

Public Document Pack

Date of meeting Tuesday, 5th November, 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 - ASHFIELDS GRANGE, HALL STREET, NEWCASTLE. ASPIRE HOUSING. 19/00614/FUL (Pages 3 - 8)
- 5 APPLICATION FOR MINOR DEVELOPMENT - THISTLEBERRY HOTEL, THISTLEBERRY AVENUE, NEWCATSLE-UNDER-LYME. STAR PUBS AND BARS. 19/00358/FUL (Pages 9 - 10)
- 7 APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE MUSEUM AND ART GALLERY. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 19/00687/DEEM3 (Pages 11 - 12)
- 8 REVIEW AND UPDATE OF RESPONSIBILITIES OF THE COUNCIL, ITS COMMITTEES AND SUB COMMITTEES (Pages 13 - 16)

Report to follow.

- 15 URGENT BUSINESS (Pages 17 - 20)

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

The following item is considered urgent due to timeliness and costings issues as outlined in the report.

Members: Councillors S. Burgess, Mrs J Cooper, A. Fear (Chair), M. Holland, 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 to:

- 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.

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.

Published 1 November, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th November 2019

Agenda Item 4

Application Ref. 19/00614/FUL

Ashfields Grange, Newcastle

Since the publication of the main agenda report the applicant has raised a number of queries in relation to the recommendation of your officer and the listed conditions. In particular, they have commented on the recommended S106 which requires that should the development not be substantially commenced within 12 months, a review of the scheme's ability to make a financial contribution to open space, will be required. They have indicated that the presence of bats within the roof of the existing buildings may delay when works can start on site because bats can only be relocated between the months of September and March. This also requires a License from Natural England. Therefore, if the applicant cannot relocate the bats before April 2020 then they will have to wait until September 2020. This delay may result in substantial commencement of the development not being achieved.

The applicant also indicates that recommended condition 3, which restricts the age of users, may cause future problems regarding occupancy. They indicate that there may be prospective residents of the scheme who are aged under 55 but who have specialist needs that can be accommodated by this type of development and the needs of such residents should not be prejudiced by Condition 3.

Officers Comments

In terms of the requirement for the development to have been substantially commenced within 12 months of the planning permission the reason for this stipulation is in recognition that financial circumstances can change over a period of time. In this instance the demolition works of the scheme are likely to take a number of months and in acknowledgement of the comments made by the applicant, in terms of bats, your officer accepts that delays may occur. In this instance, it is therefore considered that it would be reasonable to allow 18 months rather than 12 months for substantial commencement to occur before a review of the scheme's ability to make a financial contribution to open space is undertaken.

In terms of recommended condition 3, which would require the development to be occupied by those aged 55 and over. It was stipulated within the planning application submission that the proposed development would be occupied by persons aged 55 and over and the reason for the condition was to confirm the future use of the development. However, following consideration of the comments received from the applicant it is accepted that the condition would not meet the tests for imposing conditions, as set out in paragraph 55 of the NPPF because there are no material planning reasons why the development in this instance should be restricted to persons aged 55 and over.

The removal of any restrictions on the age of the occupants does affect the level of financial contribution that should be sought towards the improvements and maintenance of public open space (POS), however, as adjustments were made to reflect that the accommodation would be occupied elderly people. Adjustments are still justified for the single bed units, as these would not provide accommodation suitable for families. The full level of POS contribution is required for two bed units. In this case a contribution to comply with policy is only required for the additional 17 units that are provided over and above the number currently on site. Given that only approximately 15% of the units within the development are two bed units the required POS contribution has been calculated on the basis that 3 of the additional units are two bed units (which is approximately 15% of 17) and as such justify the full contribution

Published 1 November, 2019

(£5,579) and the remainder of the units require the lower figure (£4,933). This equates to a contribution of £85,799.

Bearing in mind the conclusion that has been reached regarding viability and taking into account that the sum now required has increased further consideration of viability is not required at this stage.

The applicant has also raised queries with regards to condition 19. This requires a revised Travel Plan. However, the Highways Authority has now advised that the submitted revised Travel Plan is acceptable. Therefore, condition 19 will now just require the implementation of the agreed Travel Plan.

Views of the Environmental Health Division, with regards to the applicants queries regarding conditions 25 & 26, have been sought and any comments received prior to the committee meeting will be reported.

The RECOMMENDATION is revised as follows;

- A. Subject to the applicant first entering into a Section 106 agreement by the 30th January 2020 to secure a travel plan monitoring fee of £2,407 (index linked) and a review mechanism of the scheme's ability to make a policy compliant financial contribution of £85,799 (index linked) towards public open space at Wilson Street or the Mineral Line and, if the development is not substantially commenced within 18 months from the date of the grant of the planning permission, and the payment of such contribution if then found financially viable,**

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Prior approval of a scheme for the provision of 5 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.**
- 4. Facing and roofing materials**
- 5. Boundary treatments**
- 6. Detailed design of waste bin storage compound**
- 7. Full landscaping scheme to include specimen replacement trees (larger and longer term type species)**
- 8. Tree and landscaping management plan**
- 9. Tree protection and retention proposals plan**
- 10. Schedule of works to retained trees**
- 11. Provision of access, parking, turning and servicing areas**
- 12. Surfacing materials, means of surface water drainage and delineation of the parking bays**
- 13. Car park management scheme**
- 14. Construction of a turning head including a Traffic Regulation Order for double yellow lines**
- 15. Off-site footpath widening works**
- 16. The access shall remain un-gated**
- 17. Secure weatherproof cycle parking facility**
- 18. Implementation of the agreed Travel Plan Framework**
- 19. Highway & Environmental Construction and Demolition Management Plan (CMP)**
- 20. Surface water drainage scheme**

21. Prior approval of external lighting,
22. Electric vehicle charging provision,
23. Design measures to restrict impact on noise levels,
24. Prior approval of noise impacts from building plant and machinery,
25. Prior approval of overheating and cooling assessment,
26. Assessment of emissions from combustion plant,
27. Land contamination investigations and mitigation measures
28. Construction and demolition hours

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Development Management either refuse the application on the grounds that without the obligation being secured, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for off-site open space should financial circumstances then permit; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th November 2019

Agenda Item 4

Application Ref. 19/00614/FUL

Ashfields Grange, Newcastle

The **Environmental Health Division (EHD)** has now responded to the applicants queries on conditions 25 & 26 (conditions 24 & 25 of the revised recommendation of the first supplementary report) that the requested noise levels may not be capable of being achieved.

EHD have now set out a further justification for the conditions and the requested noise levels. They advise that the proposed development is targeted towards the elderly and those with health conditions. Therefore, residents must have appropriate living conditions which protect health from both excess noise and overheating.

The submitted noise assessment indicates apartments fronting the A34 and Knutton Lane will be impacted by noise and windows will need to be kept shut in order to meet acceptable internal noise levels. Suitable ventilation will therefore need to be provided and this will need to be identified via an appropriate overheating assessment which will determine appropriate measures to minimise overheating. It is appropriate to secure these measures at the design stage and the suggested conditions are therefore required and justified, in accordance with the guidance and requirements of the NPPF.

EHD have also stated that the design standard for noise levels was previously advised as NR20 but this should be revised to NR25, which is considered to be more appropriate.

They also reaffirm their comments about every car parking space having a connected and operational EV charging point.

Officers Comments

The advice of EHD is accepted in respect of overheating and noise and the requested conditions are considered to comply with paragraph 55 of the NPPF, which indicates that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. However, it is acknowledged that further discussions between your officers and the applicant will be necessary and appropriate in order to agree the scope and wording of the conditions - this should not hold up making a decision on the application however.

In terms of the level of EV charging points proposed this matter is discussed by your officers in section 6 of the main agenda report and, notwithstanding the advice of EHD, 12 spaces is considered to represent an acceptable level of EV charging provision with all other spaces having passive wiring to allow future charging point connection

The RECOMMENDATION remains as set out in the First Supplementary Report

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Published: 1 November, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th November 2019

Agenda Item 5

Application Ref. 19/00358/FUL

Thistleberry Hotel, Thistleberry Avenue

Since the publication of the main agenda report the applicant has **WITHDRAWN** the application.

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Published: 1 November, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th November 2019

Agenda Item 7

Application Ref. 19/00687/DEEM3

Newcastle Museum and Art Gallery, Brampton Road

Since the publication of the main agenda report, amended plans have been received which include the following alterations;

- Installation of 2 air source pumps on the rear (east elevation)
- Two windows serving the store room on the rear (east) elevation are to be infilled with brick to match the main building
- Installation of 2 air source pumps on the first floor of courtyard elevation b (as shown on the submitted plans)

The **Conservation Officer** has confirmed that she has no objections to the amended plans.

The comments of the **Conservation Advisory Working Party** have also been received. The Working Party does not object to the internal courtyard extension but wants to ensure the rainwater is dealt with adequately. It objects to the rear extension as incongruous and out of scale with the main house. It feels that the veranda and decking area with pergola could be designed better and would prefer timber railings. It also regrets the loss of garden and the environment impacts. It would expect the rainwater goods to be aluminium. There was also general disapproval with the side entrance door with external steps as an unnecessary alteration which doesn't relate well to the existing building.

Officers Comments:

The inclusion of the air source pumps and infilling of the two windows on the rear (east) elevation of the site is considered to be acceptable and would have no adverse implications on the appearance of the Conservation Area.

Whilst noting the comments of the CAWP, the proposed development is not considered to have an adverse impact on the significance of the conservation area. The rear extension would maintain the ridgeline of the exiting building and be constructed from appropriate materials so as to appear in keeping with the host building. The proportions of the extension are not considered to overwhelm the form of the original building.

Also the proposed railings and new entrance to the side extension are considered to be appropriate additions that are functional and yet preserve the character of the conservation area.

The RECOMMENDATION remains as set out in the main agenda report

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Classification: NULBC UNCLASSIFIED

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO PLANNING COMMITTEE**

05 November 2019

Report Title: Review and Update of Responsibilities of the Council, its Committees and sub Committees

Submitted by: Interim Head of Legal & Monitoring Officer

Portfolios: Leader of the Council – Corporate and Service Improvement, People and Partnerships

Ward(s) affected: All

Purpose of the Report

To advise members of the Planning Committee of proposed changes to the terms of reference for the Committee, Conservation Advisory Working Party and full Council.

Recommendation

To note the proposed changes to the current Terms of Reference as set out at paragraph 3.1 of this report.

Reasons

The proposed changes to the Terms of Reference are part of a comprehensive review of the Terms of Reference all committees and sub committees and form part of the review of the Council's Constitution. Any changes will require full Council approval.

1. **Background**

1.1 The responsibilities of the Council, its Committees and sub Committees are currently set out at Appendix 1 of the Constitution. The document was last updated in September 2016 and so requires reviewing to reflect the Council's current committee structure and generally. There are a number of relatively minor changes which affect the Planning Committee.

2. **Issues**

2.1 The Council should regularly review its Constitution and update the provisions.

2.2 Appendix 1 is currently divided into three main sections:

- Appendix 1 sets out the responsibilities of Full Council
- Annex 1 to Appendix 1 sets out Non executive Statutory Functions
- Annex 2 to Appendix 1 sets out the Terms of Reference for Committees, Sub Committees and Working Parties of full Council

2.3 The opportunity has been taken to move all the Terms of Reference for Council and all Committees and sub Committees and Working Parties into one Appendix and just keep Annex 1. Annex 1 has not been reviewed but was only updated in September 2018.

3. **Proposal**

3.1 A summary of the changes proposed includes:

APPENDIX 1	CONTENT	COMMENT
Council	Updates the Terms of reference for Full Council	<p>Updates and adds to the following sections:</p> <p>Constitutional</p> <p>Updates the list of Policy Framework Documents to include:</p> <ul style="list-style-type: none"> • Development Plan documents (including the Local Plan and Interim Documents) <p>Service Provision</p> <p>Adds:</p> <ul style="list-style-type: none"> • To approve the designation of Conservation Areas, Character Area Appraisals, Management Plans and Article 4 Directions •
Planning Committee	Updates the Terms of Reference	<p>Adds:</p> <ul style="list-style-type: none"> • Determining prior approvals
Conservation Advisory Working Party	Updates the Terms of Reference	<p>Deletes:</p> <ul style="list-style-type: none"> • Conservation Area Consent • Planning Policy Statement 5

4. **Reasons for Proposed Solution**

To update the Terms of Reference to reflect the latest legislative requirements, best practice and changes in the Councils Governance arrangements.

5. **Options Considered**

There is an option to do nothing but this would mean continuing to work with Terms of Reference which are out dated which is not good practice and unhelpful to both officers and elected members.

6. **Legal and Statutory Implications**

All local authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of full Council.

7. **Equality Impact Assessment**

Where any equality impact has been identified it has been addressed.

8. **Financial and Resource Implications**

No significant additional resources will be required in relation to the recommendations

9. **Major Risks**

That the Terms of Reference do not reflect up to date legal requirements and /or best practice resulting in challenge to Council decisions and/or reputational damage.

10. **Sustainability and Climate Change Implications**

There are no direct implications

11. **Key Decision Information**

N/A

12. **Earlier Cabinet/Committee Resolutions**

N/A

13. **List of Appendices**

None.

14. **Background Papers**

None.

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FORMER BRISTOL STREET GARAGE, LONDON ROAD, NEWCASTLE

ABODE RESIDENCIES

16/01106/4CN03

The application is for approval of full and precise details of all external facing materials, including exterior parking and pedestrian hard surfaces, and revised boundary treatment as required by condition 3 of planning permission 16/01106/FUL - redevelopment of the site for 499 apartments (comprising of student accommodation).

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The developer advises that to have any possibility of meeting the construction deadline of having students in occupation by the start of the 2020/2021 term the installation of the cladding will need to have started in December this year. If this application can't be determined until the December meeting will mean a delay in ordering the cladding and therefore will result in delays in the delivery of the development, a great level of additional cost which could put the project in jeopardy.

The report is therefore brought to the Planning Committee as an item of Urgent Business.

RECOMMENDATION

Approve

Reason for Recommendation

The use of a different colour for each block resulting in a horizontal gradation of colour across the site is considered appropriate and the proposed materials accord with the design policies within the Council's Development Plan and the National Planning Policy Framework.

Key Issues

Full planning permission was granted in 2017 for 499 studio apartments for student occupation on the site following the completion of a Section 106 agreement (Ref. 16/01106/FUL).

Condition 3(a) of the planning permission requires the Planning Authority's agreement of all external facing materials to be used in the construction of the development (including doors and fenestration and exterior parking and pedestrian hard surfaces). Condition 3(c) also requires agreement of boundary treatments. In approving the development, the Planning Committee asked that the external facing materials to be used in construction of the development be subject to Committee approval. Approval has previously been granted for the precise window detailing required by Condition 3(b).

On 18th June and 8th October 2019 the Committee refused to grant approval under condition 3(a) and 3(c) due to concerns about the proposed colour of the cladding particularly in respect of its impact on visual amenity of the Parkway. The first application (16/01106/2CN03) related to just Blocks 1 and 2, the second (16/01106/3CN03) related to all blocks as well as approval of boundary treatments.

A further application has now been received following discussions that took place at the Strategic Planning Consultative Group on 29th October. It is being brought to Committee as an item of urgent business for the reasons set out above.

It remains within the current application that Blocks 1, 3 and 4, which lie adjacent to the Lyme Valley Parkway, would comprise aluminium cladding panels with elements of cedar cladding for decorative shading areas and framing around some of the windows. Each block is a

different single shade of grey, as proposed in the last application thereby providing a horizontal gradation of colour across the Lyme Valley frontage from light to darker.

Block 2, which fronts London Road, would comprise smooth red bricks along with a polar white rendered central projecting feature and silver aluminium panels at 2nd floor level as was the case with the previous applications.

Block 5 which lies to the north-west of the site opposite Block 4 and to the rear of the dwellings on London Road also comprises aluminium cladding panels with elements of cedar cladding. The colour cladding now proposed for this block is a mid-grey which differs from the darker grey proposed in the previous (second) application referred to above.

Grey coloured doors and fenestration are proposed. All the blocks are to be 4 storeys in height with the exception of Block 2 which would be 3 storeys high.

With respect to the proposed parking and pedestrian hard surfaces, black tarmac is proposed for the internal roads and parking areas, grey concrete flags are proposed for the pedestrian walkways within the site boundary and permeable grasscrete is proposed for the car park area. With regard to Condition 3(c), black estate style fencing is proposed along the boundary shared with Lyme Valley Parkway.

Within the Design Statement submitted in support of this application consideration has been given to the appearance of the blocks if the variation in cladding colour adopted involved the colour grey changing on each floor, from dark at ground floor to light on the fourth floor. Three visual representations have been provided showing different approaches that could be taken. The first, which was included in the previous application, shows four distinct colours of grey. The second shows a dark grey at ground floor, a light grey at fourth floor with the two middle floors being grey similar in tone to each and difficult to distinguish. In both cases the variation in colour as shown results in a stripy rather than a graduated effect.

The third visual representation shows a darker grey on bottom half of the building, and a lighter grey on the top half. This still result in a stripy appearance, cutting the building in half, and does not provide a graduated transition between the floors.

It is considered that these visualisations (which will be displayed at the meeting) demonstrate that the graduated cladding effect suggested by Committee is not appropriate in this case given the building height. No examples have been found where such an approach has successfully been adopted other than within developments which are much larger and taller buildings, generally in Class B8 use.

Your Officer therefore accepts the agent's case that such elevational treatment would not be appropriate. In the circumstances the use of a different colour for each block, as now proposed, resulting in a horizontal gradation of colour across the site is considered acceptable. Sample panels of the colour will be provided and displayed at the meeting.

APPENDIX

Policies and proposals in the Development Plan relevant to this recommendation

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

Policy CSP1: Design Quality

Other Material Considerations include:

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

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

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

Relevant Planning History

16/01106/FUL	Redevelopment of the site for 499 apartments (comprising of student accommodation) Approved
16/01106/CN03	Application for approval of full and precise detail of all external facing materials, window detailing and revised boundary treatment as required by condition 3 of planning permission 16/01106/FUL - Redevelopment of the site for 499 apartments (comprising of student accommodation) Condition 3(b) Approved
16/01106/2CN03	Application for approval of full and precise detail of all external facing materials, window detailing and revised boundary treatment as required by condition 3 of planning permission 16/01106/FUL - Redevelopment of the site for 499 apartments (comprising of student accommodation) Conditions 3(a) and 3(c) Refused
16/01106/4CN03	Application for approval of full and precise detail of all external facing materials, window detailing and revised boundary treatment as required by condition 3 of planning permission 16/01106/FUL - Redevelopment of the site for 499 apartments (comprising of student accommodation) Conditions 3(a) and 3(c) Refused

Applicants Submission

- Condition discharge information document
- Design Statement
- Grey RAL Colour Chart
- Material Matrix
- Ibstock Aldridge Smooth Red Data Sheet

These documents are available to view on the Council's website via the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01106/4CN03>

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

1st November 2019

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