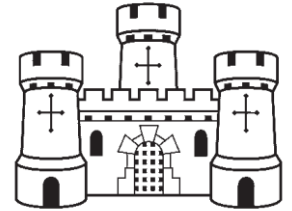


Public Document Pack

Date of meeting Tuesday, 8th October, 2019
Time 7.00 pm
Venue Lancaster Buildings - Lancaster Buildings, Newcastle, Staffs
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

- 4 APPLICATION FOR MAJOR DEVELOPMENT - RENFORD HOUSE, 24 HIGH STREET, WOLSTANTON. MR IAN CAMERON. 19/00529/FUL (Pages 3 - 6)
- 7 APPLICATION FOR MINOR DEVELOPMENT - 4 SUTHERLAND DRIVE. MR RAFIQ SHEIKH. 19/00610/FUL (Pages 7 - 10)
- 8 APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND - 1 ALBERT TERRACE, WOLSTANTON (REF: 19/20003/HBG) AND WALL TO REAR OF FIVE STEPPES, MAIN ROAD, BETLEY (REF: 19/20005/HBG) (Pages 11 - 12)

Members: Councillors S. Burgess, Mrs J Cooper, A. Fear (Chair), D. Jones, H. Maxfield, S. Moffat, P. Northcott, K.Owen, 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.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need go:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
8th October 2019

Agenda Item 4

Application Ref. 19/00529/FUL

Renford House, 24 High Street, Wolstanton

Since the publication of the main agenda report a further representation has been received which objects to the planning application on the following grounds;

- The scheme has not changed since the previously withdrawn application,
- The scheme does not incorporate the relocation of the public footpath within the redevelopment proposals,
- The potential on-street parking from more dwellings on this site will cause further congestion and obstruction to emergency vehicles, buses and heavy traffic, currently increased by the road construction on the A500,
- The applicant has not made a case for the loss of the existing office use of the building,
- The officer report states that Renford House has no special architectural value and its loss is 50:50 but the approval of demolition should be based on the proposed development enhancing the appearance of the site,
- Many of the dwellings in the Watlands Estate Conservation Area have sizable gardens and any development in the area should respect this special character. This is a matter for a local design brief,
- The developer could provide off street parking space to replace the garages and parking that will be lost or give land for the diverted footpath within the site.
- The stone walls along the frontage of the application site and the adjoining property " Hillcrest " are protected by an Article 4 agreement,
- The application should be refused on the grounds that the present proposals are unacceptable on access, parking and design grounds, and would not preserve or enhance the Conservation Area.

Officers Comments

The further objection raises similar concerns to those reported and subsequently considered in the relevant sections of the main agenda report.

In particular, the Highways Authority (HA) and your officers do not consider that the proposed development would exacerbate an existing on street car parking problem. The proposed development proposes an acceptable level of off street car parking and the site is located in a highly sustainable location which would encourage walking, cycling and public transport use as an alternative to the use of a private motor vehicle.

Furthermore, the two existing accesses are well established and the proposed development is likely to have no greater harm on highways safety than the lawful office use. It is also of note that Highway Authority records show that there have been no recorded accidents causing injury within the vicinity of the two established access points within the last 5 years.

There is no public right of way through the site and the proposed development does not need to maintain or provide such a route.

The boundary walls of Renford House are the subject of the Article 4 Direction for the Watlands Park Conservation Area and planning permission is required for its demolition, alteration or maintenance. The planning application does not propose its removal and any alteration or modification. The HA have advised a condition for footpath widening, which

would result in part of the boundary being removed, but this is not supported by your officer for other reasons set out in the main agenda report.

It is acknowledged that a limited case has been made within the application submission to justify the loss of the existing office use. However, your officer has set out in the main agenda report, specifically paragraph 1.8, that the loss of accommodation in this location is not considered to be harmful or contrary to the guidance and requirements of the NPPF or NLP Policy E11.

The RECOMMENDATION remains as set out in the main agenda report

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
8th October 2019

Agenda Item 4

Application Ref. 19/00529/FUL

Renford House, 24 High Street, Wolstanton

The main agenda report did not identify that the site is within a Policy H7 area, which is a saved Newcastle Local Plan (NLP) policy. The main agenda report does however identify that the site is within the Watlands Park Conservation Area which pre dates the NLP.

The fundamental concerns of the development are the poor quality design and the impact on the character and appearance of the Conservation Area, as set out in the main agenda report. However, Policy H7 should also have been identified. Policy H7 seeks to preserve the unique character of the areas, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further sub-division of plots or the loss of, or adverse effect on, visually significant trees.

Your officers consider that the proposed development for a 9 unit apartment building and two town houses would harm the special character of the area, as set out in the main agenda report. Therefore, it would also be contrary to NLP policy H7 and should be a listed policy in reasons for refusal 1 and 2 of the recommendation.

The RECOMMENDATION is therefore amended as follows;

- 1. The proposed development, by virtue of its poor quality design, layout, form and appearance, would harm the character and appearance of the Watlands Park Conservation Area, thereby affecting its significance, and would fail to take the opportunities available for improving the character and quality of the site and visual amenity of the area. Such less than substantial harm from the proposed development would not be outweighed by any public benefits. The proposed development is therefore contrary to saved policies H7, B9, B10, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011, policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the National Planning Policy Framework 2019.**
- 2. The proposed development and disposition of buildings is likely to result in the unacceptable impact to, and potential loss, of visually significant trees within the site that would be harmful to the Watlands Park Conservation Area and is therefore contrary to saved policies H7, N12 and B11 of the Newcastle-under-Lyme Local Plan 2011 policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the National Planning Policy Framework 2019.**
- 3. The application fails to demonstrate that suitable noise mitigation measures can be secured to ensure that appropriate living conditions can be achieved for the occupants of the development in accordance with the National Planning Policy Framework 2019, in particular paragraphs 127 and 170, which would not**

result in harm to the character and appearance of the Watlands Park Conservation Area.

4. Without an appropriate secured financial contribution relating to public open space the additional demands upon open space arising from the additional dwellinghouses as proposed would not be suitably addressed. As such the development would be contrary to policies on the provision of open space for residential development, contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011, Newcastle under Lyme Borough Council Supplementary Planning Document on Development Contributions (2007), the Newcastle-under-Lyme Open Space Strategy (March 2017), and the aims and objectives of the National Planning Policy Framework 2019.

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
8th October 2019

Agenda Item 7

Application Ref. 19/00610/FUL

4 Sutherland Drive, Newcastle-under-Lyme.

Since the publication of the main agenda report the applicant has submitted a Tree Survey, Tree Protection Plan and further revised Site Layout plan.

The revised site layout adjusts the position of the four parking spaces proposed as well as showing areas for soft landscaping and planting a new front boundary wall and the gated access removed.

Following submission of these revised details the comments of the **Landscape Development Section** have been received which raise no objections to the proposed development subject to conditions to allow appropriate landscaping to be incorporated into the frontage.

Comments from the **Highway Authority** have also been received raising no objection to the amended site layout subject to conditions to secure the parking and turning areas prior to occupation, details of surfacing materials and drainage, the restriction of gates on the access drive and the submission of a Construction Management Plan.

Two further representations have also been received from a neighbouring property since the publication of the main agenda report. The comments are summarised as follows;

- Increase in the scale of the dwelling is unacceptable and not justified against planning policy
- The submitted plans are misleading in relation to the loft plan with reference to future alterations leading to an increase in vehicles numbers at the application site
- Impact on character of Sutherland Drive and well-being of its residents
- Submission of photo montage showing proposed development
- Impact on daylight and right to light

Officers Comments

Subject to conditions to secure an appropriate landscaping scheme, the latest site layout plan is considered to be acceptable and certainly an improvement over the previous site layout which was dominated by hard surfacing and car parking.

The submitted tree survey has also demonstrated that the trees within and adjacent to the application site can be successfully retained and protected, subject to conditions to secure these protection measures during the construction period of the development. The development is considered to be in accordance with Policy N12 of the Local Plan and therefore acceptable.

The representation received makes reference to a policy from the local plan in relation to replacement building quoting; "as long as it does not result in

disproportionate additions over and above the size of the original dwelling. Where replacement is proposed, the dwelling must not be materially larger than the dwelling it replaces, and the applicant must demonstrate that replacement rather than alteration is justified". This is taken from Saved Policy S3 of the Local Plan which refer to development in the Green Belt and consideration as to whether the development is materially larger is not required in this case. Issues in relation to appropriate design and its impact on the character and appearance of the area have been addressed in the main agenda report. Your officer maintains that the design, form and scale of the development are appropriate and in accordance with local and national policy.

Whilst concerns have been raised in relation to the use of the roof space of the proposed dwelling, the application plans detail that there would be rooms within the roof space, effectively acting as a third floor to the property. There is no objection to the provision of rooms within the roof space of the dwelling. Whilst in the future the use of these rooms may change, planning legislation cannot restrict internal alterations within the dwelling and so it would be unreasonable to refuse the application on the basis that future alterations may increase the number of bedrooms.

Reference has again been made to a photo montage showing the projection of the development beyond the rear elevation of neighbouring properties with an additional Montage provided taken from the side elevation of No. 6. The main agenda report referenced that as no scale or measurements were provided, the accuracy of these photos could not be guaranteed. Further submissions have noted that these drawings have been provided by a RIBA architect and are an accurate representation of the development and there is no basis upon which this could be disputed. Regardless of the accuracy of these drawing, the application should not be determined on these images alone, but consideration must be given to the implications of the scale and siting of the proposed dwelling on residential amenity, where the view in the image is taken and any associated harm on neighbouring properties. This was explored in depth in the main agenda report.

The view shown in the montage is taken from the rear patio area of No. 8 Sutherland Drive, just beyond the dividing fence line between No's 6 and 8, looking in a westerly direction towards the development site. This view would only be experienced from a relatively small area of private amenity space from the neighbouring properties and as these neighbouring dwellings all benefit from substantial private rear gardens, it is not considered that the proposed development would result in a significant overbearing impact on the amenity of neighbouring residents to such an extent that would warrant refusal of the application.

Furthermore these views are not what would be seen from the rear facing principal rooms of the adjacent properties. These windows would achieve their source of outlook down the spacious rear garden, with views of the dwelling limited from these window. As addressed in the main agenda report, the development would not breach the guidance provided within the Councils Space Around Dwellings SPD when considering the rear principal kitchen/dining windows of No. 6, and being approximately 18m from the rear elevation of No. 8, the scale and siting of the development is also not considered to have a significant impact on the residential amenity of this property.

The representations also make reference to a loss of light from the windows in the adjacent property of No. 6. They refer to the impact on the downstairs toilet, lobby, defined within the Councils Space Around Dwelling Guidance, therefore any

implications in relation to light and outlook are not considered to amount to a detrimental impact on residential amenity.

Reference is also made to the occupants Right to Light. The right to light is acquired under the Prescription Act 1982 and so is covered by common law. Conflicts with this would be a civil matter between relevant parties and not a material planning consideration. The impact of a development on daylight and sunlight is a material planning consideration however. As outlined in the main agenda report, taking into account the view from principal windows along a 45 degree line of sight and the orientation of the development in relation to neighbouring properties, it is not considered that the development would have a severe detrimental impact on the amenity of neighbouring properties that would justify the refusal of the application.

The RECOMMENDATION remains as set out in the main agenda report but is amended to include additional conditions relating to landscaping and parking/highway safety;

PERMIT subject to conditions relating to the following:

- i. Time limit**
- ii. Development to be carried out in accordance with the approved plans**
- iii. Approval of materials, boundary treatments and surfacing materials.**
- iv. Parking, turning and access arrangements to be provided prior to occupation.**
- v. Access surfacing materials and drainage**
- vi. Access to remain ungated**
- vii. Construction Management Plan**
- viii. Internal and external noise levels.**
- ix. Hours of construction**
- x. Electric vehicle charging point**
- xi. Tree protection**
- xii. Landscaping Scheme**

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
8th October 2019

Agenda item 11

Applications for Financial Assistance from the Conservation and Heritage Fund for Window repairs at 1 Albert Terrace (Ref: 19/20003/HBG) & Former estate wall to rear garden of Five Steppes, Main Road, Betley (19/20005/HBG)

The **Conservation Advisory Working Party** recommends that both grants (£381 and £1,067) are offered to the applicant, subject to the standard conditions.

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