

Public Document Pack

Date of meeting Tuesday, 21st May, 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 MINOR DEVELOPMENT - 4 MEADOWS ROAD, KIDSGROVE. KIMBERLEY DEVELOPMENTS LTD & KIDSGROVE WORKING MEN'S CLUB. 18/00889/FUL (Pages 3 - 4)
- 4b APPLICATION FOR MINOR DEVELOPMENT - 4 MEADOWS ROAD, KIDSGROVE. KIMBERLEY DEVELOPMENTS LTD & KIDSGROVE WORKING MEN'S CLUB. 18/00889/FUL (Pages 5 - 6)
- 5a APPLICATION FOR MAJOR DEVELOPMENT – KIDSGROVE WORKING MEN'S CLUB. HARDINGSWOOD ROAD, KIDSGROVE. LIDL UK GMBH & KIMBERLEY DEVELOPMENTS LTD. 18/00916/FUL (Pages 7 - 8)
- 6a APPLICATION FOR MAJOR DEVELOPMENT – NEWCASTLE -UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE. THE SCHOOL GOVERNORS. 19/00042/FUL (Pages 9 - 10)
- 7a APPLICATION FOR MAJOR DEVELOPMENT – LAND ADJACENT TO KEELE UNIVERSITY, UNIVERSITY AVENUE, KEELE UNIVERSITY. KEELE HOTEL DEVELOPMENTS LTD AND KEELE UNIVERSITY SCIENCE AND BUSINESS PARK LTD. 19/00203/REM (Pages 11 - 12)
- 8a APPLICATION FOR MINOR DEVELOPMENT - ST JAMES CHURCH, CHURCH STREET, AUDLEY. NEWCASTLE -UNDER-LYME BOROUGH COUNCIL. 19/00231/DEEM3 (Pages 13 - 14)

8b APPLICATION FOR MINOR DEVELOPMENT - ST JAMES CHURCH, CHURCH STREET, AUDLEY. NEWCASTLE -UNDER-LYME BOROUGH COUNCIL. 19/00231/DEEM3 (Pages 15 - 16)

11a APPEAL DECISION - IMPERIAL WORKS, TALKE. 18/0066/FUL (Pages 17 - 18)

Members: Confirmed at Annual Council

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.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

21st May 2019

Agenda item 4

Case Ref. 18/00889/FUL

4 Meadows Road Kidsgrove

Since the publication of the main agenda report a letter from **Kidsgrove Residents Association** has been received in support of the proposal citing a number of benefits. The benefits highlighted include allowing much needed job creation, investment in the Town, facilitation of a new fit for purpose more centrally located club within the Town Centre which can be enjoyed by residents, and regeneration improvement to the Kidsgrove area as a whole.

In addition the further views of the **Environmental Health Division** have been received. They maintain an objection to the proposal on the grounds that:

There is a significant potential for the amenity of those living in the locality to be affected by large numbers of people leaving at the end of the night. These impacts are difficult to control at source and the impacts might not be dealt with using the other powers available to the Council, such as the licensing regime, statutory nuisance and anti-social behaviour powers, particularly when people are leaving in a well behaved manner.

In light of this consultation response there remains a difference of opinion between the applicant's noise consultant and the Council's Environmental Health Division regarding both the methodology and the level of noise that would be apparent during the closure period.

The applicant's submitted acoustic assessment has predicted and modelled the potential noise related impacts and indicates that the impacts will be of 'minor' significance. To ensure that this is the case, a number of conditions have already been recommended by the Environmental Health Division and as a result they are in agreement that the majority of the sources will not result in any adverse impact upon in the amenity of the surrounding properties; additionally, some issues that have not been conditioned might be dealt with using other powers available to the Council in the event that an unacceptable adverse impact is identified later. The only outstanding issue is the scale of noise arising as people leave the premises at the end of the night after events, such as live music nights or parties, where large numbers of people may visit the club and all leave in quick succession on closure.

Essentially the Environmental Health Division are referring to experience from other working men's club sites in forming their concern. They acknowledge that there is no specific guidance regarding the assessment of this particular issue. The applicant's acoustic consultant has made use of the 'Guidelines for Environmental Noise Impact Assessment' which quantifies the potential increase in the ambient noise level which is the continuous equivalent sound level (i.e. average sound level) over one hour. The consultant has suggested that people will trickle out of the venue over an hour up to closing. Environmental Health's experience (based on observations and complaints relating to similar situations) is that most people leaving after functions will do so over a period which is much less than an hour and the use of the longer averaging time will underestimate the potential impact.

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They also note people accessing vehicles on the road outside the club (which in this case is double yellow lined), just outside the nearest residential properties, particularly on busy nights or where people use taxis or are collected by others will be an additional noise issue. As a result the Environmental Health Division remain unconvinced that the amenity of surrounding occupiers won't be eroded.

In response to the objection the applicant's agent advises that Kidsgrove Working Men's Club does not operate in the same fashion as other clubs. On Friday and Saturday evenings they hold bingo nights. The bingo games might be interspersed with live singers, but they do not have band nights. On a good night, approximately 50 people will be at the club. Customers therefore depart at different times, some after the first or second rounds of bingo, while others don't leave until the singer has completed their last set. Customers do not leave the existing club in large numbers at the same time. The potential for adverse impacts arising from the use of the premises as a Working Men's Club has therefore been overestimated. The agent also refers to the British Standard in relation to noise assumptions as being misapplied by Environmental Health in the circumstances attributed to the development proposal.

Your Officer's views

Your Officer advises that the National Planning Policy Framework (at paragraph 180) makes clear that planning permission should only be refused if there is a significant adverse impact from noise – such impacts being on health and the quality of life

Taking into account Environmental Health's objection and the applicants response the view remains that the proposal would not be unacceptable from a noise perspective subject to the specific recommendations and conditions given in the main Committee report to the item, which includes the provision of improved glazing to any properties which the Environmental Health Division consider would be materially impacted by development.

Such conditions have already been identified as meeting relevant legal tests. It is also noted that any obligation entered into by the applicant for residents glazing improvement opposite the club or other mitigation would need to be worded in a way which includes a further appropriate noise assessment to be undertaken when the club is in use to verify mitigation need as part of the agreement entered into.

In forming this overall conclusion substantial weight has been applied to how the club is anticipated to operate based on its existing use on the Hardingswood Road site, in light of the different technical opinions received, including the fact the club runs a membership scheme. It is therefore anticipated that potential for adverse antisocial behaviour type noise occurrences can be successfully managed by both club membership, if there was a problem, as well as wider statutory powers available to deal with those types of occurrences if they were to be apparent.

As such **the RECOMMENDATION remains as set out in the main agenda report.**

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

21st May

Agenda item 4

Case Ref. 18/00889/FUL

4 Meadows Road Kidsgrove

The views of **Kidsgrove Town Council** have now been received. They comment that:-

The Working Men's Club currently on the proposed Lidl site on Hardingswood Road generally caters for the 50 plus age range and has a clean record and relatively small membership. There is minimal noise, and, to the best of their knowledge, last orders are always strictly adhered to.

The Town Council consider that the club provides an important facility for a sector/age range of the population in the area for which there is little else. The current facility is too large and would require a huge investment to remain viable. As such, a move to smaller premises is ideal.

They note most club members of the club walk when attending as they live in Kidsgrove either in or close to the town centre and there are rarely four or more cars on the club car park unless several rooms are booked at one time. Since the new location wouldn't have the capacity to book many rooms out, it is not envisaged that parking would be a problem. There are also many free car parks in Kidsgrove that sit empty in the evenings.

The movement of this Working Men's club to the location on Meadow's Road is therefore considered by the Town Council to be beneficial to the amenities provided to the local community and will result in extra investment into Kidsgrove Town Centre by turning a disused building into something worthwhile.

The comments from the Town Council are to be taken into account but they do not introduce any new material consideration that has not been already addressed in the main agenda and supplementary report already published

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

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Published 17 May, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

21st May

Agenda item 5

Case Ref. 18/00916/FUL

Kidsgrove Working Mens Club, Kidsgrove

Since the publication of the main agenda report a letter from **Kidsgrove Residents Association** has been received in favour of the proposal citing a number of benefits. The benefits highlighted relate to job creation, much needed investment in the Town, facilitation of a new fit for purpose more centrally located club within the Town Centre which can be enjoyed by residents, and improvement to the area as a whole.

The **Highway Authority's** comments have been received about your Officer's proposal that the development have 79 parking spaces (as opposed to the 89 in the submitted scheme). As far as the Highway Authority are concerned they are of the view that this does raise highway safety concerns as they consider it may result in Lidl customers parking on the footway/carrageway on Hardingswood Road which does not currently have any parking restrictions.

They go onto suggest that to prevent any future parking issues double yellow lines could be installed on Hardingswood Road as a requirement of the planning permission. This would require a Traffic Regulation Order which would require consultation with the County Councillors, Kidsgrove Councillors and the emergency services. The TRO would need to be funded by the developer and could, they suggest, be included as part of the highways agreement for the construction of the highway works.

The comments of the Highway Authority need to be considered. Members are reminded that Local Plan policy T16 does indicate that it is appropriate to consider whether potential local on-street (parking) problems can be overcome by measures to control parking and waiting in nearby streets. The Highway Authority have identified an important but relatively discrete and localised issue. Traffic Regulation Orders have to go through a procedure where they are publicised and an objections must then be considered by the County Council. It is considered that a condition requiring such a Traffic Regulation Order to have been confirmed prior to the commencement of the development is one that would meet the tests for conditions and should be attached.

The **RECOMMENDATION** remains as set out in the main agenda report, with the **additional condition** indicated above.

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Published 17 May, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

21st May 2019

Agenda item 6

Application Ref. 19/00042/FUL

Newcastle-under-Lyme School, Mount Pleasant, Newcastle

Since the publication of the agenda report, a further 21 letters of **support**, and a petition of 30 signatories and an additional 36 letters of **objection** have been received.

The majority of the comments made are already summarised within the main agenda report but the following additional comments have been submitted in support:

The majority of demand for parking associated with the proposal would be out of peak periods and will coincide with other users of the sports facilities. The demand for the facilities in traffic terms is already on the network as the school holds regular tournaments and training sessions, albeit on the outdoor amenities. These current events rely on on-street parking which contests with on-street parking demands for the swimming pool use, the hockey pitch and the rugby facilities in the winter and the cricket facilities in the summer. The provision of the 30 space car park will significantly improve the current on-street parking situation without increasing demand levels beyond those already experienced. There are no reasons for the refusal of the proposal on highway grounds as the proposals do not result in a severe impact on the operational performance of the local highway network.

The following additional objections have been made:

- A Black Poplar tree has been cut down without consent and this affects the credibility of the School in its adherence to planning laws as regards the ongoing planning proposal
- Mess and disruption during building works
- There is an error in the agenda report in that it refers to louvre screening above the main entrance when it is above the entrance to the plant compound.

Officer's comments

The Landscape Development Section (LDS) is considering the matter of the removal without consent of the Black Poplar tree but that aspect is not relevant to consideration of the planning application. The tree is shown to be removed as part of the application and the LDS has raised no objections to its removal subject to conditions including a requirement for a landscaping scheme to include replacement trees to mitigate those to be lost. For the avoidance of doubt, the submitted photomontages do not show the tree prior to its removal.

While the agenda report is correct in the statement that the eastern elevation would comprise facing brickwork at low level with louvre screening, the louvres are above the entrance to the plant compound and not the main entrance.

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

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Published 17 May, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st May 2019

Agenda item 7

Application Ref. 19/00203/REM

Land adjacent to Keele University, University Avenue, Keele University

Since the publication of the agenda report, further comments have been received from the **Highway Authority**. They continue to raise no objections subject to conditions but they note from the Committee report that a S106 contribution towards travel plan monitoring is not appropriate as this is a reserved matters application, and they no longer are requesting this contribution in relation to this application.

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

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Published 17 May, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st MAY

Agenda item 8

Case Ref. 19/00231/DEEM3

St James Church, Church Lane, Audley

Since the publication of the main agenda report the views of the **County Archaeologist** and **Landscape Development Section (LDS)** have been received.

The comments from the County Archaeologist express some disappointment that the submitted Heritage Statement fails to consider the potential implications of the development on the below ground archaeological resource. The Staffordshire Historic Environment Record (HER) records that the associated churchyard may have been established in the 13th/14th century whilst Audley was also recorded as a settlement in the Domesday Survey of 1086. Therefore there is some potential for groundworks in this area to disturb medieval, or later, archaeological features, including human remains.

The **County Archaeologist** recommends that appropriate, proportional mitigation measures should be implemented and therefore raises no objections subject to conditions relating to:

1. Written scheme of archaeological investigation to include details of the programme of archaeological works, post-excavation reporting and appropriate publication.
2. Archaeological building recording: Level 1 photographic record of the walls to be removed and rebuilt
3. Archaeological watching brief

The **LDS** raises no objections to the proposal which includes the removal of the Lime Tree on the northern boundary (previously permitted as part of a tree work application ref 19/00175/TCA). They note that the proposal avoids excavation within the root areas of important adjacent trees, however additional information should be submitted to provide details on construction methods and procedures which can be secured by conditions.

Officer Response

It was accepted within the main agenda report that given the nature of the surrounding site consideration of the archaeological implications of the scheme would be necessary, and was likely to result in the requirement for an archaeological watching brief to support any permission granted. Your officers consider that the comments of the County Archaeologist are reasonable given the significance of this heritage asset.

Given that the LDS raise no objections to the proposal subject to conditions to secure an Arboricultural Method Statement and Site Monitoring Schedule, your officer does not consider that the development would result in the unnecessary loss of any visually significant trees within the Audley Conservation Area and so is acceptable.

Therefore in light of such comments the **RECOMMENDATION** is amended to include additional conditions as follows:

PERMIT, subject to the following conditions relating to;

- i. **Time limit condition**
- ii. **Approved plans**
- iii. **Materials**
- iv. **Archaeological building recording: Level 1 photographic record**
- v. **Archaeological watching brief**
- vi. **Written scheme of archaeological investigation**
- vii. **Arboricultural Method Statement**
- viii. **Arboricultural Site Monitoring Schedule**

Published 20 May, 2019

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st MAY

Agenda item 8

Case Ref. 19/00231/DEEM3

St James Church, Church Lane, Audley

The views of **The Diocese of Lichfield** have now been received. They comment that:-

There is no heritage structural engineering report to support the complete demolition of wall section A-A and the details submitted do not offer any consideration as to whether the works could take place with a lesser element of rebuild and the remainder conserved and structurally tied back.

There is very little detail on the proposed materials to replace those to be lost from the repair and rebuilding works, if new materials are required. They note that a good matching brick is essential and full details are required.

The use of vertical weep holes is questioned; highlighting that consideration should be given instead to the use of rectangular weep holes to perp joint.

They also note that with the amount of excavation required their chances of disturbing graves is very high.

Officer Response

Your officer considers that issues with regards to the use of new materials such as bricks and coping stones have been addressed within the main agenda report. Appropriately worded conditions as recommended would require the submission of any new materials to the LPA for approval prior to the commencement of works. Whilst rectangular weep holes have been suggested as opposed to the vertical ones shown on the submitted drawing, it is not considered that these would be any less visually intrusive than the proposed solution.

Similarly, issues raised with regards to archaeology were addressed in the first supplementary report to the committee, with the County Archaeologist raising no objections, subject to conditions.

The comments from the Diocese with regards to the justification for the removal of wall section A-A are noted, however it is not considered that these works would be harmful to the historical significance of this Grade II* listed structure, subject to appropriately worded conditions securing materials.

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

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

21st May

Agenda item 11

Case Ref. 18/00066/FUL

Car Park opposite Talke Workingmen's Club, Coalpit Hill, Talke

An application for costs was made by the appellant against the Council. The application was refused and a summary of the decision is as follows;

- The appellant cites a number of reasons why costs should be awarded. The first reason relates to the Council refusing the planning application prematurely, whilst detailed designs were being developed with Staffordshire County Council as the consultee. The appellant considers that the development would have clearly been permitted if time had been allowed to complete the design process. The Inspector considers that the Council provided ample opportunity for the appellant to provide additional information during the course of the application process and therefore does not agree that the Council acted unreasonably.
- The second part of the costs application relates to the Council failing to refer to an expired planning permission for housing development of 32 houses on the same site in the Relevant Planning History section of the Committee reports. The Inspector accepts that the access requirements for a 32 house development are very different to the access requirements and visibility splays required for industrial storage use with HGV vehicles entering and exiting the site. Crucially, the previous permission did not involve relocating the bus stop which formed the Council's first reason for refusal. Therefore, the Inspector agrees that the Council has not acted unreasonably as the existence of a previous expired permission for a different use does not overcome the reasons for refusal.
- In conclusion, the inspector finds that unreasonable behaviour as described in the Planning Practice Guidance has not been demonstrated on either ground and as such there can be no question that the applicant was put to unnecessary or wasted expense.

Recommendation

That the costs decision be noted.

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