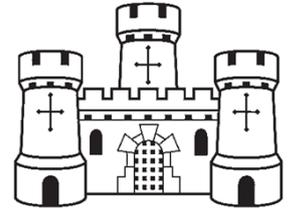


Public Document Pack

Date of meeting Tuesday, 16th July, 2019
Time 6.30 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 - HAMPTON'S SCRAP YARD AND ADJACENT FIELD, KEELE ROAD, NEWCASTLE. PERSIMMON HOMES. 18/00656/REM (Pages 3 - 12)
- 4b APPLICATION FOR MAJOR DEVELOPMENT - HAMPTON'S SCRAP YARD AND ADJACENT FIELD, KEELE ROAD, NEWCASTLE. PERSIMMON HOMES. 18/00656/REM (Pages 13 - 14)
- 5a APPLICATION FOR MAJOR DEVELOPMENT – LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00933/FUL (Pages 15 - 32)
- 5b APPLICATION FOR MAJOR DEVELOPMENT – LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00933/FUL (Pages 33 - 34)
- 5c APPLICATION FOR MAJOR DEVELOPMENT – LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00933/FUL (Pages 35 - 38)
- 6a APPLICATION FOR MAJOR DEVELOPMENT – LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00934/FUL (Pages 39 - 54)

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| 6b | APPLICATION FOR MAJOR DEVELOPMENT – LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00934/FUL | (Pages 55 - 56) |
| 6c | APPLICATION FOR MAJOR DEVELOPMENT – LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00934/FUL | (Pages 57 - 58) |
| 7a | APPLICATION FOR MAJOR DEVELOPMENT – WOLSTANTON RETAIL PARK, WOLSTANTON. SOUTH TYNESIDE BC. 19/00114/FUL | (Pages 59 - 68) |
| 8a | APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 19/00375/FUL | (Pages 69 - 70) |
| 13a | APPLICATION FOR MINOR DEVELOPMENT – FORMER SAINSBURY'S SITE, LIVERPOOL ROAD, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 19/00470/DEEM3 | (Pages 71 - 74) |
| 15a | APPLICATION FOR MINOR DEVELOPMENT – THISTLEBERRY HOTEL, THISTLEBERRY AVENUE, NEWCASTLE-UNDER-LYME. STAR PUBS AND BARS. 19/00358/FUL | (Pages 75 - 76) |
| 18a | APPLICATION FOR OTHER DEVELOPMENT – COMMUNICATIONS SITE, ROOF OF COPTHALL HOUSE, KING STREET. EE (UK) LTD AND HUTCHINSON UK LTD. 19/00385/TDET | (Pages 77 - 78) |
| 24a | 2019 CONSERVATION AREA APPRAISAL AND MANAGEMENT PLANS PROGRAMME | (Pages 79 - 80) |

Members: Councillors S. Burgess, Mrs J Cooper, A. Fear (Chair), D. Jones, H. Maxfield, S. Moffat, P. Northcott, B. Proctor, M. Reddish (Vice-Chair), 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.

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.

HAMPTON'S SCRAP YARD AND ADJACENT FIELD, KEELE ROAD
PERSIMMON (NORTH WEST) LTD

18/00656/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 138 dwellings.

This application follows the granting of an outline planning permission at appeal in September 2016 for residential development of up to 138 dwellings (14/00948/OUT). The access from the highway network was approved as part of the outline consent.

The site measures 4.99 hectares and is located to the south-east of Walley's Quarry landfill site. The site is within the Newcastle Neighbourhood as designated on the Local Development Framework Proposals Map and is within the urban area. Trees within the site are protected by Tree Preservation Orders Nos. 2 and 85.

The 13 week period for the determination of this application expired on 28th September 2018 and whilst the applicant has agreed an extension to the statutory period the last agreed extension has also expired.

RECOMMENDATION

REFUSE for reasons relating to the following:

- 1. In the absence of an appropriate assessment of the risks to the development posed by past coal mining activity the applicant has failed to demonstrate that the site is safe and stable to accommodate the proposed development, contrary to the National Planning Policy Framework (NPPF).**
- 2. The proposed layout results in the loss of visually significant and protected trees to the detriment of the visual appearance of the site and the wider area contrary to development plan policy and the aims and objectives of the NPPF.**
- 3. In the absence of a swept path analysis and waste and recycling collection points the applicant has failed to demonstrate that the site layout enables appropriate servicing of the proposed dwellings and therefore does not result in issues of highway safety and residential amenity contrary to the aims and objectives of the NPPF.**

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document. The layout of the site would, however, result in the loss of visually significant and protected trees to the detriment of the appearance of the area. In addition it has not been demonstrated that there would be no material adverse impact upon highway and residential amenity as a consequence of the internal layout or that the site is safe and stable to accommodate the proposed development bearing in mind the coal mining legacy of the area.

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

Discussions have taken place with the applicant seeking to respond to the concerns that have been raised by consultees, however the applicant has not been able to provide appropriate amendments or additional information that would address such concerns and which could be accepted as an amendment to the current application. It is therefore considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework.

Key Issues

1.1 The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 138 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission at appeal, 14/00948/OUT, for up to 138 dwellings. Details of the access to the site, which is from the access road serving the former scrapyard and the adjoining residential development, were approved as part of the outline consent.

1.2 Notwithstanding the views expressed in representations it would not be reasonable or appropriate to withhold planning permission until the outstanding matters on the adjoining development are addressed.

1.3 Whilst plans submitted with this application show the layout of houses on adjoining land, as referred to in representations, the development of that land does not form part of this application. In addition as this application relates to reserved matters following the granting of planning permission in principle under the outline planning permission, it could not include land which is not the subject of the same outline planning permission. Any approval of this application would not, therefore, also approve development on that adjoining land.

1.4 The key issues to be addressed, taking into consideration the above, are:-

- Does the proposal appropriately address the coal mining legacy that affects this site?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on trees within and adjoining the site?
- Would there be any material adverse impact on residential amenity?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Is the affordable housing provision/layout acceptable?

2.0 Coal mining legacy

2.1 In recognition that the site is within the defined Development High Risk Area and that the Coal Authority records indicated there are coal mining features and hazards within the application site and surrounding area a condition was imposed on the outline planning permission requiring that a scheme of investigations be undertaken prior to the submission of a the reserved matters. In addition the condition specifies that the reserved matters application should be supported by a report outlining the findings of the investigation, and that a scheme of treatment for the mine entry and a layout plan which identifies appropriate zones of influence for the entry and fissures and defines 'no-build' zones should be included.

2.2 Whilst the reserved matters application was supported by a Coal Mining Report, and this was subsequently supplemented with further site investigation information, the Coal Authority have not been able to discount the risk posed by the recorded mine entry. In addition the report provided indicates that further investigation is required to delineate the fault and its zone of influence. The Coal Authority has therefore advised that condition 5 of the outline planning permission has not been satisfactorily addressed and that the applicant has not demonstrated, therefore, that the layout of development as currently proposed has been informed by the coal mining legacy features present within the site.

2.3 Further site investigations have subsequently been carried out on behalf of the applicant, which has resulted in the need to revise the layout of the site. The extent of the changes to the proposed development is, however, in excess of what could be accepted as amendments to the current application. In light of this the concerns of the Coal Authority remain with respect to the layout that is before the Local Planning Authority for determination and as such the applicant has failed to demonstrate the application site is safe, stable and suitable for development and as such should be refused.

3.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on trees within and adjoining the site?

3.1 Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

3.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

3.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

3.4 R12 of the SPD says that residential development should be designed to contribute towards improving the character and quality of the area. It goes on to say that proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

3.5 R14 of the SPD indicates that developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/or eaves lines, rhythms, materials, or any combination of them.

3.7 The proposed layout comprises 79 detached dwellings (10 five, 27 four and 42 three bed); 23 semi-detached dwellings (all three bed); and 36 dwellings in blocks of 3 (3 four, 18 three and 15 two bed). The dwellings are predominantly two storeys, with five of the proposed dwellings having accommodation in the roof space (2.5 storeys). All the dwellings are of traditional design with pitched roofs and are mainly constructed in brick with a limited number of rendered properties. Design features include projecting porch, door canopy, integral garage/s, and projecting gables. The 2.5 storey dwellings have dormer windows in the roof.

3.7 The dwellings predominantly front onto internal looped access routes through the site, however there are a number served off long private drives. Dwellings face towards Keele Road and towards the Gallowstree Lane roundabout, but back onto the adjoining Traveller site on Cemetery Road. Many of the dwellings have parking spaces located at the front of the houses however there remains opportunity for landscaping. An equipped play area is proposed within the development. In addition there are areas of incidental open space including an area containing a landscaped bund which is sited between the proposed dwellings and the boundary with the Walley's Quarry landfill site. The bund, which has a fence on top, is a requirement of condition of the outline planning permission and is, in footprint, largely as shown on the indicative plan forming part of the outline application. Whilst some parts of the bund is very steep where it faces into the development the submission indicates that it can all be planted and as such will be a green feature of the site. It is considered to be acceptable in appearance.

3.8 Overall it is considered that the house types and design as proposed are acceptable.

3.7 There are a number of protected trees that are located within and adjoining the site. The proposal involves the loss of a protected Ash tree, previously assessed as a category A tree, the reason given being for safety. The application is not, however, supported by a detailed assessment containing sufficient arboricultural justification that the tree no longer achieves that category and is unsafe to

such an extent that it requires felling. Alternative approaches to the development that would not involve the felling of the tree must be fully explored before the loss of this tree can be accepted.

3.8 A further four trees are proposed to be felled due to the proposed layout of the development. These are highly visually prominent trees that are protected through a Tree Preservation Order. Their loss would have an adverse visual impact and is not supported.

3.11 In addition concerns have been raised by the Landscape Development Section about excavations adjacent to two more protected trees as well as the impact of the proposed bunds upon retained trees, and they have requested further assurance are given to demonstrate that they can be retained.

3.12 Whilst the applicant has been seeking to address these and other concerns mentioned elsewhere within this report, no further information has been submitted, as the amendments required to make this development acceptable can't be submitted as part of this application, and as such in light of the impact the proposal will have on trees and thus on the appearance of the wider area the application should be refused.

4.0 Would there be any material adverse impact on residential amenity?

4.1 The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

4.2 Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

4.3 The layout and orientation of the proposed development is sufficiently distant from existing properties to avoid any adverse impact on living conditions. In addition the layout achieves appropriate separation distances between the proposed properties and sufficient private amenity space.

4.4 A condition (13) of the outline planning permission requires design measures, supported by an appropriate noise assessment, which achieves specified noise levels and that such measures shall include details of an acoustic barrier/bund adjacent to the adjoining landfill operations. Such a condition is in recognition that noise from the adjoining highway could adversely affect amenity as well as noise from Walley's Quarry.

4.5 The application is supported by acoustic reports and the advice received from the Environmental Health Division is that the mitigation measures set out within the supporting report and shown on the plans which includes the acoustic bund, are acceptable and should be implemented.

4.6 In conclusion the layout achieves an acceptable relationship between the proposed dwellings and suitable private garden space and suitable living conditions for its occupants.

5.0 Is the internal road layout and parking provision acceptable in highway safety terms?

5.1 At least two parking spaces are proposed for each dwelling, with the larger dwellings having more spaces. The proposed level of parking is considered to be acceptable.

5.2 To improve accessibility to and from the development by modes of transport other than the private car it is important that a foot/cycle path link is provided directly onto Keele Road close to the bus stops. Whilst the layout doesn't provide such a link it could be secured by the imposition of a condition.

5.3 Further information has been requested that demonstrates that a refuse lorry can manoeuvre safely within the development. The Waste Management Section has also raised concerns about the long private drives which results in the need to provide collection points. Whilst it is not considered that there are planning grounds to justify objection to the private drives the lack of collection points is of concern and as such the applicant was advised that these needed to be shown on the plans. The

further information and collection points have not, however, been provided for the reasons set out above, and as such the applicant has not demonstrated that the layout is appropriate and that no highway safety/ residential amenity issues arise.

6.0 Is the affordable housing provision/layout acceptable?

6.1 A planning obligation entered into when outline planning permission was granted on appeal requires 20% provision of affordable housing within this development. The proposal includes the provision of 28 affordable houses, which achieves the required 20%. The dwellings which have been identified as being affordable are 13 three bed semi-detached dwellings and 15 two bed dwellings in blocks of three. The proposed split is 60% social rented and 40% shared ownership which accords with policy.

6.2 Housing Strategy has confirmed that the number and type of the dwellings that are proposed to be affordable houses are acceptable to them. In addition no objection has been raised to their location which is spread across the majority of the site.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

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

Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (2019)

National [Planning Practice Guidance](#) (March 2014)

[Supplementary Planning Guidance/Documents](#)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Relevant Planning History

15/01085/OUT Residential development of up to 138 dwellings with details of access and proposed landscape bund (resubmission of planning application 14/00948/OUT) – Refused.

14/00948/OUT Residential development of up to 138 dwellings – Refused but subsequently allowed on appeal

Views of Consultees

The **Coal Authority** does not consider that the information presented to date is sufficient to be able to discount the risk posed by the recorded mine entry. An appropriate scheme of further intrusive investigations should therefore be undertaken, to ascertain whether or not a mine shaft is present at the surface within the site. Should the shaft be located, an appropriate scheme of treatment will be required and the layout of the development should be revised to ensure that development does not take place over or within the zone of influence of the shaft. In addition further works are required to identify a buffer zone and possibly a no build zone associated with the fissures/faults crossing the site. These works should have been undertaken prior to the formulation of any detailed site layout. As such they object to the application.

The **Environmental Health Division** has no objections and recommends a condition which secures the noise mitigation measures as described in the submitted Acoustics Report.

The **Crime Prevention Design Advisor** is pleased to note that the applicant has sought to address crime prevention within the design layout of the proposal and list a number of elements that have crime prevention relevance and accord with Secured by Design guidance and principles. A summary of the comments are as follows.

- An element of the layout which could be improved is restricting access to the rear of the properties.
- The rear garden boundaries of plots 70-75 will not back onto other rear garden boundaries, which might make the theoretically more vulnerable.

The **Landscape Development Section** does not support the proposed loss of a Category A protected Ash tree. Sufficient evidence must be provided to demonstrate that it no longer attains this category and is unsafe to such an extent that it requires felling. Properties could be repositioned to allow sufficient space to retain the tree and risk reduction techniques and veteranisation (a technique appropriate for a site where there is a large age gap between older trees and the next generation and can be an alternative to felling trees) should also be fully considered before the loss of this tree can be accepted (further inspection was recommended in submitted arboricultural report).

The loss of a further two protected trees is also not supported as they are visually prominent trees, attain category B and have a long remaining contribution.

There are concerns about excavations adjacent to a further two protected trees and assurance is needed that should roots be encountered at a higher level than expected that it would be possible to proceed with the installation of the access route. There has been considerable tree loss in this locality, increasing the value of these two remaining individuals. The tree should also be shown as retained on the landscaping proposals drawing.

There are concerns about the impact of the bunds upon retained trees. Adjustments to the proposals should be made to demonstrate that there will be no level alterations within the root protection areas of retained trees.

A native hedgerow with hedgerow trees should be planted along the Keele Road boundary as a part of the landscaping proposals for the site.

- They also recommend adjustments to the proposed equipped play area. .

The **Waste Management Section** advises that the layout plan contains some design issues which would present long term problems and they would like to see them designed out of the layout as much as possible. A layout which provides circulation of the site is their preference for safety reasons. With minor design changes and surfacing changes in most parts of the development this could be achieved. The current layout is neither legible nor logical from the point of view of the collections which residents will need to access each week, and the proposal designs in elements likely to be problematic for the life of the development. Collection points cause neighbourhood disputes, lead to complaints which the Council has few powers to resolve, visually look poor on the development, block pavements for disabled residents and those with prams/pushchairs, and can reduce visibility for drivers.

Considerable areas of the layout show significant numbers of properties sharing private accesses where the properties themselves are a long way from where residents will be required to present containers (the service not driving over unadopted or private surfaces) and the creation of collection points is likely to result in residents leaving containers out between collections.

The narrow access between properties 29-37 is unsuitable for freighter collections, and plots 60-62 will require a collection point. A swept path analysis is required for 26 tonne refuse freighters and romaquip vehicles in a final layout, as these are the vehicles the service currently collect with.

Housing Strategy Section indicates that the affordable housing contribution that was secured at the when outline planning permission was granted, was 20% of the development and that is what is being provided (28 units). The proposed tenure split is 17 social rented and 11 shared ownership dwellings,

which is appropriate. The types of properties proposed as affordable housing are 15 two bed properties and 13 three bed properties. There is an identified need for 2 and 3 bedroom properties within the Borough. This is in conformity with the Affordable Housing SPD.

No comments have been received from the **Highway Authority, Newcastle South LAP** or **Silverdale Parish Council** by the due date and therefore it must be assumed that they have no observations.

Representations

5 representations have been received, one of which is from the Thistleberry Residents Association. The concerns/comments raised are summarised as follows:

- There are several discrepancies in the reports regarding the acoustic fence height and the geological survey report is at odds with the Coal Authority information and findings.
- Information was provided that the existing road capacity was 400-480. As there are already around 350 dwellings, and given that many homes have more than two cars, it needs to be known whether the road capacity refers to housing units or cars and whether the road has capacity for this development. Due to the narrowness of the roads and pavements, parking is already becoming a problem on the Burgess Brook site.
- The junction onto Keele Road would need to be upgraded to improve capacity.
- No permission should be given until the foot bridge has been implemented, the SUDS sorted, and the cycle paths created on the Burgess Brook phase of the estate, and that phase has been adopted.
- Whilst the scrap yard has moved the landfill operation continues and noise levels will increase as will visibility. It is therefore important that the acoustic fence is installed to meet the highest acoustic fence specifications, and also high enough to mitigate the impact of noise and prevent rubbish migrating over.
- The recommendations for sound abatement and other types of mitigation in connection with the landfill site are endorsed.
- The interests of the residents of the caravan site should be taken into consideration given the proximity of the proposed houses to the boundary.
- The Gallowstree Lane Roundabout is a danger to any houses and gardens built near it. The barrier fence has already been breached on several occasions by cars crashing through it. It is unclear how this will be addressed. Appropriate barriers should be installed at the top of the gabion wall.
- It is unclear whether the roads on the site are to be adopted by the Highway Authority or whether they are to be private roads maintainable by residents. If the latter is the case this needs to be spelled out to purchasers.
- The Landscape Management Plan appears to be comprehensive but is meaningless unless implemented.
- The removal of protected or Category A trees and hedges is opposed.
- Prospective purchasers would like to know what measures the developer will be taking to ameliorate any adverse effects from the fault and break lines which run through the site. Similarly, the mine shafts and other coal mining works known and not yet discovered could affect the purchased properties in the long term.
- The comments of the Police with regard to blind spots and the need for secure gates and fencing are supported.
- The so-called SUDS is not perfect and the ponding of the wetland area appears to be moving closer to the existing homes, causing flooding in some instances. The construction of the new homes should be agreed with the Environment Agency as 'safe and fit for purpose' therefore.
- The site appears to be too cramped and 25m is too close to the infill boundary.
- The workmanship and materials should be of the highest quality in order to compensate for what is regarded as the shortcomings of the site.
- It would appear that an additional strip of land, where planning permission was refused, has been incorporated into the application.
- The submitted Noise Mitigation Scheme states that noise from road traffic in gardens would be at a suitable level but this is not supported by the supporting graphical output from the

noise model. Assurance should be sought that the development would provide suitable amenity in gardens prior to determining the application.

- There is insufficient information provided to demonstrate that the development can be adequately drained, without impacting on receptors up and downstream of the application. Supporting reports submitted with the outline application were contradictory and prior to compiling the report officers must ensure that the scheme is deliverable.
- The volume of contamination 'hotspots' has not been calculated and the impact of removing the contaminated materials from the site could therefore be significant in terms of traffic movements, air quality and potential release of asbestos fibres.
- The information submitted is not sufficient to satisfy condition 5 of the outline planning permission which requires, prior to submission of the reserved matters application, a scheme of investigations for mine entry and fissures on the site.
- The proposal does not include a cycle and pedestrian link from the existing housing estate which would also connect to bus stops that are actually serviced and provide connections to Keele.

Applicant's/Agent's submission

The application is accompanied by:

- A Site Investigation Report
- Noise Mitigation Scheme
- Aboricultural Impact Assessment
- Coal Mining Report
- Landscape Management Plan

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00656/REM>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27th June 2019

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 4

Application Ref. 18/00656/REM

Hampton's Scrap Yard and Adj Field, Keele Road

The application has been **WITHDRAWN**.

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**LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE
GOLF COURSE
KEELE UNIVERSITY**

18/00933/FUL

The application is for the development of **two wind turbines** known as “The Low Carbon Energy Generation Project (Wind development)” one of up to 77 m to tip and one up to 67 m to tip, along with associated infrastructure.

With the exception of a small part of the site at its northern end off Innovation Way, which lies within the area covered by Policy E8 in the Local Plan, the application site lies within an area which on the Local Development Framework Proposals Map is in the Green Belt and an Area of Landscape Maintenance. With the same exception, the site lies within the Grade II Registered Park and Garden (RPG) of Special Historic Interest at Keele Hall. The site lies adjacent to, but not within, the Keele Hall Conservation Area. A map showing the extent of the Keele Hall Conservation Area, Keele Hall, and the Registered Park and Garden will follow as a Supplementary to this report and that for application 18/00934/FUL. Keele Hall is a Grade II* Listed Building.

Verdun Plantation, Pie Rough, Hands Wood, Brickkiln Plantation and the majority of Springpool Wood are included in Tree Preservation Orders. Springpool Wood is a Site of Biological Importance

A separate application (18/00934/FUL) has been submitted for a solar farm, and is considered next in the agenda. There are certain common elements shared by the two proposals including an access track, a temporary construction compound (on a site previously used for the drilling of two exploratory coalbed methane boreholes), and an electricity substation that includes two compounds (one for the university and one for the power company) and a shared substation building.

Elements unique to the Wind turbine application include the turbines and their towers, and turbine transformer units (very small structures at the foot of each turbine).

The application is accompanied by an Environmental Statement which presents the findings of the Environmental Impact Assessment (EIA) under the Town and Country Planning (EIA) Regulations 2017. The EIA has been undertaken on the basis of a proposed layout and design selected, in accordance with the Regulations to provide a ‘worst case’ scenario

The 13 week period for the determination of this application expires on the 11th April 2019 but an extension of the statutory period has been agreed by the applicant to 25th June 2019

RECOMMENDATION

Permit subject to conditions concerning the following matters

1. Commencement of development
2. Approved plans,
3. 25 year temporary consent and Decommissioning Method Statement
4. Removal upon cessation of energy generation if earlier
5. Construction Environmental Management Plan
6. Construction Traffic Plan
7. Details of windturbine design, specifications and colour
8. Details of the substation building
9. Details of transformers
10. Height of both turbine blades and hubs
11. Direction of rotation of blades
12. External lighting controls
13. Undergrounding of cabling to compound
14. Archaeology, as recommended by the County Archaeologist
15. Scheme of planting to reinstate former parkland trees to the south west of Brickkiln Plantation
16. Keele Conservation Area Management Plan
17. Shadow Flicker
18. Noise emissions during construction
19. Noise emissions from turbines
20. Complaints system for noise emissions
21. Logging of wind speed, direction and power generation date
22. Aeronautical issues, as appropriate in the light of any comments received from the Ministry of Defence
23. Specification for a protected species survey, submission of results and programme of any required mitigation measures
24. Breeding birds nest survey specification, submission of results and any mitigation measures
25. Biodiversity, habitat management and enhancement and additional planting adjacent to Pie Rough woodland
26. Trial blade delivery run

Reason for Recommendation

The development would cause harm but less than substantial harm to the setting of the Grade II* Listed Keele Hall, and thus to the Keele Conservation Area and the Keele Hall Grade II Registered Park and Garden. As such the decision with respect to the impact on heritage aspects rests on whether there is clear and convincing justification exists. The University's Smart Energy Network Demonstrator (SEND) project provides clear and convincing justification for renewable energy generation at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for significant solar generation, does, it considered provide similar justification for the harm to the heritage assets. The public benefits outweigh the harm.

The proposed development does not meet one of the exceptions for appropriate development within the Green Belt and therefore represents inappropriate development in Green Belt terms. In this instance it is considered that there would be a degree of harm to the openness of the Green Belt and the construction of turbines would be contrary to the purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment. There would also be some harm to the character and quality of the landscape due to the scale of the development and its historic landscape designation. The harm to the Green Belt, heritage assets and the landscape would however be outweighed by the benefits of the development, most notably the wider environmental benefits associated with increased production of energy from renewable sources and the contribution to cutting greenhouse gas emissions to tackle climate change. There are considered to be the very special circumstances required to justify the development.

Taking the above and other considerations examined in the following report and in the submission into account, it is considered that the application should be approved.

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

The Local Planning Authority in order to work in a positive and proactive manner has requested additional information during the application which has subsequently been submitted.

Key Issues

1.0 Introduction

1.1 The application is for two wind turbines one (T1) of up to 77 m to tip and one (T2) up to 67 m to tip, along with associated infrastructure. The turbines would have a hub height of up to 55m in the case of T1 and up to 45 m in the case of T2. T1 is positioned just to north east of a woodland known as Brickkiln plantation on a spur in the landscape, whilst T2 is positioned lower down on a slope between Brickkiln plantation and Springpool Wood. Each turbine is would have a level crane pad built next to it for use during construction. Other elements of the scheme include underground cabling. Features common to both applications are the onsite access tracks (of about 1200m in length), and a 132 kv substation, with a building of about 5 m wide x 7m long x 5 m tall and two quite extensive compounds and a connection to a 132 kv line. Once operational the two wind turbines are expected to be rated at between 0.5MW and 1.0 MW each. Based on an assumed total installed capacity for the site of 1.9MW and an assumed 'capacity' factor of 26.94% (the UK average) it is estimated that approximately 4,484 MWh of electricity could be generated per year. This is equivalent to the amount of energy used annually by approximately 1,186 average UK households per year.

1.2 The 132kv power line runs north to south through the east of the site and the Wind turbines would connect to it via the new substation. A replacement pylon would be required to achieve this connection.

1.3 The application seeks a temporary planning permission for this development – it being indicated that the lifespan of such a development is 25 years and that at the end of this period all major equipment and structures would be removed from the site with only the cabling and the turbine bases left in situ but covered over, with farming activities being then able to resume over the foundations of the turbines. Some details of the project are not yet known – for example the choice of turbines would be made closer to the date (various candidate turbines having been used for the EIA) and the permission sought for some features is in the nature of an 'envelope'. A micro-siting allowance of 20m per wind turbine is sought, and one of 5m for the on-site tracks. This is a standard approach in wind turbine applications.

1.4 As indicated above the site lies within an area which on the Local Development Framework Proposals Map is in the Green Belt and within an Area of Landscape Maintenance. The land is also part of the Grade II Registered Park and Garden of Special Historic Interest at Keele Hall. The site lies adjacent to but not within the Keele Hall Conservation Area. Keele Hall is a Grade II* Listed Building.

1.5 Planning Practice Guidance suggests that in addition to the factors that should be considered regarding the acceptability of a location for any form of renewable energy development there are particular considerations for wind turbines. With respect to the former it is indicated that in considering planning applications prior to the inclusion of criteria based policies in Local Plans (the current position in the Borough) it is important to be clear

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;

- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

1.6 Given the consultations and representations received, the statutory duties upon the Local Planning Authority in this case and the provisions of the development plan it is considered that the main issues which the Local Planning Authority must address, before seeking to assess where the planning balance lies, are :-

- Does the proposed development have any adverse impact upon the character and appearance of the Conservation Area, the setting of any Listed Buildings or the character and appearance of the Keele Registered Park and Garden?
- What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets and is it sufficient to outweigh heritage concerns?
- Is the location and design of the proposed development acceptable in a wider landscape context?
- Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?
- Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

At the conclusion it will be necessary to consider whether any particular issue arises from the fact that the wind turbines are proposed to be co-located with a solar farm.

1.7 The application is accompanied by an Environmental Statement covering a wide range of issues. The scope of this Statement reflects a Scoping Opinion previously issued by the Local Planning Authority following the receipt of a draft Scoping document. A number of other matters would justify the application of conditions if permission were to be granted do exist, but the above are considered to be the main or key issues

2.0 Does the proposed development have any adverse impact upon the character and appearance of the Keele Hall Conservation Area, the setting of Keele Hall and the character and appearance of the Keele Registered Park and Garden?

2.1. There is a statutory duty (section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) upon the LPA to have special regard to the desirability of preserving Listed Buildings or their settings. Section 72 of the Act states that special attention must be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. There is no such statutory duty with respect to the Registered Park and Garden.

2.2 Section 12 of the NPPF emphasise the need for development to be sympathetic to local character and history, and to maintain a strong sense of place. Section 16 expressly focusses upon conserving and enhancing the historic environment.

2.3 The NPPF (para 190) indicates that Local Planning Authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The significance of the asset should be taken into account when considering

the impact of a proposal on heritage assets, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

2.4 It goes onto states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.5 When considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.6 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of Grade II registered parks or gardens should be 'exceptional', whilst that to or loss of assets of the highest significance including Grade I and II * Listed buildings should be 'wholly exceptional'.

2.7 Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of certain criteria apply.

2.8 Finally the NPPF indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

2.9 Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building. In the supporting text it is indicated that in many cases, the setting of a listed building is as important as the building itself, especially where gardens or grounds have been laid out as an integral part of the design.

2.10 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

2.11 Saved Policy Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.12 National planning practice guidance on how heritage should be taken into account in assessing wind turbine applications indicates that as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of heritage assets may cause substantial harm to the significance of an asset.

2.13 As indicated above the site forms part of the Keele Hall RPG. The plan that will be provided as a supplementary report shows the application site both in relation to the RPG and the Keele Hall Conservation Area. Keele Hall Conservation Area has not been the subject of an appraisal, either at the time of its designation in 1993 or since. Keele Hall is a Grade II* Listed Building of special architectural or historic interest.

2.14 The applicant's Heritage Statement concludes that the development would cause harm but 'less than substantial' harm to the setting of Keele Hall, the RPG and the Conservation Area and sets out in detail how such conclusions have been reached.

2.15 It is accepted by all parties that at time the parkland design at Keele Hall was laid out in the mid-18th century the application site was not enclosed parkland. The surrounding fields, including the application site would have been readily visible from the Hall and the pleasure gardens. There is now no intervisibility between the Hall and this section of the RPG – at least at ground level. At the time of the development of the historic park a principal element of the landscape was the formation of a lake to the east of the Hall linking to a series of cascades and pools running south eastwards down the valley to Springpool Wood and pathways were formed in the 1760's down this deep wooded valley and around the pools.

2.16 The Staffordshire Parks & Gardens Trust (SP>), jointly with the Gardens Trust, are of the view that it is still possible to appreciate the significance of this rolling landscape as the foreground of historic views towards the edge of the core pleasure grounds particularly when seen from the historic drive along Lymes Avenue from the Whitmore Road, from Park Lane, Butterton or in more distant views such as that from North Wood at Trentham. They describe the site as clearly part of the designed landscape and as properly included in the RPG. They submit that development of this type is in principle contrary to the historic purpose and character of the site and to the spirit of the legislation promoting its protection. Specifically they assert that the turbines will detract from foreground views of the Park and an appreciation of its context in the wider landscape. The turbines will be visible from the historic perimeter walks around the lake and cascade of pools and also over the tree line from the lawn by the Hall. The industrial nature of the turbine towers will be wholly at variance with their rural setting.

2.17 Historic England (HE) are concerned that, as demonstrated by the montages provided, the proposed turbines would be seen from important points throughout the formal gardens. They emphasise that the repetitive movement of the blades within an otherwise 'static' rural landscape will inevitably draw the eye and cause the turbines to be even more visually prominent. It is their view that they would be an incongruous and inappropriate intrusion into the historic landscape harming the significance of the Grade II* Hall as a former country house set within a landscaped parkland. Whilst there are other modern structures in the landscape, they are distant, static and they do not justify additional harm anyway. Given that until now great care has been taken to ensure that the historic core around the Hall and Gardens has been protected from the wider expansion of the University Historic England are therefore extremely concerned by the principle of locating such alien industrial structures within this historically open setting. They remind the LPA that any harm to a heritage asset should require clear and convincing justification and even should the harm be viewed as less than substantial this should be weighed against the public benefits.

2.18 It is not the role of the LPA, or indeed other parties, to query, in the determination of a planning application, whether or not an application site was or was not properly included in the RPG.

2.19 The applicants note that HE have not expressly disagreed with their assessment - that there is harm but it is less than substantial. Furthermore they point out that two of the assets affected - a Grade II RPG and a Conservation Area are not of the highest significance. They acknowledge that at Grade II* Keele Hall is an asset of the highest significance.

2.20 Your Conservation Officer shares the views of Historic England upon this proposal. Members are able to view the submitted photomontages, particularly those from by one of the principal elevations of Keele Hall and its formal gardens. There will also be some views of the turbines from the nearest part of the Conservation Area by the bottom lake, but it is the views from the Hall and its immediate formal gardens which for your officers are the key consideration in assessing the degree of harm. The change proposed, to the setting of the Hall, is such as to constitute harm but 'less than substantial harm'.

2.21 Turning to the role of the site as part of rolling landscape as the foreground of historic views towards the edge of the core pleasure grounds, the turbines even though they are not as tall as many that are now proposed onshore, they would undoubtedly impact upon those views. The substation and tracks would not be particularly significant, other than in views from the A53 for drivers travelling

northwards provided appropriate planting was undertaken to reinforce the effect of the Pie Rough woodland

2.22 Taking all of the above into account the view is reached that, in NPPF terms, there is ‘less than substantial harm’ to the setting of the Grade II* Listed Hall, its Conservation Area, and it follows to the RPG as well, given that it is after all the RPG of Keele Hall.

3.0 What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets, and is it sufficient to outweigh heritage concerns

3.1 In the light of the conclusion reached above that the wind turbines would involve harm but less than substantial harm, to the significance of the designated heritage assets – the Listed Keele Hall, its Conservation Area and to the RPG - the decision maker, to justify approval, has to conclude that there is clear and convincing justification for the development. The case does not however have to be “exceptional” to warrant approval. Any public benefits associated with the development must be weighed against the harm. Full account must be taken of the fact that one of the heritage assets impacted is of the “highest significance”.

3.2 In terms of justification the applicants have explained that whilst the University have undergone some redevelopment over recent years which will certainly have improved its energy efficiency the overall effect of this is extremely limited in comparison to a dedicated renewable energy project such as this. It is likely that the wider sustainability agenda being pursued at the University will enable the growth of the campus with no net increase in carbon emissions but it will not help reduce them below this level. The proposed wind turbines will contribute significantly to the University’s annual electricity demand, generating significant carbon reductions.

3.3 Beyond the wider carbon benefits such a proposal brings, this development also forms an integral part of the wider Smart Energy Network Demonstrator (SEND) project. Details of the Business case for the SEND project are provided in an Appendix 5.1 to the ES. The project is described as being a unique opportunity for a world class demonstrator facility for smart energy research and development enabling businesses to test and evaluate new and evolving energy technologies, and allied services and the opportunity to assess their efficiencies, both individually and combined, in terms of energy reduction, cost and CO₂ emissions. It is indicated that the University has already invested £12 m in upgrading its energy network.

3.4 The applicant submits the following are the special circumstances or benefits that the LPA should take into account

Circumstance	Description
Increased production of energy from renewable sources and Climate change	The generation of approximately 4484 MWh of electricity per annum saving between 15,245t and 102,905t of CO ₂ emissions depending upon the calculation method. Assisting towards meeting both domestic and EU targets as well as increasing quality of life and reducing risks associated with warming climate
Direct Economic Benefits	<ul style="list-style-type: none"> • £2.4M direct spend • C.£1900 per year community benefit • Unlocks £16m investment through the SEND project
Indirect Economic Benefits	Unlocks up to £80m indirect benefit by 2036
Job creation	Forms an integral part of SEND which will create up to 440 higher value jobs and support local businesses. Also helping to sustain future growth at the university and securing jobs by managing risk of exposure to volatile energy prices
Increase in security of supply of energy	Decentralised energy is promoted at NPPF para 151.
Improved sustainability at Keele University	Keele was 17th in the world green university

	rankings in 2017. One of only 22 Universities in the UK to make the top 200. The development will help maintain the university's exceptional ranking which is a key driver for students choosing to attend the university
Wider educational and societal benefits	<ul style="list-style-type: none"> • Unique educational opportunity for engineers and environmentalist student • SEND project is a unique opportunity for energy research which could also contribute to promotion of the Higher Education Sustainability Initiative in the UK
Temporary and Reversible land use	All the effects associated with the development are both temporary and reversible
Green Belt	During the temporary period a number of appropriate Green Belt uses such as agriculture can continue at the site and the intended permanence of the Green Belt in the long term will not be compromised
Alternatives	There are no suitable alternatives which will meet the university's sustainability objective and also allow the private wire connection essential for the success of the linked SEND Project

3.5 As explained in section 5 below the financial contribution the development might make towards a community benefit fund is not a material planning consideration and must not be taken into account by the Local Planning Authority.

3.6 On the issue of what weight should be given to the temporary nature of the turbines (25 years being their expected life), members need to be aware that there have been appeal decisions where Inspectors have weighed in the balance in favour of a scheme the likely temporary nature of the effects on the landscape and Listed buildings. That said the Secretary of State in considering an Inspector's report in one case agreed that although a scheme would be time limited, 25 years would represent more than a generation in which the heritage significance (in that case of the highest importance) would be diminished. Reversibility also does not avoid the development acting as a precedent either for further turbine development in the same area or repeated development of the same site after 25 years.

3.7 In considering the justification for the choice of this site the ES provides limited detail on the alternative sites that were considered. It does however list the relevant site selection criteria. It is indicated that potential for wind energy development at Keele University has been explored over a number of years, and critically that in order to comply with the aspirations of the SEND project there was a requirement for "self-generation" of energy rather than import from grid. This it is said effectively limited the off-site locations that could be considered as any generating plant would require a private wire connection to the University. It is indicated that a feasibility assessment was commissioned to look at the Keele University landholding and identify the most suitable area for development and the potential scale of the proposed development that might be accommodated. The ES provides detail of how through a series of iterations the proposed site layout that has been submitted was arrived at, but not of that wider feasibility assessment.

3.8 Further details have since been provided by the agents on whether certain sites within the University's estate could be considered as realistic alternatives for the wind turbine development. They were asked to comment on 3 general locations within the University's land ownership – the new development site, known as Keele Phase 3 (immediately to the north of the application site), the land to the east of Barker's Wood, and the field to the west of the junction of Keele Bank and Cemetery Road. With respect to Keele Phase 3 the agents indicate that the site is already laid out as a series of development plots, a number of which have already been built upon or now have full consent including the hotel and vet school. Although underpinning the sustainable ethos of the site the installation of renewable energy infrastructure such as wind turbines would adversely impact upon all of these developments and uses in a variety of ways including visual; noise and more general loss of

amenity. In respect of the Cauldwell's autism support/research centre and its users, the impact would be particularly significant. People on the autism spectrum have special sensory needs and fragilities, and the presence of wind turbines, within such close proximity, is likely to be therapeutically damaging by virtue of factors such as noise, visual distraction and light flicker. Wind turbines and autism spectrum services and facilities are generally incompatible.

3.9 Furthermore use of the undeveloped areas for wind turbines would effectively remove the development potential of the site for the uses for which permission exists. The site was originally allocated for high value and university related activities and was advanced and supported by key stakeholders and agencies on this basis.

3.10 As far as the land to the east of Barkers Wood is concerned the first point made is that insofar as the site has been identified in the Preferred Options Document of the Joint Local Plan to meet future university growth/expansion needs, it appears to them that use of the site for renewable energy infrastructure would fundamentally undermine the Joint Local Plan Strategy and the delivery of one of its key components.

3.11 The agents go onto indicate that from a technical viewpoint due to the higher elevation of the rest of the campus, in relation to the application for wind turbines outside the locations chosen, and the position of both the land to the east of Barker's Wood and that at the junction of Keele Bank and Cemetery Road would result in an objection from the Ministry of Defence (MoD) on the grounds of unacceptable interference to the operation of the Precisions Approach Radar (PAR) at RAF Shawbury. Noise constraints rule out the deployment of wind turbines anywhere else on campus or the above sites due to the proximity of dwellings and the reducing influence of the M6 on soundscape as one moves further away from the motorway.

3.12 The agents have provided plans which show the wider university landholding that they say clearly demonstrate that the application site for both technologies have been carefully selected to minimise impacts to a variety of stakeholders and receptors whilst allowing the university to dramatically cut its carbon footprint. In addition to the factors of noise and radar visibility, other known constraints such as radio communication links, overhead cables and their respective offsets are all plotted on these plans. These are available to view as application documents on the Council's website.

3.13 Your Officer has given careful consideration to this further submission. It would be wrong at this stage to give any significant weight to the inclusion of the land to the east of Barkers Wood within the JLP Preferred Options Document given that was for consultation. It needs to be remembered that whilst the footprint of wind turbines might be fairly limited the sweep of their blades covers a wider area. In summary it would appear that there are good planning constraint reasons why there are no realistic alternative sites for wind turbine development within the university's land holding.

3.14 The SEND project provides clear and convincing justification for renewable energy development at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for wind turbine development does, it is considered, provide similar justification for the harm to the heritage assets described in section 2 above. Furthermore the significant public benefits in terms of assisting addressing climate change, job creation and research are considered to outweigh the identified harm to the heritage assets, even when account is taken of the fact that one of the heritage assets is of the 'highest significance'.

4.0 Is the location and design of the proposed development acceptable, including in the wider landscape context?

4.1 The site is within an Area of Landscape Maintenance as designated on the Local Development Framework Proposals Map and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.3 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which provides both montages taken from viewpoints agreed by the Local Planning Authority (through its Scoping opinion) and a detailed assessment of the significance of the likely landscape and visual effects. The methodology employed is one that conforms to the EIA Regulations and associated government guidance.

4.4 The Non-Technical Summary of the LVIA states as follows

“The proposed wind turbines would add large man-made moving structures into the site which would change the landscape character but visibility of this change from the surrounding area would be limited by the existing woodland to the north, east and west and surrounding built development and undulating landform. There are more open views into the site from areas within approximately 2km of the site to the south and south-east meaning people in these areas would experience some significant changes in views. In particular the turbines would become significant features in views from parts of Seabridge, Bunnyhill... and nearby properties in Butterton, and in the northbound views from the A53 between Shutlanehead and The Lymes. Beyond 2km the turbines would be visible but they would not be significant due to intervening vegetation, built development and undulating landform limiting views.”

There are not considered to be sufficient grounds to sustain an objection to the proposal on landscape grounds alone.

5.0 Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?

5.1 The Statement of Community Involvement submitted with the application refers to the Best Practice guidance on Community Engagement for Onshore Wind Developments and the desirability of such engagement processes including the ability to discuss if and how community benefits may be delivered. It is emphasised that where possible these discussions should be separated from those related to the planning process. Other best practice guidance addresses the expectation that voluntary monetary payments will be made from an onshore renewable energy developer to the community, usually on the basis of an annual cash sum. This is a voluntary scheme, not compensation payments. In this case it is being suggested by the applicant that they would contribute in a community benefit fund £1,000 per annum per MW of installed solar capacity, with approximately £1,900 per annum being made available to the community to spend as they see fit.

5.2 It is important to note that such community benefits are separate from the planning process and are not relevant to the decision as to where the application should be approved or not – they are not material considerations. It is the case that LPAs are required to have regard to any “local finance considerations in the determination of planning applications”, but this is only so far as they are material to the application, and the definition of local finance considerations does not include payments to the community in any case. The possibility of payment to a Community benefits fund were the development to process is not material to the determination of the planning application and should be disregarded by the Committee.

5.3 The applicant has suggested that there be a condition attached to any planning permission granted requiring the subsequent entering of a Unilateral Undertaking securing such community benefit, and the LPAs’ approval, but this does not appear to your Officer as appropriate having regard to the tests which planning conditions have to be meet – as the condition is neither necessary nor related to planning, and furthermore planning obligations whether within agreements or unilateral undertakings may only constitute a reason for granting planning permission if they meet the test that they are necessary to make the development acceptable in planning terms.

6.0 Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

6.1 NLP saved policy S3, dating from 2003, sets out local policy for development within the Green Belt indicating that there will be a presumption against any form of development, subject to certain very limited exceptions, none of which refer to renewable energy developments. Whilst existing policies should not be considered to be out-of-date simply because they were adopted or made prior to the publication of the Framework in 2012, due weight should be given to them 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 to them).

6.2 The NPPF details that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence; and their purposes include that of assisting in safeguarding the countryside from encroachment.

6.3 The NPPF indicates the circumstances where the construction of new buildings should be regarded as appropriate development. Insofar as the Wind turbine development involves buildings (the substation building) it does not fall within any of the specified circumstances. It is indicated that certain other forms of development are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Wind turbines do not appear on the list of such other forms of development. Paragraph 147 of the NPPF indicates that "*When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development*". Taking into account the whole development proposed with its two turbines, the formation of tracks, the substation compound and building there is no doubt that the development should be viewed as representing inappropriate development. This would be even more so if viewed cumulatively with the solar farm.

6.4 As inappropriate development in the Green Belt it should not be approved except in very special circumstances (para 143).

6.5 In terms of the Green Belt issue inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF para 144 indicates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

6.6 In respect of renewable energy projects the NPPF goes on to state in paragraph 147 that where they are found to comprise inappropriate development developers will "need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

6.7 In order to weigh in the balance the harm and other material considerations or benefits, it is necessary to first identify what harm arises from the proposal, other than that which inappropriate development causes by definition. The proposed development would result in a reduction in the openness of the Green Belt from the proposed structures and the development can be considered to be contrary to that purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment. The overall effect on the openness of the Green Belt is considered limited despite the height of the turbines and the footprint of the related features including the substation.

6.8 There would also be harm to the heritage assets, including to one of the 'highest significance as set out in detail in section 3 of the report. The harm is 'less than substantial'.

6.9 A core principle of the NPPF is the use of renewable resources of which the development of renewable energy is one. Furthermore, in Green Belts the NPPF details that the very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. In this instance the benefits identified in this respect by the applicant would be significant.

6.10 Weighing these matters in the balance and having particular regard to that to the harm to the setting of the Listed Hall, its Conservation Area and the RPG, as well as that to the landscape and the Green Belt, it's considered that the benefits do clearly outweigh the harm identified and so the required very special circumstances do exist.

6.11 Some consultees have expressed further concerns about the proposal to co-locate the wind turbines and the solar farm. The mix is perhaps unusual but that does not make it unacceptable. In landscape terms the simplicity of the turbines will be to some degree diminished by the carpet of solar frames at their base, but this is not considered to be a sustainable basis for not permitting both to proceed, if they are individually found to be acceptable. Indeed the applicant puts the contrary argument that by doing so advantage can be taken of the shared features – the access tracks into the site and in particular the electricity substation and its connection into the grid. There is some merit in that point, but it is not one that would make an unacceptable proposal acceptable (if that were the view of Members on this proposal).

APPENDIX 1

Policies and proposals in the approved development plan relevant to this decision:-

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3	Development in the Green Belt
Policy E8	(Part of site only) Keele University and Keele Science Park
Policy N2	Development and Nature Conservation – site surveys
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N13	Felling and Pruning of Trees
Policy N17	Landscape Character – General Considerations
Policy N19	Landscape Maintenance Areas
Policy B3	Other Archaeological Sites
Policy B5	Control of development affecting the setting of a Listed Building
Policy B9	Prevention of Harm to Conservation Areas
Policy B10:	The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13	Design and Development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy B15	Trees and landscape in Conservation Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Overarching National Policy Statement for Energy \(EN-1\) 2011](#)

[Planning Practice Guidance](#) (March 2014, as updated) including practice guidance on Conserving and enhancing the historic Environment & Renewable and Low Carbon Energy

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Onshore Wind Energy Planning Conditions Guidance Note – a report for the Renewables Advisory Board and BERR \(October 2007\)](#)

[The Assessment and Rating of Noise from Wind Farms, ETSU-R-97](#)

Relevant Planning History

18/00605/EIA – Scoping opinion under the Environmental Impact Assessment Regulations given with respect to Wind Farm Proposal - October 2018

Views of Consultees

Historic England (HE) has concerns regarding the detrimental impact of the proposed wind turbines and associated structures on the significance of the surrounding heritage assets, and does not consider that the resulting harm has been convincingly justified.

It is clear from the information submitted with the application that the proposals will impact upon the significance of the Listed Hall, Registered Park and Garden, and the adjacent Conservation Area.

Although it would appear that at the time the parkland design was laid out in the mid-18th century the application site was not included within the enclosed parkland, the surrounding open fields would have been readily visible from the Hall and its pleasure gardens

As demonstrated by the montages which have been submitted, regardless of the reduction in height, the proposed turbines would be seen from important vantage points throughout the formal gardens. Furthermore the repetitive movement of the blades within an otherwise 'static' rural landscape would inevitably draw the eye, and cause the turbines to be even more visually prominent. As such it is their view that they would be an incongruous and inappropriate intrusion into the historic landscape, harming the significance of the Grade II* Hall as a former country house set within a landscaped parkland. Existing more modern structures in the landscape such as distant telephone masts whilst having some impact are static and the M6 is more of a ground level background intrusion. In contrast the location, position and movement of the turbines would be far more obtrusive. In any case the presence of such other elements does not justify additional harm. Given that until now great care has been taken to ensure that the historic core around the Hall and gardens has been protected from the wider expansion of the University they are therefore extremely concerned by the principle of locating such alien, industrial structures within this historically open, rural setting.

The NPPF states that any harm to a heritage asset should require clear and convincing justification and great weight should be given to an asset's conservation irrespective of the level of harm to its significance, and even should this harm be considered less than substantial, this should be weighed against the public benefits. Having considered the justification put forward, Historic England are unclear as to the magnitude to which the proposals would benefit the wider public or what other less harmful energy sustainability options or locations were considered by the University.

Even if the structures are temporary, such harm would be unacceptable

The proposed turbines would not only harm the significance of the Grade II* listed Hall and its setting and the Grade 2 park and garden, but would also not preserve or enhance the character or appearance of the Conservation Area. Refusal is recommended

HE have been invited to comment on the further information received and any comments that they make will be reported.

The **Staffordshire Parks and Gardens Trust (SP>)** and the **Gardens Trust (GT)** objects to the application.

They describe in some detail the development of the historic park, noting that a principal element of the landscape was the formation of a lake to the east of the Hall linking to a series of cascades and pools running south eastwards down the valley towards Springpool Wood and pathways were formed in the 1760's down this dingle (deep wooded valley) and around the pools. The application site is described as just beyond the wooded dingle within an area of open undulating originally wood pasture, broken by long established spinneys of Pie Rough and Brickkiln plantation. A few of the field trees remain to the south and it is still possible to appreciate the significance of this rolling landscape as the foreground of historic views toward the wooded edge of the core pleasure grounds particular when seen from from the historic drive along Lymes Avenue, from the Whitmore Road, from Park

Lane, Butterton or in more distant views such as that from North Wood at Trentham. The site is clearly part of the designed landscape at Keele and is properly included in the RPG. The SP> and the GT object strongly to the proposal to locate two wind turbines and ancillary development within the RPG. The adverse impact of the development will be exacerbated by the related proposals to co-site a wind farm within the site boundary. Locating development of this type within an RPG is in principle unacceptable being contrary to both the historic character and purpose of the site and to the spirit of the legislation promoting its protection. Specifically the turbines will detract from foreground views of the park and an appreciation of its context in the wider landscape. Furthermore contrary to statements in the submission, it will be visible from the historic perimeter walks around the lake and cascade of pools and also over the tree line from the lawn by the Hall. The industrial nature of the turbine towers will be wholly at variance with their rural setting.

Whilst the merit and public benefit of proposals to reduce the applicant's energy useage and carbon footprint are appreciated, the applicants have not demonstrated that their proposals are the only way of achieving these goals and that this is the only realistic site to locate them. No guarantee has been offered that the use of the site will not continue beyond the projected 25 year working life so as to justify the applicant's claim that the impact of the development will only be temporary. In short they have not demonstrated their proposals are so exceptional to warrant the substantial harm that would be caused to the two heritage assets – namely the Keele CA and the Keele RPG. Should LPA be minded to grant permission for the development it is suggested that a condition requires the developer to not only to undertake replanting of wood pasture planting around the site, but also to fund a conservation plan for the wider park as well as a programme of management and enhancement works in the dingle immediately adjoining the application site

The SP> and the GT have been invited to comment on the further information received and any comments that they make will be reported.

The **Conservation Advisory Working Party** does not object to wind turbines in general but the turbines in this proposal intrude into the designed landscape and their appearance especially relating to the view from Keele Hall is detrimental to the character of this part of the landscape. They also therefore affect the setting of the Conservation Area and the Registered Park and Garden given that they are all intrinsically connected. The turbines should not be seen or intrude upon this view. They should be reduced in height to mitigate this harm. There was a suggestion that much smaller turbines could be utilised in greater numbers, perhaps 3 or 4 as an option. The Working Party also raised concerns over the equipment required to facilitate the turbines and the solar panels, such as the inverters, cameras, substation and pylon and large number of battery containers etc. The Working Party wanted consideration to be given to the facilities and infrastructure for both the turbines and solar panels to be set underground to reduce their impact. Some members raised concern over the harm caused to the tranquil environment with noise from the turbines and the equipment.

The **Council's Conservation Officer** provided a single set of comments covering both applications. The following are relevant to the Wind turbine application

The development area is mostly within Keele registered Historic Park and Garden (P&G), and within the setting of Keele Hall, Grade II* Listed Building and Keele Hall Conservation Area (CA). The top access road and temporary compound are not within the P&G boundary but are adjacent to it. The proposal is situated at the bottom of the lakes and woodland walks, and near to the Keele Hall Conservation Area boundary. The lakes and valleys are an engineered series of lakes as part of the pleasure gardens to Keele Hall and Park. More information is within the heritage chapter of the ES as part of the submission and includes the history of the estate and the 350 years of Sneyd occupation and the various key players involved in designing the landscape. This landscape is now included within the various heritage designations and its significance and special character of the designations is accepted by the applicant.

The details of turbines are 77m high (55m to hub) and 67m (45m to hub). Following pre-application discussions about the wind turbines and solar farm, concerns were raised by herself and Historic England over the potential impact on the heritage assets. Information at this stage was limited. The dimensions have been amended in an attempt to minimise the landscape and visual impact of the development from Keele Hall and the turbines were reduced in height by 23m and 33 metres respectively.

The proposed turbines are SE of Keele Hall within the extensive landscape park but outside the CA boundary. The series of lakes and engineered valleys undertaken by previous owners of the Hall and extensive bank of trees enclose this part of the garden very well. The view from the Hall in this direction is a significant one and one which is important to all the designations, namely the setting of the Hall, the CA and the parkland landscape. The applicant's case states that the bank of trees would screen the turbines (except the blade tips) from the Hall from this important viewpoint. This might be the case in high summer but they would be more visible during the winter months. The blades are still visible as shown in Viewpoint 3. There will be more open views from other parts of the gardens, parkland and farmland, particularly from the ha-ha. The undulating landscape and woodland plantations will help with screening from different viewpoints but they will still be visible from many others. The designed landscape is contained and generally free from harmful change and alien forms of development because the University campus has protected this area from development. Any changes of this kind will have a harmful effect in her opinion.

Indeed the very fact that the turbines will move with repetitive motion, will draw the eye towards them. The heritage statement (6.30) discusses this conscious design intention and exploitation of the views. The bank of trees screening the current University development is a strong landscape feature and maintains the feeling of escape, tranquillity and enjoyment of this distinctive and contrasting environment to much of the campus. She disagrees with the applicants' assertion at 7.29 that the harm caused to the view from the SE elevation of Keele Hall is relatively minor. The vegetation certainly helps with screening views but when in view they would be an alien contrasting modern intervention which would be harmful to the setting of the gardens.

This harm may be considered to be less than substantial, in line with the NPPF but harm nonetheless.

The case of the M6 and its detrimental impact is strongly presented by the applicant, but in her opinion this does not diminish the special interest of the P&G and it is not as damaging to the heritage assets as is being made out. Equally the presence of the M6 in some views does not justify the presence of the turbines and their additional harm.

The notion of the development being temporary and reversible is also stressed but 25 years is not particularly short-lived. And for that 25 years there will be harm caused to the heritage assets. There is always the chance that the turbines will be replaced with the next generation of turbines.

Whilst the Hall other buildings and lakes and woodland walks are significant parts of the historic character of the area, the applicant sees the wider designated parkland as less significant, but it still reflects how the estate has evolved and has been planned so it is still relevant to the RPG. The cumulative effect of turbines, solar panels and associated buildings and development deserves consideration and none of this ancillary development has been included on the photomontages but will also have an impact on the setting of the asset.

All of this infrastructure will be glimpsed through the edges of Springpool Wood

Any restoration of the historic landscape should be informed and set out in a condition, as suggested by the applicants.

The **County Archaeologist** regarding archaeological issues associated with the proposed development considers the application is supported by appropriate documents, supported by a geophysical survey. He recommends further archaeological work, but "pre-determination" archaeological works are not required.

The **Environmental Health Division** – No objections subject to conditions Noting that the construction works have the potential to create noise and fugitive dust nuisance to nearby properties and due to the nature of the works and the number of vehicle movements they recommend a Construction Environmental Management Plan is obtained by condition. Whilst the application is supported by an assessment of operational noise impacts which indicates that no adverse impact will occur as a result of the development, the turbine model has not been finalised and this may affect the noise emitted from the development so the model of turbine used should be subject to prior approval.

External lighting also needs to be controlled. Shadow Flicker mitigation measures specified will need to be implemented

The **Landscape Development Section** – no objections subject to conditions requiring submission approval and implementation of Tree Protection Plan, and an Arboricultural Method Statement

The **Highway Authority** has no objections subject to conditions requiring submission and approval of results of a Trial Run, and the completion of the development in accordance with an approved Construction Traffic Management Plan

Keele Parish Council - no objections following the reductions agreed following the pre-application consultation

Natural England No objection in that they consider that the proposed developments will not have significant adverse impacts on statutorily protected sites or landscapes, but have provided generic advice to the LPA on other natural environment issues

The **Environment Agency** has assessed the application as having low environmental risk.

NATS (En Route) public Limited Company (NERL) responsible for the management of enroute air traffic – have no safeguarding objection to the proposal

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no comments to make on the application

Staffordshire Badger Conservation Group have made comments on the application which are available upon request to members of the Committee

Whitmore Parish Council having been consulted and having made no comments by the due date must be assumed to have no comments to make upon the application

The comments of the **Ministry of Defence** are awaited

Representations

Three objections have been received. The grounds of objection are as follows

- A blot on the landscape
- Likely adverse health impacts as a result of noise effects of the wind turbines, impacting both residents and users of openspace including Newcastle Golf course and parkland at Seabridge
- Adverse impacts on wildlife especially birds of prey and lapwings
- Impact on the Green Belt
- Adverse impact on views from the Butterton Conservation Area with its noted panoramic views over farmland
- Lack of viability of wind turbines
- Unsuitability of the land

Applicant's/Agent's submission

The application is accompanied by the following documents:

- An Environmental Statement, and a non-technical summary of it
- Tree Survey
- Statement of Community Involvement
- Planning Statement
- Design and Access Statement
- Construction Traffic Management Plan

Since the application was received a response to consultation responses has been provided, copies of various appeal decisions considered relevant by the applicant, a list of suggested conditions, a plan

showing an illustrative concept for the reinstatement of parkland trees, a letter about the Council's Climate Emergency resolution of the 4th April, photographs taken from the lakeside walks, and a letter concerning wind turbine constraints together with 2 accompanying plans

All of these documents are available for inspection at Castle House and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00933/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared: 6th July 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 5

Application Ref. 18/00933/FUL

Land adjacent to Springpool Wood, South of Phase 3 and West of Newcastle Golf Course

Since the publication of the agenda report, Historic England have indicated that whilst they note the additional information and justification submitted by the applicant, they continue to remain concerned as to the harm the proposed wind turbines would cause to the significance of the Grade II* listed Keele Hall and its setting, the Grade II historic park and garden and the character and appearance of the surrounding conservation area. They continue to recommend that the application be refused.

The Conservation Officer has confirmed that her views on the application have not changed

The Ministry of Defence have indicated that they have no objection to the proposal, but in the interests of air safety they do request that the development should be fitted with MoD accredited aviation safety lighting. They would also wish to be notified prior to commencement of construction of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of each turbine

The recommendation with respect to this application remains as per the agenda, there being nothing further to add to the consideration of the impact of the development on heritage assets and its justification, and the conditions sought by the Ministry of Defence having already been included within the recommendation (under condition 22).

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 5

Application Ref. 18/00933/FUL

Land adjacent to Springpool Wood, South of Phase 3 and West of Newcastle Golf Course

Further joint comments from the Gardens Trust (a statutory consultee where development in a Registered Park and Garden is concerned) and the Staffordshire Parks and Gardens Trust have now been received.

It is indicated that the position of the Trusts remains that it is inherently unacceptable to site developments of wind turbines and a solar array within a Registered Park and Garden. Registered Parks and Gardens are a finite and limited heritage resource: substantial harm such as would result from these developments to grade II registered parks or gardens should be exceptional. The Trusts say that they have seen no convincing arguments to justify these proposals as “exceptional” or cause them to revise the objections set out in their original letters of 21 January 2019.

The Trust indicate that they have considered the additional information supplied since last writing and note the applicants’ contention that the 25 year lifespan of the developments will cause only short term impact to the heritage asset. They point out that this “temporary” adverse effect is nonetheless a) harm, contrary to local and national planning policy; b) of a duration of a quarter of a century, a not inconsequential period, and c) not guaranteed to be time limited against renewal at the expiry of that period. The Trusts say that they have considered the applicants’ further contention that no alternative site for the development is feasible but strongly disagree that meeting the internally derived constraints of the SEND project is sufficient case for causing harm to the heritage asset.

The Trusts say that they note the conclusion in the report to Planning Committee that the harm is less than substantial but consider that this is based on a misconstruction of paragraph 193 of the NPPF which states clearly that great weight should be given to the conservation of heritage assets regardless of the degree of harm, a position borne out in various legal decisions. The Trusts are extremely concerned and disappointed that the recommendation to Committee is to override the widely stated heritage objections to the schemes and to approve both applications. In the view of the Trusts the harm which would be caused by these two developments to the significance and appearance of Keele conservation area and RPG is such as to warrant refusal of the two applications.

Finally the Trusts are concerned to note that no mention is made in the report of their suggestion that, if the Council was minded to grant permission, the developers be required by enforceable condition not only to undertake replanting of the adjacent wood pasture but also to fund a conservation plan for the wider park and a programme of management and enhancement works in the dingle immediately adjoining the application site.

Your Officer’s further comments

The full text of paragraph 193 of the NPPF, to which the Trusts refer is provided in paragraph 2.4 of the Committee report but so that it is at the forefront of members at this point it again repeated below

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Members will have already noted that the Garden Trusts have objected to this application and the application for the solar farm, and they will now note that these objections are being maintained. The Trusts are of the view that the development would cause substantial harm to the Grade II Registered Park and Garden and thus should be exceptional. Your Officer's view, for the reasons set out in the report, is that there is harm to the significance of that and other heritage assets, but it is less than substantial. Such harm should require clear and convincing justification.

The report on this application (and that for the solar farm) does, when reporting the views of the Trusts refer to their suggestion that the developer should fund a conservation plan for the wider park as well as a programme of management and enhancement works in the dingle immediately adjacent to the application site.

Such funding would require the entering into of a planning obligation. No such obligation is recommended within the report. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and must only be sought where they meet all of the following tests

- a) Necessary to make the development in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development

The RPG covers an extensive area some parts of which are well removed from the application site. A requirement to provide funding for the conservation of the "wider park" would it is considered be open to the objection that the obligation securing that would not be "directly related to the development". Furthermore to identify a sum that would be "fairly and reasonably related in scale to the development" would be problematic.

Members' attention is drawn to recommended condition 16 "Keele Conservation Area Management Plan". This relates to the Keele Hall Conservation Area and the applicant's proposal is that it would be worded as follows

"Within 6 months of the first occupation of the development, a Conservation Area Management Plan (CMP) for Keele Hall Conservation Area which sets out the future management objectives of the area including future maintenance and repair of built heritage assets shall be prepared and submitted to the Local Planning Authority. The CMP shall include

- *A statement of significance for the Conservation Area including a summary of historic value*
- *Risks and opportunities to the Conservation Area*
- *Conservation management policies for*
 1. *Maintenance and repair*
 2. *Adaptation and new works*
 3. *Improving access and interpretation*

Your Officer would wish to include a requirement for the CMP to be approved by the LPA and subjects for the future maintenance and repair to include potentially features which might not fall within the definition "built heritage assets".

This does fall short of what is being sought the Trusts but it is considered a reasonable and justified approach albeit it relates to a more narrowly defined area.

The recommendation with respect to this application remains as per the agenda, there being nothing further to add to the consideration of the impact of the development on heritage assets and its justification, and the conditions sought by the Ministry of Defence (and referred to in the First Supplementary) having already been included within the recommendation (under condition 22).

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LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE
KEELE UNIVERSITY

18/00933/FUL

The application is for the development of a **solar photovoltaic farm and energy storage facility** known as "The Low Carbon Energy Generation Project (Solar Storage Development)" along with associated infrastructure.

With the exception of a small part of the site at its northern end off Innovation Way, which lies within the area covered by Policy B8 in the Newcastle 2011 Local Plan, the application site lies within an area which on the Local Development Framework Proposals Map which is in the Green Belt and an Area of Landscape Maintenance. With the same exception, the site lies within the Grade II Registered Park and Garden of Special Historic Interest at Keele Hall. The site lies adjacent to the Keele Hall Conservation Area. A map showing the extent of the Keele Hall Conservation Area and the Registered Park and Garden (RPG) will follow as an Appendix to this report and that for application 18/00934/FUL.

Verdun Plantation, Pie Rough, Hands Wood, Brickkiln Plantation and the majority of Springpool Wood are included in Tree Preservation Orders. Springpool Wood is a Site of Biological Importance.

A separate application (18/00933/FUL) has been submitted for two wind turbines, considered earlier on the agenda. There are certain common elements shared by the two proposals including an access track, a temporary construction compound (on a site previously used for the drilling of two exploratory coalbed methane boreholes), and an electricity substation that includes two compounds (one for the university and one for the power company) and a shared substation building.

Elements unique to the Solar Farm application include the panels themselves, 8 inverter/transformers, battery storage (comprising 10 shipping containers in a compound adjacent to the substation), various security features including fencing, and a proposed new hedgerow along the south eastern boundary.

The application is accompanied by an Environmental Statement which presents the findings of the Environmental Impact Assessment (EIA) under the Town and Country Planning (EIA) Regulations 2017. The EIA has been undertaken on the basis of a proposed layout selected, in accordance with the Regulations, to provide a 'worst-case' scenario.

The 13 week period for the determination of this application expired on the 11th April 2019 but an extension of the statutory period was agreed by the applicant to 25th June

RECOMMENDATION

Permit subject to conditions concerning the following matters

1. Commencement of development
2. Approved plans, with micro-siting allowance
3. 25 year temporary consent and decommissioning method statement requirement
4. Removal upon prior cessation of energy generation if earlier
5. Details of materials, specifications and finish of panel, frames, ancillary buildings, battery storage and fencing
6. Max height of solar PV arrays
7. Archaeology, as recommended by the County Archaeologist
8. Temporary construction compound which will involve topsoil and subsoil stripping, storage, and replacement (unless already detailed)
9. Soil stripping, storage and replacement methodology
10. hedgerow planting, including to
11. Fencing
12. Details of the substation building
13. Tree Protection Plan, and an Arboricultural Method Statement
14. Construction Environmental Management Plan
15. Construction Traffic Management plan
16. Controls over any external lighting including temporary lighting
17. Biodiversity, habitat management and enhancement and additional planting adjacent to Pie Rough woodland
18. Scheme of planting to reinstate parkland trees to south-west of Brickkiln plantation
19. Keele Conservation Area Management plan
20. Specification for a protected species survey, submission of results and programme of any required mitigation measures
21. Breeding birds nest survey specification, submission of results and any mitigation measures

Reason for Recommendation

The development would harm both the Keele Conservation Area and the Keele Grade II Registered Park and Garden but such harm would be 'less than substantial'. Nevertheless for such harm to these heritage assets to be justified there must be clear and convincing justification, and the harm must be outweighed by public benefits. The University's Smart Energy Network Demonstrator (SEND) project provides clear and convincing justification for renewable energy development at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for significant solar development does, it is considered, provide similar justification for the harm to the heritage assets.

The proposed development does not meet one of the exceptions for appropriate development within the Green Belt and therefore represents inappropriate development with the Green Belt. In this instance it is considered that there would be a degree of harm to the openness of the Green Belt and the construction of the solar farm would be contrary to the purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment. There would also be some harm to the character and quality of the landscape due to the scale of the development and its historic landscape designation. The harm to the Green Belt, the heritage assets, and landscape would however be outweighed by the benefits of the development, most notably the wider environmental benefits associated with increased production of energy from renewable sources and the contribution to cutting greenhouse gas emissions to tackle climate change. There are considered to be the very special circumstances required to justify the development.

Taking the above, and other considerations examined in the following report and in the submission into account, it is considered that the application should be approved.

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

The Local Planning Authority in order to work in a positive and proactive manner has requested additional information during the application which has subsequently been submitted

Key Issues

1.0 Introduction

1.1 The application is for a ground-mounted Solar Farm comprising rows of solar photovoltaic (PV) panels, a battery storage facility and electricity substation connecting to the grid. The panels, some 27,000 with a peak capacity of 7.57MW (p), are mounted three panels deep on steel frames in rows on an east west orientation across the site tilted up 20% degrees from the horizontal with maximum height of 2.3 metres. Security fencing around the site is proposed of up to 2.4 m in height, the suggestion being that this fencing could be similar to deer fencing. Additional security would be provided by some 40 freestanding pole mounted security cameras around the site of up to 4m in height. No external lighting is envisaged, the CCTV using infrared cameras. Other features within the solar farm include a track looping around the northeastern and eastern perimeters before passing into the middle of the southwestern section of the site and some 8 centralised inverter/ transformer stations - in effect rectangular boxes of about 2.5m in height and a footprint of about 15m² – at various points across the site, adjacent to the track. The battery storage facility – up to ten over 12m long shipping containers - is located on the eastern side of the solar farm, between the proposed track and immediately adjacent to the woodland known as Pie Rough. It is indicated that final choice as to the make and model of the PV panels and the battery storage will be dependent on market availability at the time of procurement, and that the developer wants to retain an option to substitute the centralised inverters with a number of discrete mini-inverter boxes which would be mounted to the frames. This is a common feature of renewable energy projects at the planning application stage. Off -site ecological enhancements are proposed both to areas immediately adjoining the solar farm and on land between Cemetery Road and Keele Road.

1.2 The proposal covers an area of approximately 14 ha. and is primarily agricultural land. The north easterly part of the site is relatively level with a slightly south facing slope, elevated in relation to the surrounding landscape to the north east, south and west, whilst the western part of the site falls away towards Springpool Wood in a southwesterly direction. The proposal shares some common elements with the Wind Farm application including its track and the electricity substation, which includes electrical components of no more than 6 m in height. The proposal can be described as a large scale ground-mounted solar photovoltaic farm.

1.3 It is indicated that the proposal is for a limited period – the operational life span being 25 years after which the site will be decommissioned with all aspects of the development removed.

1.4 The site lies within an area which on the Local Development Framework Proposals Map is in the Green Belt and within an Area of Landscape Maintenance. Most of the site lies within the Grade II Registered Park and Garden (RPG) of Special Historic Interest at Keele Hall. The site lies in the vicinity of the Keele Hall Conservation Area.

1.5 Planning Practice Guidance suggests factors that should be considered regarding the acceptability of a location for any form of renewable energy development. It is indicated that in considering planning applications prior to the inclusion of criteria based policies in Local Plans it is important to be clear inter alia that

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that large scale solar farms can have on landscape and local amenity as the number of solar arrays in an area increases;
- local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;

- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

1.6 Given the consultations and representations received, the statutory requirements upon the Local Planning Authority and the provisions of the development plan it is considered that the main issues which the Local Planning Authority must address, before seeking to assess where the planning balance lies, are :-

- Does the proposed development have any adverse impact upon the character and appearance of the Keele Hall Registered Park and Garden, and the Keele Hall Conservation Area?
- What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets and is it sufficient to outweigh heritage concerns?
- Is the location and design of the proposed development acceptable in a wider landscape context?
- By reason of the use of greenfield and agricultural land have agricultural interests been properly considered?
- Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?
- Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

At the conclusion it will be necessary to consider whether any particular issue arises from the fact that the solar farm is proposed to be co-located with two wind turbines.

1.8 The application is accompanied by an Environmental Statement covering a wide range of issues. The scope of this Statement reflects a Scoping Opinion previously issued by the Local Planning Authority following the receipt of a draft Scope. A number of other matters would justify the application of conditions if permission were to be granted do exist, but the above are considered to be the main or key issues.

2.0 Does the proposed development have any adverse impact upon the character and appearance of the Keele Hall Registered Park and Garden and the Keele Hall Conservation Area

2.1. There is a statutory duty upon the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of its planning functions. There is no such statutory duty with respect to the Registered Park and Garden. Section 12 of the NPPF emphasise the need for development to be sympathetic to local character and history, and to maintain a strong sense of place. Section 16 expressly focusses upon conserving and enhancing the historic environment.

2.2 The NPPF (para 190) indicates that Local Planning Authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The significance of the asset should be taken into account when considering the impact of a proposal on heritage assets, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

2.3 It goes onto state that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.4 When considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.5 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development in its setting), should require clear and convincing justification. Furthermore substantial harm to or loss of Grade II RPGs should be 'exceptional' and to Grade I Listed buildings 'wholly exceptional'

2.6 Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of certain criteria apply.

2.7 Finally the NPPF indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

2.8 Saved NLP Policy B5 indicates that the Council will resist development proposals that would adversely affect the setting of listed buildings. In the supporting text it is indicated that in many cases, the setting of a listed building is as important as the building itself, especially where gardens or grounds have been laid out as an integral part of the design.

2.9 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas whilst saved NLP Policy B10 indicates the requirement to preserve or enhance the character or appearance of a Conservation Area will be achieved by inter alia the protection of important views, into and out of the area.

2.10 Saved NLP Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.11 National Planning Practice Guidance on how heritage should be taken into account in assessing solar farm applications indicates that "great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending upon their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

2.12 As indicated above the site forms part of the RPG. The plan attached as Appendix 1 shows the application site both in relation to the RPG and the Keele Hall Conservation Area. Keele Hall Conservation Area has not been the subject of an appraisal, either at the time of its designation.

2.13 The applicants Heritage Statement concludes that the development would cause "less than substantial harm to both the RPG and the Conservation Area.

2.14 It is accepted by all parties that at time the parkland design at Keele Hall was laid out in the mid-18th century the application site was not enclosed parkland. However the surrounding fields, including the application site would have been readily visible from the Hall and its pleasure gardens. There is now no intervisibility between the Hall and this section of the RPG – at least at the level of any part of the solar farm development. At the time of the development of the historic park a principal element of the landscape was the formation of a lake to the east of the Hall linking to a series of cascades and pools running south eastwards down the valley to Springpool woodland pathways were formed in the 1760's down this deep wooded valley and around the pools. The Staffordshire Parks and Gardens Trust (SP>) are of the view that it is still possible to appreciate the significance of this rolling

landscape as the foreground of historic views towards the edge of the core pleasure grounds particularly when seen from the historic drive along Lymes Avenue from the Whitmore Road, from Park Lane, Butterton or in more distant views such as that from North Wood at Trentham. They describe the site as clearly part of the designed landscape and as properly included in the RPG. They submit that development of this type is in principle contrary to the historic purpose and character of the site and to the spirit of the legislation promoting its protection. Specifically they assert that the solar array “with its extensive range of utilitarian and reflecting panels will detract from foreground views of park and an appreciation of its context in the wider landscape” and be visually distracting in a landscape intended historically to offer peace and repose. It is also asserted that it will be visible from the historic perimeter walks around the lake and pools.

2.15 Historic England similarly express concerns about the impact of the development upon the open and rural character of the RPG, and whilst they acknowledge that the applicant has attempted to address the harmful impact of the proposals when viewed from the pathways around the lake, by not locating the panels on the pasture to the west of Brickkiln plantation, they suggest it would appear that the panels to the north adjacent to the Verdun plantation and those to the south of Brickkiln plantation would still be readily visible from such walks. They remind the LPA that any harm to a heritage asset should require clear and convincing justification and even should the harm be viewed as less than substantial this should be weighed against the public benefits.

2.16 It is not the role of the LPA, or indeed other parties, to query, in the determination of a planning application, whether or not the application site was or was not properly included in the RPG.

2.17 The applicants note that HE have not expressly disagreed with their assessment - that there is harm but it is ‘less than substantial’. Furthermore they point out that the assets affected - a Grade II RPG and a Conservation Area are not of the highest importance.

2.18 In terms of the detailed observations made by Historic England it will indeed be the case that the area of the array to the south of Brickkiln wood will be visible and quite apparent from a section of the walks around the lakes. This is however for a very short section of the walks. Although the view is not a close one the panels will be on fairly steep slope at this point (and if the plan is to be followed not arranged parallel to the slope either). That said the applicants have indicated a willingness to accept a condition that limits the maximum height of the panels to 2.3 m above natural ground level. Views from the lakeside walk of the panels to the north adjacent to Verdun plantation are considerably more distant and would be more capable of being limited by hedgerow planting. That said hedgerow planting is not particularly a feature of this landscape – which comprises significant copses of woodland set within a primarily pastoral landscape. A positive feature of the scheme is the applicant’s willingness to undertake a scheme of planting to reinstate former parkland trees to the south-west of Brickkiln plantation. Taking all of the above into account it is considered that there is harm to the Conservation Area but it is less than substantial.

2.19 Turning to the site as part of a rolling landscape and the foreground of historic views towards the edge of the core pleasure grounds, the scale of the solar farm is to be noted – some 13 ha or 32 acres. However by reason of the actual landform and the significant belts and copses of trees the site has a surprisingly limited visibility from wider afield. There is for example no visibility from what the SP> describe as the “historic drive along Lymes Avenue from the Whitmore Road”. There is indeed visibility from a section of Park Lane, Butterton, (albeit a relatively short one) and from the A53 (over a longer distance but also at a longer distance for drivers travelling northwards from Newcastle, once past Shutlanehead). At this distance the effect of the panels is to alter the texture or pattern of the landscape, with the substation compound well located in relation the substantial Pie Rough woodland with the potential for an extension to that wood to block end on views. On the basis of the photomontage submitted with the wind turbines application there is no view of the solar farm fields from Trentham Park.

2.10 Taking all of the above into account the view is reached that there is harm to the RPG, which is greater than that to the Conservation Area, but it is ‘less than substantial’. In the case of the RPG it is as a result of its alteration and, in the case of the Conservation Area, intrusion in an important view from it.

3.0 What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets and is it sufficient to outweigh heritage concerns?

3.1 In the light of the conclusion reached above that use of the site for a solar farm would involve harm, but 'less than substantial harm', to the significance of the designated heritage assets – the RPG and the Conservation Area - the decision maker, to justify approval, has to conclude that there is clear and convincing justification if approval is to be considered. If members are of the view that substantial harm would result to the RPG, the case would have to be “exceptional” to warrant approval. That would imply rarity and a situation which would be most unlikely to be repeated.

3.2 In terms of justification the applicants have explained that whilst the University have undergone some redevelopment over recent years which will certainly have improved its energy efficiency the overall effect of this is extremely limited in comparison to a dedicated renewable energy project such as this. It is likely that the wider sustainability agenda being pursued at the University will enable the growth of the campus with no net increase in carbon emissions but it will not help reduce them below this level. The proposed solar farm will contribute significantly to the University’s annual electricity demand generating significant carbon reductions.

3.3 Beyond the wider carbon benefits such a proposal brings, this development also forms an integral part of the wider Smart Energy Network Demonstrator (SEND) project. Details of the Business case for the SEND project are provided in an Appendix 5.1 to the ES. The project is described as being a unique opportunity for a world class demonstrator facility for smart energy research and development enabling businesses to test and evaluate new and evolving energy technologies, and allied services and the opportunity to assess their efficiencies, both individually and combined, in terms of energy reduction, cost and CO₂ emissions. It is indicated that the University has already invested £12 m in upgrading its energy network.

3.4 The applicant submits the following are the special circumstances or benefits that the LPA should take into account

Circumstance	Description
Increased production of energy from renewable sources and Climate change	The generation of approximately 7242 MWh of electricity per annum saving between 24,625t and 166,219t of CO ₂ depending upon the calculation method. Assisting towards meeting both domestic and EU targets as well as increasing quality of life and reducing risks associated with warming climate
Direct Economic Benefits	<ul style="list-style-type: none"> • £6m direct spend • C.£7500 per year community benefit • Unlocks £16m investment through the SEND project
Indirect Economic Benefits	Unlocks up to £80m indirect benefit by 2036
Job creation	Forms an integral part of SEND which will create up to 440 higher value jobs and support local businesses. Also helping to sustain future growth at the university and securing jobs by managing risk of exposure to volatile energy prices
Increase in security of supply of energy	Decentralised energy is promoted at NPPF para 151.
Improved sustainability at Keele University	Keele was 17th in the world green university rankings in 2017. One of only 22 Universities to make the top 200. The development will help maintain the university’s exceptional ranking which is a key driver for students choosing to attend the university
Wider educational and societal benefits	<ul style="list-style-type: none"> • Unique educational opportunity for engineers and environmentalist student • SEND project is a unique opportunity for

	energy research which could also contribute to promotion of the Higher Education Sustainability Initiative in the UK
Temporary and Reversible land use	All the effects associated with the development are both temporary and reversible
Green belt	During the temporary period a number of appropriate Green Belt used can continue at the site and the intended permanence of the Green Belt in the long term will not be compromised
Alternatives	There are no suitable alternatives which will meet the university's sustainability objective and also allow the private wire connection essential for the success of the linked SEND Project

3.5 As explained in section 6 below the contribution the development might make towards a community benefit fund is not a material planning consideration and must not be taken into account by the Local Planning Authority.

3.6 On the issue of what weight should be given to the temporary nature of the solar farm (25 years being their expected life), members need to be aware that there have been appeal decisions where Inspectors have weighed in the balance in favour of a scheme the likely temporary nature of the effects on the landscape and Listed buildings. That said the Secretary of State in considering an Inspector's report in one case agreed that although a scheme would be time limited, 25 years would represent more than a generation in which the heritage significance (in that case of the highest importance) would be diminished. Reversibility also does not avoid the development acting as a precedent either for further solar farm development in the same area or repeated development of the same site after 25 years.

3.7 In considering the justification for the choice of this site the ES provided limited detail on the alternative sites that were considered. It does however list the relevant site selection criteria. It is indicated that potential for wind energy development at Keele University has been explored over a number of years, and critically that in order to comply with the aspirations of the SEND project there was a requirement for "self-generation" of energy rather than import from grid. This it is said effectively limited the off-site locations that could be considered as any generating plant would require a private wire connection to the University. It is indicated that a feasibility assessment was commissioned to look at the Keele University landholding and identify the most suitable area for development and the potential scale of the proposed development that might be accommodated. The ES provides detail of how through a series of iterations the proposed site layout that has been submitted was arrived at, but not of that wider feasibility assessment.

3.8 Further details have since been provided by the agents on whether certain sites within the University's estate could be considered as realistic alternatives for the solar development. They were asked to comment on 3 general locations within the University's land ownership – the new development site, known as Keele Phase 3 (immediately to the north of the application site), the land to the east of Barker's Woods, and the field to the west of the junction of Keele Bank and Cemetery Road . The University's position with respect to Keele Phase 3 is that and solar use of the undeveloped areas would effectively remove the development potential of the site for the uses for which permission exists. The site was originally allocated for high value and university related activities and was advanced and supported by key stakeholders and agencies on this basis.

3.9. As far as the land to the east of Barkers Wood the first point made is that insofar as the site has been identified in the Preferred Options Document of the Joint Local Plan to meet future university growth/expansion needs, it appears to them that use of the site for renewable energy infrastructure would fundamentally undermine the Joint Local Plan Strategy and the delivery of one of its key components. Furthermore it is indicated that that land is heavily constrained by the presence of the 132kv powerlines which restrict development to relatively narrow strips orientated north-south, meaning that the solar array could only be deployed in relatively low densities which would increase costs, likely make the array unfeasible, and almost certainly part of the current application site would

still need to be utilized to achieve the desired levels of generation. A further point made is that from an environmental standpoint it makes sense to cluster the PV and wind energy generators together. The field at the junction of Keele Bank and Cemetery Road is unsuitable for solar being north facing.

3.10 With respect to the Campus PV has already been deployed throughout the campus on rooftops that are suitable in terms of load bearing capacity and shading. Other open areas are actively used – for example for sports grounds and pitches.

3.11 Neither the land to east of Barker's Wood nor Keele Phase 3 nor the site at the junction of Keele Bank and Cemetery Road lie within the RPG. Most but not all of the Campus does.

3.12 Your Officer has given careful consideration to this further submission. It would be wrong at this stage to give any significant weight to the inclusion of the land to the east of Barkers Wood within the JLP Preferred Options Document given that was for consultation. In summary it would appear that there are good planning constraint reasons why there are no realistic alternative sites for solar development within the University's land holding.

3.13 The SEND project provides clear and convincing justification for renewable energy development at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for significant solar energy development does, it is considered, provide similar justification for the harm to the heritage assets described in section 2 above. Furthermore the significant public benefits in terms of assisting addressing climate change, job creation and research are considered to outweigh the identified harm to the heritage assets.

4.0 Is the location and design of the proposed development acceptable in a wider landscape context?

4.1 The development is a large scale ground-mounted solar photovoltaic farm and as such could potentially have a negative impact on the rural environment, particularly in an undulating landscape such as this. The planning Practice guidance indicates that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively and it suggests a number of factors that a Local Planning Authority will need to consider

4.2 The site is within an Area of Landscape Maintenance as designated on the Local Development Framework Proposals Map and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.3 As already indicated views of the solar farm are surprisingly well contained. The application is supported by a Landscape and Visual Impact Assessment.

4.4 The Non-Technical summary of the LVIA states as follows

"The woodland to the north, east and west of the site would completely screen views of the proposed solar storage development from these directions. There are however views into the site from Butterton Lane and Bunnyhill, to the south and south-east of the site, and the solar farm element would become a significant new feature in the views from Butterton Lane"... "The battery storage element and substation would be screened by the surrounding woodland"

Whilst this does not mention that views are obtainable from the northbound A53 from Shutlanehead to The Lymes and that the solar farm element would become a significant new feature in views from this direction, there are not considered to be sufficient grounds to sustain an objection on landscape grounds alone.

5.0 By reason of the use of agricultural and greenfield land have agricultural interests been properly considered ?

5.1 Para 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by inter alia

a) protecting soils

b) recognising the wider benefits from natural capital – including the economic and other benefits of the best and most versatile (BMV) agricultural land – land which is defined as being land of excellent to good quality

e) preventing new development from contributing to unacceptable levels of soil pollution – recognising that soil is an essentially finite resource

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

5.2 The ES submits that the assessment of ‘significance’ in EIA terms is based on a threshold of a permanent loss of 20ha of BMV land, on the basis that 20ha is the area of BMV loss that triggers a requirement to consult Natural England on planning applications.

5.3 The planning practice guidance previously referred to indicates that where a large scale solar farm proposal involves greenfield land, LPAs will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land and (ii) the proposal allows for continued agricultural use where applicable and /or encourages biodiversity improvements around the arrays.

5.4 In this context it is relevant to note that the development involves (a) greenfield land and (b) 68% of the area of the site (9ha) is either Grade 2 or Grade 3a agricultural land and thus falling within the definition of the “best and most versatile” agricultural land.

5.5 As indicated above the ES provided limited detail on the alternative sites that were considered (and thus whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.

5.6 As described above further details have been provided by the agents on whether certain sites within the University’s estate could be considered as realistic alternatives for the solar development. No information appears to have been provided on the agricultural land value of the land at Barkers Wood which was considered as one of the alternatives.

5.7 Limiting the consideration to one of whether there is a sustainable objection to the use of greenfield and BMV agricultural land, your Officer would make the following observations. Whilst the Preferred Options Document has limited status and weight the applicant’s case with respect to the new development site and the land to the east of Barkers Wood does appear not unreasonable. The issue comes back to the underlying objective of the SEND project – that Keele should be self-generating. Once that is accepted the use of agricultural land has been shown to be necessary although no specific evidence has been advanced that poorer quality land has been used in preference to higher quality land. The proposal allows for continued agricultural use where applicable and /or encourages biodiversity improvements around the array. It is not considered that the proposal’s use of greenfield BMV land constitutes a ground upon which planning permission should be withheld.

6.0 Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?

6.1 The Statement of Community Involvement submitted with the application refers to the Best Practice guidance on Community Engagement for Onshore Wind Developments and the desirability of such engagement processes including the ability to discuss if and how community benefits may be delivered. It is emphasised that where possible these discussions should be separated from those related to the planning process. Other best practice guidance, addresses the expectation that voluntary monetary payments will be made from an onshore renewable energy developer to the community, usually on the basis of an annual cash sum. This is a voluntary scheme, not compensation payments. In this case it is being suggested that the developer would contribute in a community benefit fund £1,000 per annum per MW of installed solar capacity, with approximately £7,500 per annum being made available to the community to spend as they see fit.

6.2 It is important to note that such community benefits are separate from the planning process and are not relevant to the decision as to where the application should be approved or not – they are not material considerations. It is the case that LPAs are required to have regard to any local finance considerations in the determination of planning applications, but this is only so far as they are material to the application, and the definition of local finance considerations does not include payments to the community in any case. The possibility of payment to a Community benefits fund were the development to process is not material to the determination of the planning application and should be disregarded by the Committee.

6.3 The applicant has suggested that there be a condition attached to any planning permission granted requiring the subsequent entering of a Unilateral Undertaking securing such community benefit, and the LPAs' approval, but this does not appear to your Officer as appropriate having regard to the tests which planning conditions have to be met – as the condition is neither necessary nor related to planning, and furthermore planning obligations whether within agreements or unilateral undertakings may only constitute a reason for granting planning permission if they meet the test that they are necessary to make the development acceptable in planning terms

7.0 Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

7.1 Saved NLP policy S3, dating from 2003, sets out local policy for development within the Green Belt indicating that there will be a presumption against any form of development, subject to certain very limited exceptions, none of which refer to renewable energy developments. Whilst existing policies should not be considered to be out-of-date simply because they were adopted or made prior to the publication of the Framework in 2012, due weight should be given to them 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 to them).

7.2 The NPPF details that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence; and their purposes include that of assisting in safeguarding the countryside from encroachment.

7.3 The NPPF indicates the circumstances when the construction of new buildings should be regarded as appropriate development. Insofar as the Solar Farm involves buildings (the substation building) it does not fall within any of the specified circumstances. It is indicated that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Solar farms do not appear in the list of such other forms of development. Paragraph 147 of the NPPF indicates that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development”. Taken as a whole taking into account not only the solar panels, their scale, the various assorted associated elements, the tracks, the substation compound and building it is appropriate to regard the development as “inappropriate” in Green Belt policy terms. This would be even more so if viewed together with the wind turbines.

7.4 Therefore the proposal is considered to represent inappropriate development and should not be approved except in very special circumstances (para 143).

7.5 In terms of the Green Belt issue inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF para 144 indicates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

7.6 In respect of renewable energy projects the NPPF goes on to state in paragraph 147 that where they are found to be comprise inappropriate development developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the

wider environmental benefits associated with increased production of energy from renewable sources.”

7.7 In order to weigh in the balance the harm and other material considerations or benefits, it is necessary to first identify what harm arises from the proposal, other than that which inappropriate development causes by definition. The proposed development would result in a reduction in the openness of the Green Belt from the proposed structures and the development can be considered to be contrary to that purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment.

7.8 The fact that agricultural activity can continue on the site is a positive. The overall effect on the openness of the Green Belt is considered limited. There would also be harm to the heritage asset but as already indicated this has been assessed at present as being quite limited in degree with no other substantive harm being identified.

7.9 A core principle of the NPPF is the use of renewable resources of which the development of renewable energy is one. Furthermore the NPPF details that the very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. In this instance the benefits identified by the applicant would be significant. Weighing these matters in the balance and having particular regard to the harm to the Conservation Area and the RPG, as well as the landscape and the Green Belt, it's considered that the benefits do clearly outweigh the harm identified and so the required very special circumstances do exist.

7.10 Some consultees have expressed further concerns about the proposal to co-locate the wind turbines and the solar farm. The mix is perhaps unusual but that does not make it unacceptable. In landscape terms the simplicity of the turbines will be to some degree diminished by the carpet of solar frames at their feet, but this is not considered to be a sustainable basis for not permitting both to proceed. Indeed the applicant puts the contrary argument that by doing so advantage can be taken of the shared features – the access tracks into the site and in particular the electricity substation and its connection into the grid. There is some merit in point but it is not one that would make an unacceptable proposal acceptable (if that were the view of Members on this proposal).

APPENDIX 1

Policies and proposals in the approved development plan relevant to this decision:-

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

Strategic Aim 17

Policy SP1	Spatial Principles of Targeted Regeneration ? -
Policy SP2	Spatial Principles of Economic Development?
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3	Development in the Green Belt
Policy N2	Development and nature conservation – site surveys
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N13	Felling and Pruning of Trees
Policy N17	Landscape Character – General Considerations
Policy N19	Landscape Maintenance Areas
Policy B3	Other Archaeological Sites
Policy B5	Control of development affecting the setting of a Listed Building
Policy B9	Prevention of Harm to Conservation Areas
Policy B10:	The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13	Design and Development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy B15	Trees and landscape in Conservation Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Overarching National Policy Statement for Energy \(EN-1\) 2011](#)

[Planning Practice Guidance](#) (March 2014, as updated)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007) ????

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[The setting of Heritage Assets – Historic England](#)

[Relevant Planning History](#)

18/00606/EIA – Scoping opinion under the Environmental Impact Assessment Regulations given with respect to Solar Farm Proposal – October 2018

Views of Consultees

Historic England in summary has concerns regarding the detrimental impact of the proposed solar storage development on the significance of surrounding heritage assets and does not consider that the resulting harm has been convincingly justified.

It is clear from the information submitted with the application that the proposals will impact upon the significance of the registered historic park and garden, and some views from the Conservation Area associated with Keele Hall.

Although it would appear that at the time the parkland design was laid out in the mid-18th century the application site was not included within the enclosed parkland, the surrounding open fields would have been readily visible from the Hall and its pleasure gardens.

Historic England note in particular the size of the proposed battery storage and compound area, the access roads, and the large number of security perimeter cameras and poles. The Heritage Statement suggests that the proposals could be considered to be temporary and reversible. Once developed in this way there is no guarantee that the land would ever revert back to green fields. Historic England has some reservations regarding the principle of locating such an industrial complex of structures within the park and garden, given its open, rural character. Whilst the applicant has attempted to address the harmful impact of the proposals when viewed from the pathways around the lakes by not locating the panels on the pasture to the west of Brickkiln plantation, it would appear that the panels to the north adjacent to the Verdun plantation, and those to the south of Brickkiln plantation would still be readily visible. Whilst development does affect parts of the registered park and garden, great pains have been taken to ensure that the historic core around the Hall and gardens have been protected from the wider expansion of the University.

The NPPF states that any harm to a heritage asset should require clear and convincing justification. Furthermore even should the harm be considered to be less than substantial, this should be weighed against the public benefits. Having considered the justification put forward Historic England are unclear as to the magnitude to which the proposals would benefit the wider public, or what other less harmful energy sustainability options or locations were considered by the University. They cannot support the application and they recommend refusal.

Historic England have been invited to make additional comments following the receipt of additional information from the applicant

The **Staffordshire Gardens & Parks Trust (SP>) & the Gardens Trust (GT)** object to the application. They describe in some detail the development of the historic park. These details are provided in the summary of their consultation response on application 18/00933/FUL. The P > and the GT object strongly to the proposal to erect this development in the RPG, commenting that the adverse impact will be exacerbated by the related proposals for the Wind turbines. Locating development of this type within an RPG is in principle unacceptable being contrary to the historic character and purpose of the site and to the spirit of the legislation promoting its protection. Specifically the solar array with its extensive range of utilitarian frames and reflecting south facing panels will detract from foreground views of the park and an appreciation of its context in the wider landscape (for example from viewpoint 6). It will contrary to statements in the Heritage chapter of the EIA be visible from the historic perimeter walks around the lake and cascade of pools. The industrial nature of the support stands and pv panels will be wholly at variance with their rural setting, the reflective face of the panels will be visually distracting in a landscape intended historically to offer peace and repose.

The applicants have not demonstrated that the proposals are the only way of achieving the goals of reducing the applicant's energy useage and carbon footprint. There is no guarantee that the use of the site would not continue beyond 25 years. The applicants have not demonstrated that their proposals are so exceptional as to warrant the substantial harm that would be caused to the two heritage assests – the Keele (Hall) CA and the Keele RPG.

Should LPA be minded to grant permission for the development it is suggested that a condition requires the developer to not only to undertake replanting of wood pasture planting around the site,

but also to fund a conservation plan for the wider park as well as a programme of management and enhancement works in the dingle immediately adjoining the application site.

The Gardens & Parks Trust and the Gardens Trust have invited to make additional comments following the receipt of additional information from the applicant

The **Conservation Advisory Working Party** has no objections generally to the location of the solar panels given that they sit lower in the landscape, although it is the level of obtrusive equipment (the inverters, cameras, substation and pylon and large number of battery containers, etc required to facilitate them which will be incongruous in the landscape and potentially harmful from specific viewpoints. Consideration should be given to setting such facilities underground to reduce their impact. The fact that panels are temporary was considered by the Working Party. The Working Party had particular concerns over the number of cctv cameras proposed which looked more like a prison encampment and suggested that if necessary that the number of them should be significantly reduced. One member had concerns about the reflective quality of the panels that may intrude on the designed landscape

The **Council's Conservation Officer** provided a single set of comments covering both applications. The following are relevant to the Solar farm application.

The cumulative effect of turbines, solar panels and associated buildings and development deserves consideration and none of this ancillary development has been included on the photomontages but it will have an impact on the setting of the heritage assets. For example 39 four metre high pole mounted cameras are proposed around the site. All of this infrastructure and the field of solar panels will be glimpsed through the edge of Springpool Wood (from the Conservation Area) and whilst it is welcomed that the solar panels have been pulled back away from the pasture west of Brickkiln plantation it will still be visible.

If the LPA is minded to permit the solar farm development more screen planting of the development from the CA would be advantageous. Equally any restoration of the historic landscape should be informed and set out in a condition, as suggested by the applicants.

If the harm is less than substantial, this means that there is still harm to the heritage assets from both the wind turbines and the solar panels to some degree. The NPPF then calls for public benefits to be weighed against the harm with clear and convincing justification.

The **County Archaeologist** regarding archaeological issues associated with the proposed development considers the application is supported by appropriate documents including the ABDA, supported by a geophysical survey. SCC recommends further archaeological work, but "pre-determination" archaeological works are not required – i.e. the issues can be dealt with by condition, which is set out in detail in their comments

The **Environmental Health Division** has no objections subject to conditions. Noting that the construction works have the potential to create noise and fugitive dust nuisance to nearby properties and due to the nature of the works and the number of vehicle movements they recommend a Construction Environmental Management Plan is obtained by condition. They comment that the application is supported by an assessment of potential 'glint' which whilst it identifies that many properties will be affected by glint at certain times of the day during certain times of the year, concludes that this will not have a material impact upon nearby properties. A condition controlling external lighting is recommended.

The **Landscape Development Section** – no objections subject to conditions requiring submission approval and implementation of a Tree Protection Plan, and an Arboricultural Method Statement

The **Highway Authority** has no objections subject to a condition requiring the development to be completed in accordance with an approved Construction Traffic Management Plan

Keele Parish Council - no objections

Natural England - no objection in that they consider that the proposed developments will not have significant adverse impacts on statutorily protected sites or landscapes, but have provided generic advice to the LPA on other natural environment issues

The **Environment Agency** has assessed the application as having low environmental risk.

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no comments to make on the application

Staffordshire Police – have made detailed comments which suggest that a higher standard of security is required than is proposed in the application – relating to fencing, hardening of access points and planting

Staffordshire Badger Conservation Group have made comments on the application which are available upon request to Members of the Committee

Representations

None received

Applicant's/Agent's submission

The application is accompanied by the following documents:

- An Environmental Statement, and a Non-Technical Summary of it
- Tree Survey
- Statement of Community Involvement
- Planning Statement
- Design and Access Statement
- Construction Traffic Management Plan

Since the application was received a response to consultation responses has been provided, a list of suggested conditions, a plan showing an illustrative concept for the reinstatement of parkland trees, a letter about the Council's Climate Emergency resolution of the 4th April, photographs taken from the lakeside walks, and a letter concerning solar storage constraints with an accompanying plan

All of these documents are available for inspection at Castle House and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00934/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared: 6th July 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 6

Application Ref. 18/00934/FUL

Land adjacent to Springpool Wood, South of Phase 3 and West of Newcastle Golf Course

Since the publication of the agenda report Historic England have indicated that whilst they note the additional information and justification submitted by the applicant they remain concerned as to the harm the proposed solar storage complex of structures would cause to the surrounding heritage assets. They refer the Council to their previous comments and continue to recommend that the application be refused.

The Conservation Officer has confirmed that her views on the application have not changed.

The recommendation with respect to this application remains as per the agenda, there being nothing further to add to the consideration of the impact of the development on heritage assets and its justification.

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 6

Application Ref. 18/00934/FUL

Land adjacent to Springpool Wood, South of Phase 3 and West of Newcastle Golf Course (Solar Farm and associated development)

Further joint comments from the Gardens Trust (a statutory consultee where development in a Registered Park and Garden is concerned) and the Staffordshire Parks and Gardens Trust have now been received.

These are set out in the Second Supplementary to the Wind Turbine application and in the interests of brevity it is not proposed to repeat them here. Similarly your Officer's response to these further comments is provided in the Second Supplementary to the Wind Turbine application, and Members' attention is drawn to these as well.

The recommendation with respect to this application remains as per the agenda, there being nothing further to add to the consideration of the impact of the development on heritage assets and its justification.

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WOLSTANTON RETAIL PARK
THE COUNCIL OF THE BOROUGH OF SOUTH TYNESIDE

19/00114/FUL

The application is for full planning permission for a retail warehouse unit with a gross area of 4,708m² measured externally and a gross internal area of 3,884m².

The site lies within the Newcastle Urban South and East Neighbourhood.

The site is accessed off Grange Lane (A527), which links the A500, which is part of the Staffordshire Strategic Highway Network, to May Bank and Wolstanton.

The 13 week period for the determination of this application expired on the 20th May, however the applicant has agreed to extend the determination period until 19th July.

RECOMMENDATIONS

A) Subject to the applicant entering into planning obligations by 16th September 2019 to secure the following:-

- 1. £2,407 towards travel plan monitoring;**

Permit, subject to conditions/informatives relating to the following matters:-

- i. Commencement time limit**
- ii. Development to be carried out in accordance with the approved plans and supporting documents, unless otherwise required by condition.**
- iii. External facing and surfacing materials.**
- iv. Construction environmental management plan**
- v. Unit to be used for the sale and display of non-food goods (excluding certain goods such as clothing, footwear, CDs, health and beauty, jewellery) other than the sale and display of food and drink for consumption on the premises within a café not exceeding 139m².**
- vi. Noise from plant and mechanical ventilation,**
- vii. External lighting**
- viii. Noise mitigation measures, supported by a noise assessment, regarding delivery and waste collection**
- ix. Cycle parking in accordance with approved details**
- x. Travel plan**
- xi. Car park, servicing and turning areas to be provided prior to the building being brought into use.**
- xii. Security measures for the development, including the cycle parking.**
- xiii. Restrictions on waste collections and deliveries of goods**
 - Coal Authority informative regarding public safety.**
 - Cadent informative note that consideration is given to gas pipeline/s identified on the site.**

B) Should the above planning obligations not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that the development would fail to ensure it achieves sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The proposal complies with the sequential and impact test and therefore the development on this out of centre site accords with local and national policy and is acceptable in principle. The proposal is

acceptable in appearance and does not raise concerns in respect of residential amenity or highway safety subject to conditions. Subject to a planning obligation to secure an appropriate sum for Travel Plan Monitoring in addition to the imposition of conditions there are no objections to this development.

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

Additional information, in respect of the sequential assessment, has been provided by the applicant in response to request of the Authority. Taking into account all information submitted the proposal is considered to be a sustainable form of development.

KEY ISSUES

1.1 The application seeks full planning permission for a building for use as a retail warehouse (Class A1) with a gross area of 4,078m² measured externally and a gross internal area of 3,884m². The proposed floorspace is provided at ground and mezzanine levels. It is to be occupied by Dunelm who advertise as UK's leading home furnishing retailers. The application site measures 0.66ha, is largely situated between two existing buildings (M&S and Matalan) and is currently in use as an area of car parking.

1.2 The key issues for consideration in the determination of this application are:

- The principle of the development
- Acceptability of the appearance of the development
- Residential amenity; and
- Highway capacity and parking.

2.0 Is the principle of the proposed development on the site acceptable?

a) Local Plan and National Planning Policy

2.1 Policy SP1 and SP2 of the Core Spatial Strategy (CSS) seek to direct retail development to Newcastle Town Centre or Hanley City Centre. SP1 indicates that development in other Centres will be of a nature and scale appropriate to their respective position and role within the hierarchy of centres. Similarly Policy SP2 indicates that one of the spatial principles of economic development will be the diversification and modernisation of the centres for new business development, particularly in terms of retailing development that is appropriate in scale and nature to the respective centre

2.2 Wolstanton is identified at paragraph 5.8 of the CSS as one of the Significant Urban Centre which will play a complementary role to the two strategic Centres (Hanley and Newcastle) primarily providing retail and services to meet local needs. The CSS goes on to say that achieving the right balance of development within these centres will be vital for maintaining the sustainability of all the centres within the hierarchy. The site does not fall within Wolstanton Centre as identified on the Local Development Framework Proposals Map.

2.3 Policy ASP4 of the CSS on Newcastle Town Centre indicates that over the plan period (2006-2026) proposals will provide for 25,000m² of additional gross comparison retail floorspace to 2021 and a further 10,000m² to 2026 which will be appropriate in terms of the role of the Town Centre and capable of meeting needs of the Town Centre.

2.4 Policy ASP5 of the CSS sets out the Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy. It indicates that retail development outside of Newcastle Town Centre will be of a nature and scale appropriate to the role of each local centre and will primarily be to meet identified local requirements.

2.5 At paragraph 86 the National Planning Policy Framework (NPPF) states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available

(or expected to become available within a reasonable period) should out of centre sites be considered.

2.6 At paragraph 87 the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

2.7 The NPPF goes on to say, at paragraph 89, that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a threshold of 2,500m² if there is no proportionate locally set threshold. This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

2.8 Paragraph 90 states that where an application fails to satisfy the sequential test it should be refused.

2.9 The site is not within, or on the edge of, an existing Town Centre as designated within the Development Plan. It is an 'out of centre' site.

2.10 To ensure that the sequential and impact tests are appropriately applied, your Officer has engaged a retail consultant to offer advice. Such advice has been received, is accepted, and is reflected in the following sub-sections of the report.

b) Sequential Test

2.10 Guidance on how to adopt a sequential approach is set out in Planning Practice Guidance (PPG). It advises that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The PPG provides a checklist of considerations that should be taken into account in determining whether the proposal complies with the sequential test:-

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

2.11 It is for the applicant to demonstrate compliance with the sequential test and they have sought to do this within the submitted Planning and Retail Statement (PRS). The area of search for a sequentially preferable site that has been adopted, and which is considered by your Officer to be appropriate, is Newcastle and Hanley. The applicant has indicated that they would be prepared to accept a condition that would preclude the sale of food goods and some comparison goods and the applicant's willingness to accept such a condition is of relevance to how the sequential test should be applied in practice.

2.12 It is evident, taking into consideration key cases and Secretary of State decisions, that sequential alternative sites must be viewed in the context of whether they meet the specific 'real world' requirements of a development of this nature, i.e. with reference to the requirements of a mixed goods retailer. It is accepted that the proposed retail operation, as proposed to be restricted by condition, would likely sell some household/bulky goods and that such operators typically require access to nearby car parking.

2.13 The submitted PRS has looked at a number of sites within Newcastle Town Centre and Hanley and consideration has been given to a further site at Clough Street, Hanley. All sites were not considered to be both available and suitable to accommodate the application proposal. No other sequentially preferable sites within or proximate to Newcastle, Hanley or any other centre has been identified as offering realistic potential. The proposal therefore conforms to the requirements of the sequential test as set out in paragraphs 86 and 87 of the NPPF.

c) Impact Test

2.14 The PPG advises that the purpose of this test is to ensure that the impact over time of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test is to be applied to retail, office and leisure developments which are not in accordance with an up to date Local Plan and outside of existing town centres as in this case. It advises that it is important that the impact is assessed in relation to all town centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas.

2.15 The PPG again says it is for the applicant to demonstrate compliance with the impact test and advises that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

2.16 The PPG goes on to advise that where wider town centre developments or investments are in progress it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include

- The policy status of the investment (i.e. whether it is outlined in the Development Plan)
- The progress towards securing the investment (for example if contracts are established)
- The extent to which an application is likely to undermine planned developments or investments, based on the effects on current/forecast turnovers, operator demand and investor confidence.

2.17 Within the PRS, submitted in support of the application, it is stated that the scheme will have an impact on trade of approximately minus 0.2% on Newcastle Town Centre and minus 0.1% on Hanley City Centre, as a relatively high proportion of trade will be diverted from out of centre destinations. The advice that the Borough Council has received is that the development has the potential to divert a higher level of trade from in-centre stores, however even if the assumption is that 20% of the proposal's turnover is diverted from Newcastle town centre (which is an unlikely scenario as a consequence of the proposed goods condition) the impact would still be just minus 0.7%. The indication is that any trade diversion impact arising at Hanley would be substantially lower still.

2.18 The Borough and the City Council have proposals to bring forward comprehensive redevelopment at Ryecroft and the former East West Precinct which require consideration in the impact test. In the context of the Secretary of State's decision to grant planning permission for a proposal at Rushden Lakes, Northamptonshire the Borough Council are advised that it has to be concluded that these proposals are a relatively early stage, given that earlier plans to develop the sites have stalled. In addition the advice received is that it now appears unlikely that the type of mixed goods retail operation as is proposed in this application will be a key component of either scheme. Taking such matters into consideration and the relatively limited trade diversion to the application proposal from town centre locations, it is considered that the application proposal will not likely have a significant adverse impact on the delivery of either of the identified planned investments.

2.19 In conclusion, the advice received by the Borough Council is that, given the restrictive condition, the comparison goods impact would not comprise a significant adverse impact that would be likely to undermine the future health of any relevant defined centre. As a consequence the impacts arising

from the proposal are acceptable and the proposal conforms to the requirements of the sequential test as set out in paragraphs 89 and 90 of the NPPF.

3.0 Is the development acceptable in its appearance?

3.1 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

3.2 CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

3.3 The Urban Design Supplementary Planning Document indicates at E1 that business development should be designed to respond to and exploit key features or characteristics of the site and the local context. At E3 it states that business development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. For development in existing settlements it should respond to the established urban or suburban character where this exists.

3.4 The proposed building largely fills the gap between the existing Matalan and M&S store. It is taller at the front with the roof sloping towards the lower rear elevation. It will be of a similar height to the M&S store. It is to be constructed in a smooth composite cladding to the upper walls with blockwork on the lower walls. The front elevation will include a high proportion of modern double glazed curtain wall type system creating a visually interesting and active frontage. The design, appearance and choice of materials is similar to that of the M&S store and will complement that building.

3.5 Overall the development is considered to be appropriate in appearance in the context of the Retail Park.

4.0 Are acceptable residential amenity levels achieved?

4.1 The construction works have the potential to create noise and dust disturbance. The supporting Air Quality Assessment (AQA) indicates that this poses a medium to low risk and it is considered that this can be suitably managed through a construction environmental management plan recommended by the Environmental Health Division (EHD). The AQA seeks to demonstrate that additional vehicle trips generated by the proposed development will have no impact upon air quality, and the EHD has not indicated that they disagree.

4.2 There is the potential that the noise from plant and vehicles loading and unloading could cause disturbance to nearby residents on the other side of Grange Lane. In addition the submitted noise assessment models the impact of heating and cooling units using data relating to a number and types of units used elsewhere as the exact nature of the plant to be used in this development is not known at this time. In the absence of such information a condition requiring the prior approval of any external plant is required. Similarly conditions imposing restrictions on waste collections and deliveries of goods to the store and requiring prior approval of external lighting are necessary to ensure that maintain appropriate living conditions for nearby residents.

5.0 Is the proposal acceptable in terms of highway safety?

5.1 The NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. At paragraph 106 the Framework states that maximum parking standards for residential and non-residential development should only be set where there is clear and

compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

5.2 Saved policy T16 of the NLP states that development which provides significantly less parking than the maximum specified levels it refers to will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

5.3 A Transport Statement (TS) has been submitted to accompany the application. The site would continue to be served from the A527 which links to the A500 by a dumbbell roundabout, and from Church Lane, Wolstanton, via a traffic light controlled junction. The Statement concludes that the wider highway network would be able to accommodate traffic from the development and that no mitigation measures are required. This has been accepted by both Highways England (responsible for the A500) and the Highway Authority. It is noted that the TS does not take the Etruria Valley Link Road into consideration, presumably because it is not yet permitted, however it is considered that the Highway Authority and Highways England conclusions on this proposal are still valid.

5.4 The proposal involves the loss of area of the car park, totalling 111 spaces, which reduces the amount of parking for all units, other than the Asda Store, from 903 to 792. As such there will be fewer parking spaces available to serve an increased amount of retail floorspace.

5.5 Policy T16 of the Local Plan sets out, in the associated Annex, maximum parking standards for different uses. The maximum number of parking spaces for ASDA, Homebase, Matalan and the proposed M&S store (given the level of floorspace for food retailing is 1 space per 14m² of floor space and for non-food retailing 1 space per 20m²) is 1,551 spaces. The submission indicates that there will be a total of 1,479 parking spaces for the whole retail park. Consequently the proposed number of spaces, just 72 spaces short of the maximum, is judged within a reasonable tolerance level.

5.6 The TS seeks to demonstrate that even with a reduced quantum of parking provision and an increased parking demand associated with a new unit, the overall site provision is sufficient to accommodate the future demand in the busiest periods. In addition the TS notes that the Asda car park provides an additional 531 spaces and existing customers who park in the Asda car park can continue to park there and shop in the Asda store as well as the other units.

5.7 The Highway Authority advise that subject to planning conditions and a legal agreement securing a Travel Plan monitoring fee there would be no harm to highway safety.

5.8 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.9 The planning obligation meets relevant legal tests when measured against Section 122 of the Community Infrastructure Levy Regulations and is in accordance with the requirements of the Development Plan and the Framework in dealing with successful site mitigation.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP4	Newcastle Town Centre Area Spatial Policy
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP10	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16	Development – General Parking Requirements
Policy T17	Parking in Town and District Centres
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Community Infrastructure Levy Regulations \(2010\) as amended and related statutory guidance](#)

Supplementary Planning Guidance/Documents

[Developer contributions SPD \(September 2007\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD \(2010\)](#)

Relevant Planning History

Outline planning permission was granted in 1987 (reference N16472) on part of the former Wolstanton Colliery site for the demolition of existing buildings, reclamation of land and retail development incorporating a multi-screen cinema and covered tennis courts with access from A500. All matters of detail, other than the means of access, were reserved for subsequent approval. The amount of area to be used for retailing under this permission was restricted to an area not exceeding 245,000 square feet (22,760 square metres) gross floor space, measured internally. A further restriction was imposed on the amount of retail floor space to be used for the selling of food and other convenience goods to an area not exceeding 27,000 square feet (2,508 square metres) net, measured internally.

In 1988 reserved matters approval was granted for a retail development measuring 245,000 square feet (22,760 square metres) gross floor space. The approved layout provided an Asda supermarket and a further five retail units (some capable of subdivision).

In 1991 (reference N20658) planning permission was granted for the change of use of vacant non-food retail units (totalling 9,331 square metres) for uses falling with classes B1, B2 and B8. The planning permission included the remaining units that were not occupied by Asda and Texas Homecare (now Homebase). This planning permission has been partially implemented and three of the 5 units to be demolished are considered to have a lawful use falling within Class B (this amounts to approximately 5,783 square metres of floorspace).

In 2012 Planning permission was granted for the demolition of existing retail warehouse units and distribution unit (measuring 7,511 square metres); demolition of redundant methane pumping station; construction of new retail store with ancillary refreshment facilities (measuring 13,010 square metres total gross floor space); new and altered car parking, servicing and sewerage facilities under application reference, 11/00611/FUL.

In 2017 condition 3 of planning permission 11/00611/FUL was varied to enable a sales area floorspace no more than 8,962 square metres, of which no more than 7,973 square metres shall be for the display of comparison goods and no more than 1,496 square metres shall be for the display and sale of convenience goods only. The original condition restricted the sales area floorspace to no more than 8,962 m², of which no more than 7,973 m² shall be for the display of comparison goods and no more than 989 m² shall be for the display and sale of convenience goods only.

Views of Consultees

The **Highways Authority** has no objections and recommends conditions relating to the following:

- Provision of parking, servicing and turning areas prior to development being brought into use.
- Provision of secure weatherproof cycle parking for 18 cycles.
- Submission, approval and implementation of revised Travel Plan.

They also advise that a planning obligation is required to secure a Travel Plan monitoring fee of £2,407.

Highways England has no objections.

The **Environmental Health Division (EHD)** has no objections subject to conditions relating to the following:

- Construction Environmental Management Plan.
- Restrictions on waste collections and deliveries of goods
- Prior approval of any noise generating plant.
- Prior approval of external lighting.

The **Economic Regeneration Section** recommends that the application be refused because the proposal is not in line with national policy set out in the NPPF which promotes a 'centres-first' approach to development. The Government has launched the Future High Streets Fund to attempt to arrest the decline of the country's high streets which have lost trade in part to the Internet but more significantly to out of centre retail parks which offer generous, free and level car parking situated right outside the door. The more retailers which leave the High Street, the less appealing what remains of the High Street offer becomes. Dunelm is a shop, the like of which local planning policy seeks to retain or attract to the town centre. In an attempt to strengthen the town centre, the Borough Council has assembled the Ryecroft site in Newcastle Town centre for the purpose of providing prospective retailers with the opportunity to locate within the town centre and not re-locate to one of the area's out of town retail parks which are now home to many of Newcastle's former shops.

The **Waste Management Section** has no specific comments and advises that refuse and packaging storage will be required.

The **Staffordshire Police Crime Prevention Design Advisor (CPDA)** comments that the proposals appear to be reasonably well conceived in terms of crime prevention with neighbouring premises potentially benefitting from the filling of the gap and less accessibility to their rear yards. The main points raised are summarised as follows:-

- It is unclear whether a gap will exist between the new store and Matalan, if so it will need to be suitably blocked up at the front of the building line to deny unauthorised access to the rear.
- The enclosure of the paved apron in front of the store by bollards is welcomed in terms of pedestrian safety and preventing vehicles impacting the store frontage.
- The shop frontage will need an appropriate amount of manual attack-resistance such as appropriate security standard doors and glazing.

- The 2.5m high service yard fence/gate should offer a reasonable outer layer of protection for the rear of the store.
- The relocation of a CCTV camera close to one of the trees in front of the store is noted. Due consideration is required to any potential adverse impact on the camera's field of view from the tree.
- The position of the cycle hoops will not be subject to very good natural surveillance. The hoops will need to be of a type which enables cyclists to secure both wheels and the frame in situ. A dedicated CCTV camera should be provided to cover the cycle area which should be secured by condition

The **Environment Agency** makes no comment.

The **Coal Authority** does not object and recommends, in the interests of public safety, that an informative note is included on the decision notice.

Cadent request that an informative note is included in the decision recommendation consideration is given to gas pipeline/s identified on the site.

The **Landscape Development Section** advises that they have no capacity to comment on the application.

No comments have been received from the **Stoke-on-Trent City Council, East Newcastle and Newcastle South LAPs**, and Staffordshire County Council as **Strategic Planning Authority** by the due date and therefore it must be assumed that they have no observations.

Representations

No representations have been received to date.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning and Retail Statement
- Design and Access Statement (incorporating site photographs, landscaping and Energy Statement requirements)
- Transport Statement (incorporating parking details and travel plan)
- Interim Travel Plan
- Noise Report
- Air Quality Assessment
- Non-Residential Mining Report
- Waste Management Statement
- Existing Services Plan

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00103/FUL>

Background Papers

Planning file
Planning documents referred to

Date report prepared

6th July 2019

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

16th July 2019

Agenda item 8

Application Ref. 19/00375/FUL

Land off Deans Lane and Moss Grove, Red Street

Since the publication of the main agenda report, the **Highways Authority (HA)** has confirmed that the visibility splays for the private drive for plots 1-3 is appropriate. However, there would be some interference from a hedgerow, which would need to be removed.

They have also confirmed that the location of the bin store is acceptable.

Officer's comments

The hedgerow referred to by HA appears to be within the highway verge and could be removed to ensure visibility is not obstructed. The extent of hedgerow removal required would be minor when compared to the amount of frontage hedgerow that has already been removed on Deans Lane to accommodate the approved development.

On this basis, subject to the conditions included in the previous reserved matters approval, the proposed development is considered unlikely to lead to significant highway safety and on street car parking implications within the development site or on neighbouring roads.

The RECOMMENDATION is amended to now read as follows

Subject to the applicant's agreement being obtained to any of the following that are pre-commencement conditions, or failing that agreement further consideration:

PERMIT subject to conditions relating to the following:

1. Link to outline planning permission and its 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. 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

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

16th July 2019

Agenda item 13

Application Ref. 19/00470/DEEM3

FORMER SAINSBURY'S SITE, LIVERPOOL ROAD

Since the publication of the agenda report the following consultation responses have been received:

The **Environmental Health Division** (EHD) advises that this part of the town centre is dominated by a number of noise sensitive uses. The application presents an opportunity to safeguard residential amenity from noise from such events, which can otherwise be undertaken under permitted development rights for 28 days per calendar year. They have no objections subject to conditions relating to the following:

- Permission to be restricted to the Borough Council and to organisations occupying the land with its legal authority.
- Approval of a Noise and Event Management Plan to be submitted at least 8 weeks prior to the occupation of the site.
- Arrangements to measure noise from all sources,
- Where events involve amplified sounds, a noise consultant should be appointed, and a survey of background noise, a sound propagation plan detailing sound levels at noise sensitive locations and sound propagation testing are required.
- Restriction on maximum permitted noise levels and measures to ensure that appropriate arrangements are in place to ensure that the noise levels are not exceeded.
- Restrictions on times for rehearsals, sound checks and performance.
- Public address systems, announcements and incidental music shall not be audible at any of the identified noise sensitive locations.
- Local residents and Council provided with details as to how to make complaints and details of scheduled performance, rehearsals and sound checks.
- Keeping of a complaint and investigation log
- Restrictions on times for rigging, derigging and movement of vehicles and equipment.
- Siting of generator sets and noise making plant to ensure they do not cause noise disturbance or affect pedestrians etc. by fumes and emissions.
- Controls on artificial lighting

The **Highway Authority** has no objections on highway grounds subject to a condition which requires an Event Management Plan to be submitted and approved for prior to the commencement of each event, and implemented whilst the event is taking place.

The **Crime Prevention Design Advisor** considers that a single application for a number of events is a worthwhile and common sense approach. It will, however, be important to ensure that there is guidance for each event as such events can attract those with criminal and anti-social intent. They would therefore want to see the

following measures included in any guidance that event organisers have to adhere to:

- Liaison with Newcastle Neighbourhood Policing Team at least 6 weeks in advance.
- An event and site-specific security and community safety plan is required.
- Any reasonable alterations to or additional security/safety measures requested by Staffordshire Police should be accommodated by the event organiser.
- A point of contact to be provided by organisers.
- Where alcohol is to be made available, organisers to liaise with Staffordshire Policy Licensing Unit at least 6 weeks in advance.

Officer's comments

The recommendations as set out above are broadly acceptable. The EHD have recommended a condition limiting the permission to the Borough Council and those occupying the land with the Borough Council's authority. National Planning Practice Guidance indicates that the use of such a condition can only be justified on planning grounds in exceptional cases where otherwise planning permission would not normally be permitted. In this case, whilst the concerns of EHD are acknowledged and understood, it is considered that the other recommended conditions would suitably control and manage the events without any planning justification to make the permission personal to the Borough Council.

In light of the further consultation responses received and the comments above the **recommendation** is amended as follows:

PERMIT subject to conditions relating to the following:

1. **No buildings, structures, tents or any other feature associated with each temporary event shall be erected or placed on the site until the details have been submitted to and agreed by the Local Planning Authority,**
2. **No temporary event shall take place on the site for a period exceeding 4 weeks and no more than 4 such events shall take place in any calendar year.**
3. **Submission, approval and implementation of an event specific Noise and Event Management Plan prior to each temporary event commencing, which shall address matters including noise management, access and parking, and security and community safety.**
4. **Where events involve amplified sounds, a noise consultant should be appointed, and a survey of background noise, a sound propagation plan detailing sound levels at noise sensitive locations and sound propagation testing are required.**
5. **Restriction on maximum permitted noise levels and measures to ensure that appropriate arrangements are in place to ensure that the noise levels are not exceeded.**
6. **Restrictions on times for rehearsals, sound checks and performance.**
7. **Public address systems, announcements and incidental music shall not be audible at any of the identified noise sensitive locations.**
8. **Local residents and Council provided with details as to how to make complaints and details of scheduled performance, rehearsals and sound checks.**
9. **Keeping of a complaint and investigation log**

- 10. Restrictions on times for rigging, derigging and movement of vehicles and equipment.**
- 11. Siting of generator sets and noise making plant to ensure they do not cause noise disturbance or affect pedestrians etc. by fumes and emissions.**
- 12. Controls on artificial lighting**

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

16th July 2019

Agenda item 15

Application Ref. 19/00358/FUL

THISTLEBERRY HOTEL, THISTLEBERRY AVENUE

Since the publication of the agenda report, the following has been received:

The **Highway Authority** recommends that the application be refused due to insufficient information to determine the application from a highway safety perspective. They require an hourly survey of the customer car park over 7 days during the operation of the Public House and a sept path analysis showing vehicles accessing and manoeuvring into the 5 parking spaces to the norther side of the building adjacent to Keele Road.

One further **representation** has been received raising the following objections;

- Increase in noise levels from customers, music and vehicles
- Increased likelihood of abusive language and smoke inhalation
- Impact on already difficult parking situation
- Question the timing of the carrying out of the submitted noise report with reference to loud music from the application site on 29th June at 11.30pm

Officer's comments

The submitted Noise Impact Assessment (NIA) assessed both the existing noise levels from the site and an assessment on the potential increase as a result of the proposed beer garden extension. It measured noise levels during the weekday trading period of 16:00-23:00 hours. Whilst a weekend measurement was not included, the Environmental Health Officer has raised no objections to the contents of the NIA or its methodology and considers that mitigatory measures are sufficient in this instance to minimise the impact to residents.

The objection received notes the playing of music from the premises at 11.30pm on a recent Saturday evening. This music was from inside the premises, and any noise implications as a result of this are beyond the control of the Local Planning Authority. As detailed within the main agenda report it is recommended that a condition is imposed on any permission granted to restrict the use of external speakers within the extended beer gardens areas, and access to the beer gardens will be restricted to smoking only after 21.30hours. Together with the provision of a noise management scheme it is considered that these mitigation measures would minimise the impact of the development on the amenity of nearby residential properties.

The behaviour of customers would be outside of the control of the Local Planning Authority, however the measures to restrict access to the beer garden will minimise any impact of any such behaviour on neighbouring properties.

The views of the Highway Authority were received after the main agenda report was published and with insufficient time for the applicant to obtain and submit the required information. In such circumstances it would be unreasonable to determine the application at this time.

The amended RECOMMENDATION therefor is that the decision on the application should be deferred to enable the applicant to provide the information required by the Highway Authority and for your Officer to obtain and consider the comments in response to such information.

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 18

Application Ref. 19/00385/TDET

Communications Site, Roof of Copthall House, King Street

Since the publication of the agenda report the **Conservation Advisory Working Party** (CAWP) have considered the proposal.

CAWP noting the simplicity and prominent location of Copthall House and the views obtainable of it, is concerned about the level of telecommunication development that is now proposed considering it to have a significant and detrimental impact on the character and appearance of the Conservation Area. The Working Party noted the number and height of the structures (up to 8 m above the existing roof level), that they are close to or even overhang the face of the building), and the absence of any screening even to the lower parts of the development. It recommends that permission for the siting, design and external appearance of these telecommunication developments should be refused.

Officer's comments

The concerns expressed by CAWP are considered within the report and notwithstanding their objection **the RECOMMENDATION remains as set out in the main agenda report.**

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 24

2019 Conservation Area Appraisal and Management Plans Programme

The Conservation Advisory Working Party (CAWP) considered the recommended programme at its meeting on the 15th July

CAWP whilst welcoming an evidence based and informed approach to the establishment of a programme of future Conservation Area Appraisals and Management Plans considers that an exception to the adopted approach should be made with respect to the Newcastle Town Centre Conservation Area. CAWP suggests that an early date should be set for a review of the 2008 Newcastle Town Centre Conservation Area Appraisal and Management Plan having regard to the pace of change and development pressures within that Conservation Area. CAWP also recommends that suggests that a review of the programme be undertaken within the next 4 -5 years; that consideration be given to using the expertise of those members of the community who have been involved in past appraisals to assist those becoming involved for the first time; and that it would be helpful if officers brought to CAWP an annual report on progress with the programme

Your Officer's comments

Whilst CAWP's logic for treating the Newcastle Town Centre Conservation Area differently when setting a programme for Conservation Area Appraisals and Management Plan is understood, members do need to be aware that undertaking a reappraisal of that particular Conservation Area, and drawing up a new Management Plan for it, is of an entirely different order of work from that involved in all the other Conservation Area appraisals within the Borough (because of its complexity, and the number of properties). If the available resources is limited to the time of the Conservation Officer as anticipated, undertaking such an appraisal would be likely to have a significant impact on the remainder of the programme.

In your Officer's opinion the case for an exception being made for the Newcastle Town Centre area and the bringing forward of it in the programme of appraisals is not clear. Members will note that there are plans to prepare (as part of the Joint Local Plan work) statements of the current character of the 6 Conservation Areas where no appraisal at all and for those 4 where it is more than 10 years old. Newcastle Town Centre Conservation Area falls within this latter category and the preparation of that summary should highlight whether there has been a significant change by the time of its preparation in the character of that Conservation Area compared with that identified in 2008. If there was, say as a result of significant development, then your Officer would have the ability to bring forward a report proposing Newcastle Town Conservation Area be included in the programme – but this is not expected to be so.

Accordingly the programme set out in Table 3 continues to be recommended to the Committee. It is also recommended that the Committee in adopting a programme agree that it be kept under review and a report on the programme be brought back to the Committee in 5 years' time. The Committee will of course continue to receive reports on the appraisals that are undertaken and consulted upon.

Amended Recommendation

- 1. That the programme for the preparation of Conservation Area Appraisals and Management Plans for the Conservation Areas of the Borough, as set out in Table 3 of the report be approved**
- 2. That a report on a review of the programme be brought to the Committee by no later than July 2024**

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