intended to fund the carrying out of two parking surveys by the County Council (one before the development commences and the other at least 12 months after the occupation of the development, and then depending upon the results of that survey the implementation of a Residents Parking Zone if the surveys demonstrate a significant increase in on-street parking). As presently drafted the Section 106 agreement requires the full payment to be made prior to the commencement of the development and this is not justified, and it would be reasonable to amend this to phase at least part of the payment to a later date.

Secondly it is recommended that the Borough Council should be supportive of a less significant change to the trigger for payment of the Travel Plan sum. It is suggested that this could be upon practical completion of the first block.

To give effect to the above **the following additional recommendation (5a) is given** to add to those already provided:-

That the Borough Council supports the variation of the existing payment triggers with respect to the Residential Parking Zone contribution and the Travel Plan Sum – in the manner indicated within this supplementary report - so that such payments do not have to be made so far in advance of when they are actually required, and to assist the viability of the development.

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd January 2019

Agenda item 6

Application Ref. 18/00693/FUL

Orchard House, Clayton Road

Since the main agenda report was published additional tree information has been received regarding the proposed level changes and the provision of the pedestrian and mobility scooter access. In response to such information the **Landscape Development Section** (LDS) have commented as follows:

- They have no objections to the proposed levels adjacent to the Lyme Brook.
- The surface water outlet is likely to necessitate a significant loss of holly and willow screening to Lyme Valley Parkway which should be report. A detailed Arboricultural Method Statement for the outlet is required.
- There remain some reservations with the increase in levels within the Root Protection Area of the protected horse chestnut tree as the roots will be confined to the grass area between the existing retaining walls and the tree is fully mature and unlikely to tolerate major disturbance. Permission should be subject to the submission of detailed Arboricultural Method Statement and site specific details of all special engineering, including drainage if required.

Officer Response

In light of the comments from the LDS it is considered that subject to conditions the development would not result in the loss of visually significant trees and any trees that are lost can be replaced.

The REVISED RECOMMENDATION is as follows:

A. Subject to the applicant first entering into a Section 106 agreement by the 20th February 2019 securing a financial contribution of £130,203 (index linked) towards the maintenance and improvement of public open space at Lyme Valley Parkway, restriction of the occupancy of the accommodation so that it falls within the C2 Use Class, and a travel plan monitoring fee of £2,360 (index linked), PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Finished ground levels and floor levels**
- 6. Detailed soft landscaping scheme, including replacement trees for the holly and willow screening to Lyme Valley Parkway that will be lost and any others that are removed to accommodate the development.**
- 7. Dimensioned Tree Protection Plan**

8. Detailed Arboricultural Method Statement regarding the surface water outlet and levels increase adjacent to the protected horse chestnut tree and site specific details of all special engineering within tree RPAs, including drainage if necessary.
9. Schedule of works to retained trees
10. An arboricultural site monitoring schedule
11. Submission and approval of access improvements
12. Design improvements/ screens to balconies to prevent overlooking
13. Visibility splays
14. Access, parking, turning and servicing areas
15. Submission and approval of a car park management scheme
16. Bus stop upgrades
17. Submission and approval of a travel plan
18. Submission and approval of secure weatherproof cycle parking
19. Submission and approval of construction method/ environmental management plan
20. Waste management and collection arrangements (including hours restriction)
21. Surface water drainage design
22. Pumping station details – noise and odour impact
23. Drainage plans for the disposal of foul and surface water flows
24. Land contamination
25. External lighting
26. Kitchen Ventilation System and Odour Abatement details
27. Mechanical Ventilation of Residential Rooms
28. External plant details
29. Electric Vehicle Charging Provision
30. Bat and Bird box provision

B. Should the obligations 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 in the absence of such the proposal would be contrary to policy on the provision of affordable housing, open space for housing developments and monitoring of an acceptable travel plan, or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be secured.

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd January 2019

Agenda item 9

Applicat ref: 18/00483/FUL

Former Savoy Cinema/Metropolis Nightclub, 72 High Street, Newcastle

Subsequent to the issuing of the agenda the agents have written to the Council indicating that their clients cannot agree to the provision of bus passes and they note that no mention is made of this provision in the Framework Travel Plan submitted with the application. They say that the provision of bus passes would result in a significant cost (circa £73,500 per year) and if required in addition to the £54,000 towards other financial contributions it would fundamentally affect the delivery of the scheme, and it would not make the scheme viable.

The statement in paragraph 5.4 of the report that the applicant is willing to provide free bus services from the site to the universities was based upon a paragraph to that effect in the Transport Statement that accompanied the application when submitted. However a revised version of that Statement, superseding the earlier version, was subsequently submitted and it did not include such an offer.

The Highway Authority whilst they recommend approval of the application subject to conditions do so on the basis of the LPA securing via planning obligations a number of matters including “a requirement to provide free bus passes for students for travel from Newcastle Town Centre to Keele University”. One of the conditions they ask to be included is that no part of the development until a Full Travel Plan (to distinguish it from the Framework Travel Plan submitted with the application) which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and approved in writing by the LPA. Both the suggested planning obligation and the condition are to be found in the recommendation contained within the main agenda report

It is relevant to note that the Inspector who allowed the appeal in addressing the issue of the effect on highway safety resulting from additional demand for on-street parking did specifically note that “measures can be secured through conditions and (planning obligations) “which will encourage the use of more sustainable methods of transport, such as free bus passes for residents, provision of on-site cycle storage, travel plan monitoring and real time passenger information systems” and in assessing whether or not an obligation (contained within a Unilateral Undertaking tabled by the appellants) was lawful he concluded that it to be “necessary, directly related to the development and fairly and reasonably related in scale and kind to the development”.

Whilst the agents refer to the cost of such bus passes to be of the order of £73,500 this would appear to be the cost for passes that would provide unlimited travel on The Potteries Network in North Staffordshire and South Cheshire, rather than the more limited passes envisaged by the Highway and Planning Authorities. Nevertheless there is little doubt that a substantial and recurring annual sum would be involved. However from the LPA’s perspective the key element was not about who should pay for the bus pass but that it would not be an optional feature for tenants but one that would come as a mandatory part of the tenancy package (ie a built in additional cost to the tenants akin to a service charge).

The applicants have been asked if they would be prepared to propose some alternative – such as the provision of introductory or taster bus tickets for a more limited period.

The response of the applicant has been to indicate that if the LPA require the bus passes then it simply be taken from the £54,000 “pot”. The previous appeal scheme wasn’t delivered because it wasn’t viable. The current applicants are specialist and premier quality deliverers

of student accommodation and the robust viability assessment has been agreed with the District Valuer. The proposal simply will not support a greater financial figure. They would be very concerned at any suggestion that a decision on the application be deferred this evening as that would affect the delivery time-table, which is already at breaking point.

They continue that in any event this proposal already supports sustainable modes of travel through an absence of on-site parking and the provision of cycle parking facilities (with an ability to take contributions towards real time passenger information systems from the £54,000).

It is clear that for the applicants this is all a matter of the viability of the scheme. It would appear that the District Valuer did not factor the bus pass requirement into his assessment of the financial viability of the scheme, although how he would quantify that requirement (which relates to an ongoing rather than a capital cost is unclear). It has not been possible to obtain any further comments from the Highway Authority. The decision rests with the Local Planning Authority.

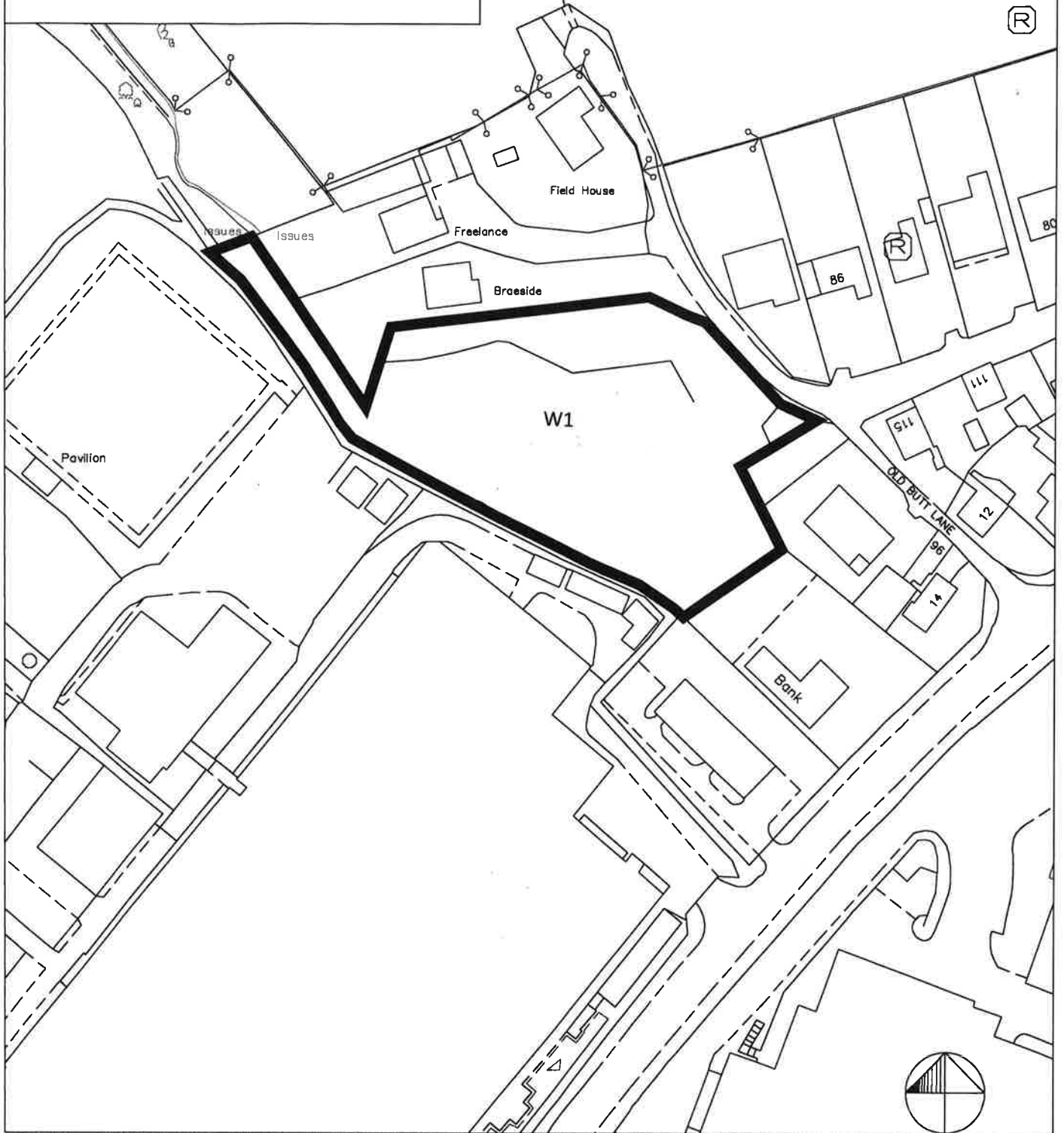
Whilst the agent is correct that the scheme does include a number of other measures to support the use of sustainable transport measures (notably the cycle route contribution and that supporting the Real Time Passenger Information system) the provision of bus passes would be very likely to have a significant impact upon travel choices. It is also generally agreed that the provision of taster or introductory bus passes can positively impact on such choices, by getting people used to a particular mode of travel.

It is recognised, on the assumption that the cost of such passes would have to be passed onto the tenants, that making the provision of such a pass to tenants mandatory would impact on the rent that would need to be sought and thus potentially the take up of the units and ultimately the viability of the development. To reflect that concern a more limited introductory or taster bus pass for the first 2 months of each tenancy is now recommended. It is not considered that the cost of this needs to be taken out of the £54,000 pot.


**Recommendation A) is accordingly recommended to now read
“a 2 month introductory or taster “free” bus pass for each student for travel to and from the Campus at Keele University, Staffordshire University, Stoke-on-Trent College or the Royal Stoke University Hospital”**

SIGNED:

DATED:3rd August 2018



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 <p>DAVE ADAMS EXECUTIVE DIRECTOR - OPERATIONAL SERVICES CIVIC OFFICES, MERRAL STREET NEWCASTLE, STAFFORDSHIRE ST5 2AG</p>	<p>TITLE: Land at Old Butt Lane, Kidsgrove</p> <p>DESCRIPTION: TREE PRESERVATION ORDER NUMBER 196 (2018)</p>	<p>SCALE: 1:1000</p> <p>DATE: Aug 2018</p> <p>DRAWN BY: J.H.</p> <p>DRAWING NO. TP0196</p>
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