

Public Document Pack

Date of meeting Tuesday, 29th January, 2019
Time 7.00 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 – CROFT FARM, STONE ROAD, HILL CHORLTON. DAVID JAMES DEVELOPMENTS LIMITED. 18/00507/OUT (Pages 3 - 6)
- 6a APPLICATION FOR MAJOR DEVELOPMENT – CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 18/00736/OUT (Pages 7 - 10)
- 6b APPLICATION FOR MAJOR DEVELOPMENT – CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 18/00736/OUT (Pages 11 - 14)
- 7a APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 18/00854/REM (Pages 15 - 16)
- 7b APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 18/00854/REM (Pages 17 - 18)
- 8a APPLICATION FOR MAJOR DEVELOPMENT – CONSULTATION BY STOKE ON TRENT CITY COUNCIL WITH RESPECT TO AN APPLICATION FOR PLANNING PERMISSION ON LAND AT NEW INN (Pages 19 - 22)
- 10a APPLICATION FOR MINOR DEVELOPMENT – LAND ADJACENT TO THE BLOCKHOUSE, NEWCASTLE ROAD, WHITMORE. 18/00847/FUL (Pages 23 - 24)

- 11a APPLICATION FOR MINOR DEVELOPMENT – BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN. 18/00943/FUL (Pages 25 - 28)
- 11b APPLICATION FOR MINOR DEVELOPMENT – BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN. 18/00943/FUL (Pages 29 - 30)
- 12a QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO (Pages 31 - 32)

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 White, 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.

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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Published 29 January, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 4

Application Ref. 18/00507/OUT

Croft Farm, Stone Road, Hill Chorlton

Since the publication of the agenda report, one further letter of **representation** has been received. It suggests that statements made regarding the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan (NDP), within two reports on the agenda (this application and item 10) are inconsistent with each other with particular reference to the weight to be given to the NDP. It goes on to state that the NDP has completed two rounds of Regulation 14 consultation. The three parish councils involved have resolved to submit the Plan to the Local Planning Authority before the date of the Planning Committee.

The report of the **District Valuer** has been received. The report concludes that a fully policy compliant scheme is not viable and that the scheme can in financial terms deliver either no affordable units at all and a financial contribution of £55,306 or, if the priority is affordable housing only one affordable unit and a financial contribution of £12,000.

The further comments of the **Highway Authority** have been received. They recommend refusal of the application on the grounds that the application fails to demonstrate that adequate visibility splays can be provided for the proposed development to the detriment of highway users. In order to ensure a robust access design, the Highway Authority has carried out an additional speed survey at this location to ascertain 85th percentile wet weather speeds as a basis for establishing appropriate visibility splays. Based on a recorded 43.5mph wet weather speed, 2.4 x 90m visibility splays are required in each direction.

The **applicant** has requested that determination of the application is delayed until the February meeting of the Planning Committee. It is stated that they were informed on the 22nd January that a solution regarding highways was required by 5pm on the 23rd January but it is considered that such a timescale is not practical or sensible. They argue that they have not had sight of reports (the speed survey) and that given that they were still in discussions with the Highway Authority, reasonable additional time should be given to redesign the access after receiving the results of the survey. The applicant goes on to state that a lot of time, effort and money have been invested in the application and they do not wish to rush the last and potentially most important bit. It is considered that a large part of the refusal comes from the fact that the Council is demonstrating a 5 year supply of deliverable housing sites and the applicant would like to challenge the 5 year supply as there are several errors within the document. Finally, the applicant states that they don't feel that they have sufficient time to represent their application in the best way possible.

Members of the Planning Committee have received a letter direct from the applicant requesting that they consider deferring this application until the 26th February meeting.

Officer's comments

Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.

An emerging neighbourhood plan may be a material consideration. Paragraph 48 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. It states as follows:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
and
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

In this case, whilst the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan (NDP) has now been submitted, given that Regulation 16 stage has not yet been reached, which is the publicising of the Plan by the Council and the invitation to object to it, it is not possible yet to be certain whether or not any policy within the emerging Neighbourhood Plan is free of objection. So applying 48(b) it remains the view of your Officer that at this stage, limited weight can be given to the NDP.

In the middle of page 13 of the agenda report reference is made to the statement in the NPPF that due weight is to be given to policies in plans that were adopted or made prior to the publication of the Framework according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). No further comment is then made.

The decision with respect to the Gravel Bank appeal has now been received very recently. Whilst the appeal has been dismissed it is directly relevant to the current application to note that the Inspector in that appeal notes that the village envelopes referred to in both NLP Policy H1 and CSS Policy ASP6 were defined in the context of a local plan that was not intended to meet housing needs beyond 2011, and furthermore the limit of 900 dwellings in policy ASP6 is not based on any up to date assessment of housing needs and is at odds with the Framework that reflects the Government's objective of significantly boosting the supply of homes. He notes that a similar conclusion was reached in the appeal decision for Tadgedale Quarry. For these reasons he not only gives the undisputed conflict with policy H1 and ASP6 limited weight but he also considers, as accepted by the Council, paragraph 11(d) of the Framework to be engaged.

Appeal decisions can be a significant material consideration and a failure to take them into account can be a basis for a claim of unreasonable behaviour

Applying this to the case in hand here planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole – the application of policies in the Framework that protect areas or assets of particular importance (and listed in a footnote) not providing a clear reason for refusal.

This was not the approach taken in the agenda report and it is important that the Committee determines the application taking into account the above position.

As stated in the agenda report, the NPPF refers to three objectives of sustainable development – economic, social and environmental. In terms of social benefits, the development would provide 11 dwellings, although there is at present no shortfall of housing supply in the Borough and therefore the weight to be attributed to such a benefit is considered limited. Given the conclusions of the District Valuer referred to below, the development would provide at the most, just one affordable unit. With regard to financial benefits, limited weight can be attributed to the benefits arising from construction jobs and household expenditure in the area and on the environmental side, the applicant's intention to construct environmentally friendly dwellings is acknowledged but is not considered to attract anything more than limited weight.

The development is not in an accessible location owing to its distance from services and the necessity for future residents to travel to and from the site by car. It is not considered that the limited benefits outweigh this harm.

Your Officer is satisfied that the conclusion of the District Valuer is a sound and robust one.

The revised NPPF marks a significant change in the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Joint Local Plan is finalised.

Even if affordable housing is made the priority, the contribution of the development towards affordable housing is limited and the education contribution would then fall significantly short of that which is required and the impact of the development on educational capacity would not be adequately. The benefits of the delivering the development limited as they are, are not such as to justify accepting a non-policy compliant scheme in a location which is considered to be an unsustainable one.

The applicant requests that consideration of the application is deferred until the February meeting of the Planning Committee to provide them with additional time to address the concerns of the Highway Authority and to challenge the Council's assertion that it has a 5 year supply of deliverable housing sites.

It is not considered that the application should be deferred to enable the applicant to challenge the Council's housing supply figure. They have had adequate opportunity

to do so over the time the application has been with the authority. The LPA's adopted position with respect to its supply position was agreed and published in late September.

However, although they have recommended refusal on the grounds that the application currently fails to demonstrate that adequate visibility splays can be provided, the Highway Authority have advised that there is a possibility that the provision of appropriate visibility splays can yet be demonstrated. Due to delays on the part of Staffordshire County Council in producing a Speed Survey, the comments of the Highway Authority were only received on the 21st January giving the applicant very little time to address the matter. They have sought to arrange a site meeting with the Highway Authority and on this basis your Officer's advice is that it is reasonable to defer consideration of the application to the February meeting of the Planning Committee.

Should Members not accept the recommendation given below of deferral of a decision on the application, your Officers recommendation would be that the first and second reasons for refusal in the original recommendation be replaced with the following reason - to reflect the above revised approach to this application:

The adverse impacts of the development, namely the reliance on the use of private motor vehicles, would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2018) taken as a whole and the proposal therefore represents an unsustainable development

Reasons 3 and 4 as per the original recommendation are considered still appropriate.

If the application is refused and proceeds to appeal authority is sought, should it be held on appeal that a non-policy compliant scheme is acceptable, for officers to submit that in the absence of a secured planning obligation to secure a review mechanism of the scheme's ability to provide policy compliant affordable housing and a policy compliant education contribution, no provision has been made to take into account a change in financial circumstances in the event of the development not proceeding promptly.

Regarding the letter sent by the applicant to Members of the Planning Committee, your Officer wishes to comment on one statement made. The applicant states that the planning department has requested that the applicant defer the decision at least 3 times and that they have always agreed to do so. What has actually happened is that Officers have allowed the applicant extra time to respond to objections or requests for further information from technical consultees and have also allowed them to submit a viability case during the course of the application which has caused further delays. On each occasion the applicant has been asked to agree to an extension to the statutory period for determination of the application which they have done.

Amended Recommendation

That a decision on the application be deferred but only until the 26th February, to enable the applicant to attempt to demonstrate the provision of acceptable visibility splays that overcome the objection of the Highway Authority.

Published 25 January, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 6

Application Ref. **18/00736/OUT**

Chatterley Valley Development Site, Peacock Hay road

Since the publication of the main agenda **Highways England** have extended their holding direction for a further period of three months from the date of their response, 18th January.

In addition the **Highway Authority** has provided further comments. They advise that they have no objections on highway grounds, providing comments explaining the reasons for this conclusion which are summarised below.

- Peacock Hay Road is very steep and currently has a 60mph speed limit which lowers to 40mph towards Lowlands Road. Due to the existing gradient, the design of the roundabout has been under scrutiny. To achieve the best vertical alignment and visibility a departure from usual standards has been necessary.
- The design of the roundabout junction has been thoroughly reviewed and they are happy, despite these departures from standards, that the roundabout does work.
- There are still concerns, however, over approach speeds to the roundabout despite the proposal to reduce the speed limit on Peacock Hay Road to 40mph.
- To achieve the best alignment and maximum visibility of the roundabout the scheme will be reliant upon the agreement of a full Section 278 Highway Agreement design broadly in line with the submitted plans and must include improvements to the footway/cycleway on Peacock Hay Road, new crossing points, relocated field access and ghost island junction for the existing access, plus a scheme of measures for approval by the Highway Authority relating to the delivery of the speed reduction, which should include gateway features, street lighting, conspicuous speed limit and warning signs, road markings and surfacing with an appropriate high friction surfacing.
- It is noted that in a recent speed survey the average speeds on Peacock Hay Road, taking into account that the limit is currently 60mph, are 48mph eastbound towards the new roundabout and 42mph westbound towards the existing priority junction. The actual lowering of the speed limit will be subject to the revision of the current Traffic Regulation Order.
- The submitted Transport Assessment (TA) has reported on Personal Injury Accidents in the vicinity and concludes that there are no apparent patterns in accidents on the roads surrounding the site. Those that have unfortunately occurred are due to the nature and speed of the road. Building out the development and the proposed reduction in speed on Peacock Hay Road will aid the situation.
- The applicant has identified in the submitted Framework Travel Plan measures to promote the use of alternative modes of transport to single car occupancy. These include physical improvements, provision and connections to the Footway/Cycleway on Peacock Hay Road, diversion of the existing public right of way across the site which will be upgraded to a bridleway, connecting to Peacock Hay Road, & the A527 and Chemical Lane which provides access to Longport station and Stoke's canal towpath network. The development will also seek to enhance connections to the National Cycle Network route from Bathpool to Kidsgrove Station. The width of the new internal road will be wide enough for a bus to enter and turning facilities are to be provided. Overall, considering the remoteness of the site, it is considered that the applicant has tried to make good, sustainable connections.

- Peacock Hay Road, although having steep gradients, is a 7.3m wide carriageway capable of carrying industrial traffic.
- Apart from the new roundabout junction on Peacock Hay Road and improved existing access, none of the other junctions that have been analysed in the TA belong to Staffordshire County Council. Therefore any mitigation would have to be agreed with the authorities who maintain them those being Highways England for the A500/A34 Talke junction and Stoke-on-Trent City Council for the Chatterley Road/A527 and A527/A50.
- Overall considering the previous permission for the site and information provided they believe that the applicant can deliver a safe and sustainable development in line with NPPF guidance as long as full delivery of the access scheme and speed reduction along Peacock Hay Road is approved and achieved.

Conditions relating to the following are recommended:

- Submission for approval of full design details for the new roundabout access, footways and improvements to the existing site access to include a full scheme of proposals to secure the delivery of the speed reduction which should include gateway features, street lighting, conspicuous speed limit and warning signs, road markings and surfacing with an appropriate high friction surfacing.
- Submission for approval of full details of the provision of parking, turning and servicing within the site curtilage; means of surface water drainage; surfacing materials and footpath connections. The development to be carried out in accordance with the approved scheme.
- Prior to commencement of any construction, including demolition, a Construction Environmental Management Plan to be submitted to and approved in writing by the Local Planning Authority.

They also request that the Framework Travel Plan is secured via a Section 106 Planning Obligation and will require a monitoring fee of £11,325. In addition a payment of £5,000 is required for the Traffic Regulation Order to reduce the speed limit on Peacock Hay Road to cover the costs of the advertisement, consultation and administration;

Officer Response

The comments of the Highway Authority are noted and the conditions that they recommend are accepted as being appropriate. It is considered that the Framework Travel Plan could be secured by condition rather than planning obligation. However the monitoring fee and payment to the Traffic Regulation Order could only be secured by planning obligation. It is considered that this would be compliant with the CIL Regulations and appropriate.

No mitigation measures have been identified as being necessary for the Chatterley Road/A527 and A527/A50 junctions. Stoke-on-Trent City Council was consulted by the Borough Council as part of the application process and their Highway Department was consulted internally. The City Council have not responded to the consultation and as such it must be assumed that they don't disagree with such comments.

In light of the objections of the Highway Authority being removed the **RECOMMENDATION** is amended as follows:

A. Subject to

- (a) Should Highways England not withdraw their holding objection within 1 month of the date of Committee and as such there remains a Direction requiring the Local Planning Authority if it is minded to approve the application to consult with the Secretary of State for Transport, that consultation is then undertaken, and a Direction under Article 31 of the Development Management Procedure Order is not then served directing the Council to refuse the application, and**

- (b) Subject to the applicant entering into a Section 106 obligation by 29th March 2019 to secure a Travel Plan monitoring fee of £11,325 and a payment of £5,000 for amendments to the existing Travel Regulation Order.

PERMIT the application subject to conditions relating to the following:

- i. Time limit for implementation of earthworks, the submission of application/s for approval of reserved matters and commencement of development. Such periods to be set to recognise the need for greater periods of time than would normally apply.
- ii. No development to commence until a suitable assessment of the needs of walkers, cyclists and horse riders has been carried out and appropriate amendments to the off-site highway works at the A500 Talke roundabout as identified in the assessment have been agreed and implemented.
- iii. No development to commence until a Sustainable Drainage Strategy has been submitted and agreed, which is to be fully implemented.
- iv. No development to commence until intrusive site investigation works and remedial works have been undertaken in accordance with approved details.
- v. Implementation of earthworks in accordance with the approved plans
- vi. The development on plots C and D shall be for Class B1(b) and B1(c) or B2 which are demonstrably consistent with the role and objectives of this premium employment site.
- vii. Removal of permitted development rights to change from Class B1(b) and B1(c) to Class B1(a) (which is a main town centre use)
- viii. The total amount of floorspace for Class A3 and A5 uses shall not exceed 350m²
- ix. Approval of a Framework Travel Plan and no building to be occupied until a Travel Plan has been agreed which is in accordance with the agreed Framework
- x. Any reserved matters application shall be supported by further ecological surveys as appropriate.
- xi. The details of the main spine access road shall be designed to enable a bus to turn safely.
- xii. No building shall be occupied until full details of the pedestrian and cycleway enhancements have been approved, implemented and access provided which shall include cycle links to Bathpool Park, the existing cycleway on Reginald Mitchel Way, the canal, and existing cycleway in Bradwell Woods and Newcastle Road.
- xiii. Detailed structural landscaping scheme to be submitted and approved within 12 months of the commencement of the earthworks. The scheme is to accord with the Green Infrastructure Strategy and should include the planting of a verge adjoining the footpaths. The structural landscaping scheme shall be implemented prior to any construction of buildings commences.
- xiv. The on-plot landscaping details as submitted shall include areas of landscaping within parking and other hardsurfaced areas as appropriate.
- xv. Approval of tree and hedgerow protection measures.
- xvi. Approval and implementation of woodland and landscape management plans.
- xvii. No development shall take place on any part of the site until the development has secured the implementation of a programme of archaeological works
- xviii. Any reserved matters application relating to plots A and B shall incorporate rail freight access or shall demonstrate why such access is not appropriate/feasible.
- xix. Submission and approval Environmental Management Plan for construction works
- xx. Submission of an assessment into potential impacts arising from operational noise and onsite vehicle movements in support of any reserved matters applications

- xxi. Approval of details of external lighting**
 - xxii. Submission of an Air Quality Assessment in support of any reserved matters application to address the impact upon the nearby residential caravan.**
 - xxiii. Air quality assessment prior to first use of any combustion appliance**
 - xxiv. Electric vehicle charging points to be included in the development details submitted within reserved matters applications**
 - xxv. The reporting of unexpected contamination and preventing the importation of soil or soil forming material without approval.**
 - xxvi. The first reserved matters application shall include for approval of full design details for the new roundabout access, footways and improvements to the existing site access to include a full scheme of proposals to secure the delivery of the speed reduction which should include gateway features, street lighting, conspicuous speed limit and warning signs, road markings and surfacing with an appropriate high friction surfacing.**
 - xxvii. Submission and approval of full details of the provision of parking, turning and servicing within the site curtilage; means of surface water drainage; surfacing materials and footpath connections. The development to be carried out in accordance with the approved scheme.**
 - xxviii. Prior to commencement of any construction, including demolition, a Construction Environmental Management Plan to be submitted to and approved in writing by the Local Planning Authority.**
 - xxix. Any appropriate condition recommended by Highways England.**
- B. In the event that the Secretary of State under the terms of the Development Management Procedure Order directs refusal of the application, that the application be refused only for the reason given in that Direction.**
- C. In the event that the planning obligation referred to in recommendation A is not secured by the 29th March 2019 the Head of Planning be given delegated authority to refuse the application on the grounds that in the absence of such an obligation the appropriate sustainable transport measures are not secured and the interests of highway safety; or by such extended date as he considers appropriate.**

Published 29 January, 2019

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 6

Application Ref. 18/00736/OUT

Chatterley Valley Development Site, Peacock Hay road

A late consultation response has been received from **Stoke City Council (SOTCC)**. They advise that their highway team support the initial comments of Highways England (HE) in relation to the submitted Transport Assessment (TA) specifically the following matters:

- That an expired planning permission has been taken into account
- Incorrect trip rates were used
- The TA failed to include committed developments
- The failed to take into account the increased size of the development

Following confirmation to them that the TA has been revised and that HE now consider that the revised traffic models provided by the applicant are considered to be acceptable, SOTCC advise that they require further time to consider the new information and adequately assess the proposal in highway terms. .

In light of such comments the **RECOMMENDATION** is amended as follows:

A. Subject to

- (a) Further comments of SOTCC being received by no later than 12th February which justify, in the view of the Head of Planning, seeking improvements to junctions within that Council's administrative area, the attachment of appropriate conditions or obligations such as are necessary to secure such works,
- (b) Should Highways England not withdraw their holding objection within 1 month of the date of Committee and as such there remains a Direction requiring the Local Planning Authority if it is minded to approve the application to consult with the Secretary of State for Transport, that consultation is then undertaken, and a Direction under Article 31 of the Development Management Procedure Order is not then served directing the Council to refuse the application, and
- (c) Subject to the applicant entering into a Section 106 obligation by 29th March 2019 to secure a Travel Plan monitoring fee of £11,325 and a payment of £5,000 for amendments to the existing Travel Regulation Order.

PERMIT the application subject to conditions relating to the following:

- i. Time limit for implementation of earthworks, the submission of application/s for approval of reserved matters and commencement of development. Such periods to be set to recognise the need for greater periods of time than would normally apply.
- ii. No development to commence until a suitable assessment of the needs of walkers, cyclists and horse riders has been carried out and appropriate amendments to the off-site highway works at the A500 Talke roundabout as identified in the assessment have been agreed and implemented.
- iii. No development to commence until a Sustainable Drainage Strategy has been submitted and agreed, which is to be fully implemented.
- iv. No development to commence until intrusive site investigation works and remedial works have been undertaken in accordance with approved details.

- v. **Implementation of earthworks in accordance with the approved plans**
- vi. **The development on plots C and D shall be for Class B1(b) and B1(c) or B2 which are demonstrably consistent with the role and objectives of this premium employment site.**
- vii. **Removal of permitted development rights to change from Class B1(b) and B1(c) to Class B1(a) (which is a main town centre use)**
- viii. **The total amount of floorspace for Class A3 and A5 uses shall not exceed 350m²**
- ix. **Approval of a Framework Travel Plan and no building to be occupied until a Travel Plan has been agreed which is in accordance with the agreed Framework**
- x. **Any reserved matters application shall be supported by further ecological surveys as appropriate.**
- xi. **The details of the main spine access road shall be designed to enable a bus to turn safely.**
- xii. **No building shall be occupied until full details of the pedestrian and cycleway enhancements have been approved, implemented and access provided which shall include cycle links to Bathpool Park, the existing cycleway on Reginald Mitchel Way, the canal, and existing cycleway in Bradwell Woods and Newcastle Road.**
- xiii. **Detailed structural landscaping scheme to be submitted and approved within 12 months of the commencement of the earthworks. The scheme is to accord with the Green Infrastructure Strategy and should include the planting of a verge adjoining the footpaths. The structural landscaping scheme shall be implemented prior to any construction of buildings commences.**
- xiv. **The on-plot landscaping details as submitted shall include areas of landscaping within parking and other hardsurfaced areas as appropriate.**
- xv. **Approval of tree and hedgerow protection measures.**
- xvi. **Approval and implementation of woodland and landscape management plans.**
- xvii. **No development shall take place on any part of the site until the development has secured the implementation of a programme of archaeological works**
- xviii. **Any reserved matters application relating to plots A and B shall incorporate rail freight access or shall demonstrate why such access is not appropriate / feasible.**
- xix. **Submission and approval Environmental Management Plan for construction works**
- xx. **Submission of an assessment into potential impacts arising from operational noise and onsite vehicle movements in support of any reserved matters applications**
- xxi. **Approval of details of external lighting**
- xxii. **Submission of an Air Quality Assessment in support of any reserved matters application to address the impact upon the nearby residential caravan.**
- xxiii. **Air quality assessment prior to first use of any combustion appliance**
- xxiv. **Electric vehicle charging points to be included in the development details submitted within reserved matters applications**
- xxv. **The reporting of unexpected contamination and preventing the importation of soil or soil forming material without approval.**
- xxvi. **The first reserved matters application shall include for approval of full design details for the new roundabout access, footways and improvements to the existing site access to include a full scheme of proposals to secure the delivery of the speed reduction which should include gateway features, street lighting, conspicuous speed limit and warning signs, road markings and surfacing with an appropriate high friction surfacing.**
- xxvii. **Submission and approval of full details of the provision of parking, turning and servicing within the site curtilage; means of surface water drainage;**

- surfacing materials and footpath connections. The development to be carried out in accordance with the approved scheme.
- xxviii. Prior to commencement of any construction, including demolition, a Construction Environmental Management Plan to be submitted to and approved in writing by the Local Planning Authority.
- xxix. Any appropriate condition recommended by Highways England.
- B. In the event that the Secretary of State under the terms of the Development Management Procedure Order directs refusal of the application, that the application be refused only for the reason given in that Direction.
- C. In the event that the planning obligation referred to in recommendation A is not secured by the 29th March 2019 the Head of Planning be given delegated authority to refuse the application on the grounds that in the absence of such an obligation the appropriate sustainable transport measures are not secured and the interests of highway safety; or by such extended date as he considers appropriate.

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 7

Application Ref. 18/00854/REM

Land at Deans Lane and Moss Grove, Red Street

Since the publication of the main agenda report five letters of representation have now been received raising the following objections;

- Increased traffic impact on highway safety, noise and pollution – including the safety of children;
- Deans Lane and surrounding roads are too narrow and dangerous;
- Ground stability, drainage and mining legacy could have an impact on neighbouring properties;
- Over population of the school;
- Savings to the council's budget for green space maintenance is negligible;
- Loss of privacy and overlooking caused to neighbouring properties,
- Non-compliance with Government guidance – PPS1 and PPS 3 (Housing),
- Efforts to minimise noise and disturbance should be ensured,

Councillor Gardner has also submitted comments on the application, in particular raising concerns that there are no highway safety improvements that would improve the highway and traffic flow on Deans Lane or the wider Red Street area.

The **Landscape Development Section (LDS)** have advised that amended and additional landscaping information does not address their recommendations set out in their original consultation response.

Severn Trent Water (STW) have also provided further comments and request that the use of soakaways is investigated first and only if they are not feasible would they consider a connection to the public sewer for surface water drainage.

Further comments are still awaited from the **Lead Local Flood Authority**.

Officer Response

As set out at paragraph 1.1 of the main agenda report the principle of the residential development of the site has been established by the granting of outline planning permission 16/00902/DEEM4 in December 2017. Details of the access and the impact on the surrounding highway network were considered as part of the outline consent and the proposal for up to 50 dwellings on the site was considered acceptable. Likewise, the impact on nearby schools and land stability matters were considered acceptable also. Therefore, these matters cannot now be revisited.

The impact on neighbouring residential amenity levels has been assessed as part of this reserved matters application at paragraphs 3.1 to 3.5 of the main agenda report and the proposed development is considered to accord with the Council's SPG on Space about dwellings and the guidance and requirements of the NPPF.

The comments of LDS are acknowledged but as set out in the main agenda report your officers consider that the principle of the amended landscaping scheme is considered acceptable and a condition can secure additional improvements also. Emphasis on these improvements will be secured within the landscaping condition.

The RECOMMENDATION as set out in the main agenda report .

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 7

Application Ref. 18/00854/REM

Land at Deans Lane and Moss Grove, Red Street

Further consultation comments of the **Lead Local Flood Authority (LLFA)** have now been received following additional flood risk information that was submitted.

The LLFA have advised that the additional information provided is not the detailed drainage scheme that was required to be included by reason of condition 6 as part of the reserved matters submission when outline planning permission was granted under 16/00902/DEEM4. However, they specify what further information is required as part of an acceptable detailed drainage scheme.

Officer Response

The LLFA would have no objection to the condition being amended to require the approval of such details prior to the commencement of the development. Whilst there is no application before the authority to amend the condition, this does suggest that the LLFA are content that the layout proposed and the information submitted to date can be the basis for the development of an acceptable detailed drainage scheme without requiring fundamental changes to the design of the development as a whole. Therefore, a further condition, which secures an acceptable drainage scheme, is considered appropriate and it would put the onus on the applicant to demonstrate an acceptable drainage design within the approved layout.

In light of the above the recommendation is amended as follows:

PERMIT subject to conditions relating to the following:

- 1. Link to outline planning permission and conditions**
- 2. Approved plans**
- 3. Facing and roofing materials**
- 4. Boundary treatments**
- 5. Soft landscaping scheme**

- 6. Method Statement for protection, treatment and future management of hedgerows**
- 7. Off site highway works – provision of accesses and to tie in the existing highway & footway on Moss Grove into the carriageway & footway to the development site**
- 8. Provision of visibility splays**
- 9. Surfacing of parking areas**
- 10. Detailed drainage scheme, including surface water drainage**
- 11. Retention of garages for parking of motor vehicles and cycles**
- 12. Footpath link completed**
- 13. Trees shown as retained shall be retained and protected throughout construction**
- 14. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application**

LAND AT NEW INN, HANFORD
OAK-NGATE LIMITED

SOTCC ref 62889/HYB (NuIBC ref 348/256)

The Borough Council has been consulted by the City Council on an application that they have received for planning permission with respect to Land at New Inn, Hanford. It is a hybrid application (part full / part outline). Full permission is sought for the erection of 29 dwellings including landscaping, open space and access (including alterations) from New Inn Lane. Outline permission is sought for residential development of up to 471 dwellings, primary school, vehicular access from New Inn Lane and Kings Road, associated landscaping, open space and biodiversity enhancements (including woodland, parkland and wetland), associated infrastructure works including off-site highway improvements at New Inn Lane, Kings Road, and the junctions of Mayne Street, Stone Road and the A500 Hanford Roundabout.

RECOMMENDATION

That the City Council be informed that the Borough Council neither objects to nor does it support the planning application

Reason for Recommendation

It is not considered that the Borough Council could not sustain an objection to the application based upon the argument that the development diverts growth from the Borough.

Key Issues

The application on which the Borough Council is being consulted is described above.

The Planning Committee has the authority to respond to such consultations on behalf of the Borough Council. The approach generally taken by the Planning Committee to such consultations is to identify whether the proposal has any adverse impacts upon the interests of the Borough.

It is not the role of the Planning Committee to seek to fulfil the role of the Local Planning Authority with respect to such an application – that is for the City Council.

This is an application for a significant amount of housing development in comparison with other developments within both the Borough and the City – some 500 dwellings. The proposal seeks expressly to provide higher value dwellings, and in support of this refers to the Joint Strategic Housing Market Assessment (SHMA) which notes that there is a long standing and evidence based shortage in the City and to a previous RENEW NSRP Executive Housing Market Report from September 2010. The submission refers to the development providing higher value houses to meet a specialist housing need that in turn would “offer wider benefits in retaining and attracting higher income earners to the local area” and quotes from the SHMA as follows

“There is a longstanding and evidence relative shortage of higher value housing in Stoke-on-Trent and Newcastle-under-Lyme, which limits the ability of households to move up the housing ladder and often leads to people moving elsewhere. Retaining these households through delivery of a targeted housing offer can potentially grow the skilled workforce and support economic growth”

In terms of the policies contained with the Joint Core Strategy, it is relevant to note that this is a predominantly undeveloped site that lies within the Stoke Outer Urban Area so the relevant area specific policy within the Joint Core Spatial Strategy is ASP3.

Policy SP1 of the JCSS indicates that new housing will be primarily directed towards sites within

- The Inner Urban Core, including the City Centre
- Newcastle Town Centre
- Neighbourhoods within General Renewal Areas and Areas of Major Intervention and other Areas of Housing Intervention identified by RENEW North Staffordshire
- Within the identified significant urban centres

It is indicated in SP1 that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling

Policy ASP3 of the JCSS (referring to the Stoke Outer Urban Area) indicates in

- ASP3.1 that a minimum of 5,100 dwellings will be built in this area, that such development will be located where this best supports the renewal of the local housing market, communities and town centres, and will seek to address the imbalances caused by a predominance of social housing, and generally improve the quality of the housing stock
- ASP3.2 that the Outer Urban Areas must be allowed to grow in a manner which meets local needs but which does not prejudice the sustainable regeneration of the Inner Urban Core and that during the plan period (2006-2026) development within the Outer Urban Area should complement the growth planned for the Inner Urban Core
- ASP3.3 that housing development in the outer parts of the City will play a part in meeting local needs and delivering the national housing growth agenda having regard to local circumstances

In providing any comments on this application it is recommended that the Borough Council should focus on any potential impact upon its interests, in the context of the Core Spatial Strategy, the NPPF and the emerging Joint Local Plan.

Whilst the site is some distance from the borough boundary the alleged benefits of the development - if the City Council consider them to be supported by evidence and to be of significant weight in the planning balance – would have impact upon the Borough as well as the City. For example residents of the new development, given its location, may well support the retail function of Newcastle Town Centre. Similarly if weight is to be given, by the City, to the arguments that retaining certain types of households within the City can potentially grow the skilled workforce and support economic growth, this impact will also apply to the North Staffordshire conurbation as a whole.

It is not considered that an argument could be made that the development here proposed has some specific detrimental impact upon the Borough relating to the diversion of growth which could be substantiated with evidence.

With respect to the issue of the impact of the development on the highway network given the importance of the A500 / A34 junction – the Hanford roundabout - in terms of access by some residents of the Borough to the Strategic Highway Network, members will wish to note that Highways England have not objected to the proposal in the light of the works that are proposed to that roundabout which form part of the proposal.

It is considered that the appropriate response for the Borough Council to make is that it neither objects to nor does it support the proposal.

APPENDIX

Policies and proposals in the Development Plan relevant to this recommendation:

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

Policy SP1 - Spatial Principles of Targeted Regeneration
Policy SP2 - Spatial Principles of Economic Development
Policy SP3 – Spatial Principles of Movement and Access
Policy ASP3 - Stoke-on-Trent Outer Urban Core Area Spatial Policy

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2018\)](#)

Applicants Submission

The application is supported by a number of documents including:-

- Environmental Statement
- Transport Statement
- Planning Statement

All these documents, and others, are available to view on Stoke City Council's website
<https://planning.stoke.gov.uk/online-applications/plan/62889/HYB>

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

28th January 2019

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Published 25 January, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 10

Application Ref. 18/00847/FUL

LAND ADJACENT TO THE BLOCKHOUSE, NEWCASTLE ROAD, WHITMORE

The application has been WITHDRAWN.

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Published 25 January, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 11

Application Ref. **18/00943/FUL**

Betley Court, Main Road, Betley

Since the publication of the main agenda the comments of the **Landscape Development Section** have been received. They advise that the trees on this site are within Betley Conservation Area and some are affected by Tree Preservation Order T7/24.

Following a site meeting and revisions made to the arboricultural information provided, they make the following comments:

The proposal will result in some tree loss. Adjustments have been made to reduce the amount of tree loss and also to reduce the impact of the construction upon retained trees. Of the two category B trees (trees of moderate quality) that are to be lost, neither would meet the criteria for protection through a Tree Preservation Order, (T7 due to its current condition and T6 due to its poor form). T2 (category B), which was to be removed can now be retained and protected throughout the construction period. T14 (a prominent category C tree) can now be retained and protected in accordance with BS5837:2012. All category A trees (trees of high quality) on the site can be retained and protected in accordance with BS5837:2012.

They therefore raise no objection to this application subject to additional information which could be provided and confirmed by way of the following planning conditions:

- Alignment of utility apparatus
- Schedule of works to retained trees
- Arboricultural Method Statement (detailed) covering foundation design and proposals for paving within the RPA of retained trees.
- Dimensioned tree Protection Plan to include details of tree canopy protection and full protection of T2.
- Full landscaping proposals including replacement tree planting and hard and soft landscaping proposals.

They further advise that the position of the overflow car park needs to be updated on proposals drawings which still shows overflow spaces within the RPAs of retained protected trees.

In addition a further **representation** has been received which provides a detailed analysis of the business plan of the proposal. The conclusions set out in this representation are summarised as follows:

- Taking into account the approximate cost of the development, once the Heritage Lottery Fund Grant is taken into account, and the additional costs involved in running the open garden, visitor centre and tea room it is impossible to understand how the project will make any money. It would, not taking into account staff and operational expenses, take nine years to recover the set up costs alone.
- The development is being portrayed as important additional income to assist with the ongoing maintenance of Betley Court, however as it will not generate any material income there must be more to this narrative.

- The genuine agenda is more likely to be based on a future change of use for the building and could lead the way to setting a precedent for the granting of future planning applications within the grounds of Betley Court.

Officer Response

It would be reasonable and appropriate to include the conditions recommended by the Landscape Development Section.

Whilst it may be the case that the proposal will only generate income once the set up costs have been recovered, which may not be for a number of years, and will then only generate a modest income it remains that the proposed development will provide some additional income for the maintenance and upkeep of this Grade II* Listed Building. In addition it is not considered that the granting of permission will, as suggested, set a precedent for the granting of future planning applications within the grounds of Betley Court or that any proposal for a change of use of the building would be granted as being acceptable. Any proposal for development will have to be considered in the context of restrictive Green Belt policy and in addition would only be granted if it preserves the setting of the Listed Building and would not harm the character and appearance of the Conservation Area.

Notwithstanding the concerns that have been expressed your Officer remains in support of the proposal.

The further comments of the Highway Authority are still awaited

The RECOMMENDATION is therefore amended as follows:

Subject to no objections being received from the Highway Authority that cannot be addressed through the imposition of appropriate conditions, PERMIT subject to the following conditions:

1. Time limit.
2. Approved plans.
3. Prior approval and implementation of details of a hard and soft landscaping scheme to include details of planting to provide screening of the parking area from the house and lawn, replacement tree planting and details of surfacing and delineation of the parking area/spaces.
4. Prior approval and implementation of special constructions measures and other tree protection measures.
5. Prior approval and implementation of the external facing materials.
6. Prior approval and implementation of a foul and surface water drainage scheme.
7. Prior approval and implementation of a parking management scheme which shall include details of the management of parking associated with the residential occupation of Betley Court and measures to prevent visitors to the gardens parking on Court Walk when the gardens are open.
8. Gardens to be open to visitors no more than 6 weekends per year. Any additional openings, for special events, shall only take place with the express permission of the local planning authority and shall be limited to no more than 4 additional days per annum.
9. Restrictions on the hours when construction and demolition can take place.
10. Prior approval and implementation of details of any kitchen ventilation system and external plant.
11. Prior approval and implementation of details of external lighting.
12. Restriction on the hours when deliveries and waste collections can take place.
13. Prior approval and implementation of the alignment of utility apparatus
14. Prior approval and implementation of a schedule of works to retained trees
15. Prior approval and implementation of an Arboricultural Method Statement (detailed) covering foundation design and proposals for paving within the RPA of retained trees.

- 16. Submission and approval of a dimensioned tree Protection Plan to include details of tree canopy protection and full protection of T2 and implementation of the protection measures agreed.**
- 17. Prior approval and implementation of full landscaping proposals including replacement tree planting and hard and soft landscaping proposals.**
- 18. Submission and approval of revised plans showing the overflow parking in a position outside of root protection areas of trees.**

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda item 11

Application Ref. **18/00943/FUL**

Betley Court, Main Road, Betley

Since the publication of the main agenda and the first supplementary report published on 25th January, the further comments of the **Highway Authority** have been received. They confirm that they have no objections subject to conditions regarding the following:

- Development not to be brought into use until the parking and turning areas have been provided, with the parking spaces clearly delineated, which shall thereafter be retained for the lifetime of the development.
- Development shall not be brought into use until a signing and parking management scheme has been approved including temporary signing of the car park, measures to prevent residents of Betley Court and visitors from parking on Court Walk when the gardens are open to the public. The approved scheme shall thereafter be implemented.

Officer Response

It would be reasonable and appropriate to include the conditions recommended by the Highway Authority. To a certain extent condition 5 as recommended in the first supplementary report addresses the second bullet point although some adjustment is required. A new condition is required to address the first bullet point

The RECOMMENDATION is therefore amended as follows:

PERMIT subject to the following conditions:

1. Time limit.
2. Approved plans.
3. Prior approval and implementation of details of a hard and soft landscaping scheme to include details of planting to provide screening of the parking area from the house and lawn, replacement tree planting and details of surfacing and delineation of the parking area/spaces.
4. Prior approval and implementation of special constructions measures and other tree protection measures.
5. Prior approval and implementation of the external facing materials.
6. Prior approval and implementation of a foul and surface water drainage scheme.
7. Prior approval and implementation of a parking management scheme which shall include details of the management of parking associated with the residential occupation of Betley Court and measures, including temporary signing of the car park, to prevent residents and visitors to the gardens parking on Court Walk when the gardens are open.
8. Gardens to be open to visitors no more than 6 weekends per year. Any additional openings, for special events, shall only take place with the express permission of the local planning authority and shall be limited to no more than 4 additional days per annum.
9. Restrictions on the hours when construction and demolition can take place.
10. Prior approval and implementation of details of any kitchen ventilation system and external plant.
11. Prior approval and implementation of details of external lighting.

12. Restriction on the hours when deliveries and waste collections can take place.
13. Prior approval and implementation of the alignment of utility apparatus
14. Prior approval and implementation of a schedule of works to retained trees
15. Prior approval and implementation of an Arboricultural Method Statement (detailed) covering foundation design and proposals for paving within the RPA of retained trees.
16. Submission and approval of a dimensioned tree Protection Plan to include details of tree canopy protection and full protection of T2 and implementation of the protection measures agreed.
17. Prior approval and implementation of full landscaping proposals including replacement tree planting and hard and soft landscaping proposals.
18. Submission and approval of revised plans showing the overflow parking in a position outside of root protection areas of trees.
19. Development not to be brought into use until the parking and turning areas have been provided, with the parking spaces clearly delineated, which shall thereafter be retained for the lifetime of the development.

Published 25 January, 2019

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th January 2019

Agenda Item 12

QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO

Since the preparation of the main agenda report the Section 106 agreement for item **(5) Orme Centre** was not completed by the 22nd January but progress has been made. In the absence of any material change in planning circumstances, and given the current position your Officer has agreed to further extend the period within which the Section 106 may be completed, to the 12th February.

Some limited progress has been made on item **(7) The former garage, Cemetery Road, Silverdale**. Completion of the Section 106 agreement by the current deadline of 28th January will certainly not now be achieved. Your Officer has agreed a short extension of time to the 25th February for completion of the agreement but is also requiring the applicant to meet certain interim milestones as well.

With respect to item **(10) 121 -123 High Street Wolstanton** completion of the Section 106 agreement by the current deadline of 25th January has not been achieved, due to delays on the Council's side although an undertaking as to the payment of costs is now awaited from the applicant. Your Officer has agreed to further extend the period within which the Section 106 may be completed, to the 22nd February.

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