

# Public Document Pack

**Date of meeting** Tuesday, 29th March, 2022  
**Time** 7.00 pm  
**Venue** Astley Room - Castle  
**Contact** Geoff Durham 742222



**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 - HAMPTON'S SCRAP YARD AND ADJACENT FIELD, KEELE ROAD. PERSIMMON (NORTH WEST) LTD. 21/00616/FUL                               | (Pages 3 - 4)   |
| 5  | APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF BRADWELL HOSPITAL, TALKE ROAD, BRADWELL. SEDDON HOMES LIMITED. 21/00470/REM                                   | (Pages 5 - 6)   |
| 8  | APPLICATION FOR MAJOR DEVELOPMENT - LAND WEST OF PIT HEAD CLOSE, LYMEDALE BUSINESS PARK. PEVERIL SECURITIES LTD AND AVER PROPERTY LTD PARTNERSHIP. 21/01131/REM | (Pages 7 - 8)   |
| 9  | APPLICATION FOR MAJOR DEVELOPMENT - MADELEY MANOR NURSING HOME, HEIGHLEY CASTLE WAY, MADELEY. MR GERALD EMERY. 21/01175/FUL & 21/01176/LBC                      | (Pages 9 - 10)  |
| 10 | APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN. 21/01064/FUL   | (Pages 11 - 12) |
| 12 | APPLICATION FOR MINOR DEVELOPMENT - THE NOOK, NEWCASTLE ROAD, MADELEY. MRS JULIE MIROWSKI. 22/00061/FUL   | (Pages 13 - 14) |

**Members:** Councillors Andrew Fear (Chair), Marion Reddish (Vice-Chair), Silvia Burgess, Dave Jones, Sue Moffat, Gillian Williams, John Williams, Jennifer Cooper, Helena Maxfield, Paul Northcott, Mark Holland and Kenneth Owen

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:	Simon Tagg	Sylvia Dymond
	Barry Panter	Mike Stubbs
	Stephen Sweeney	June Walklate
	Bert Proctor	

*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.

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**29<sup>th</sup> March 2022**

**Agenda Item 4**

**Application Ref. 21/00616/FUL**

**Hampton's Scrap Yard and Adjacent Field, Keele Road**

Since the publication of the agenda the applicant has sought to engage in discussions about the submission of amended plans that seek to address the concerns that have been expressed. It is considered reasonable to allow some additional time for amendments to be discussed and formally submitted.

**Amended Recommendation**

**That a decision on the application be deferred to allow further time for matters of concern to be resolved.**

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**29<sup>th</sup> March 2022**

**Agenda Item 5**

**Application Ref. 21/00470/REM**

**Land North of Bradwell Hospital, Talke Road, Bradwell**

Since the publication of the main agenda report the further consultation responses of the **Lead Local Flood Authority (LLFA)** and **Severn Trent Water (STW)** have been received.

The LLFA advise that they have reviewed the submitted information and there is still some information required to fully demonstrate that an acceptable drainage strategy is proposed. They recommend that planning permission is not granted until this has been resolved.

This has resulted in the applicant submitting further additional information to satisfy the comments of the LLFA and their further comments are again awaited.

STW raises no objections but they do set out that final approval of surface water drainage proposals sit with the relevant LLFA.

Officer response

Whilst the application has still not resolved all of the matters raised by the LLFA in terms of an acceptable drainage strategy for the development, these are technical matters that can be resolved between the applicants consultants and the LLFA. They will need to be resolved before a decision is issued and your officer's recommendation remains as set out in the main agenda report.

Your officers have sought the further advice of the Landscape Development Section on tree impacts and the proposed landscape strategy.

LDS confirm that the method and approach of grouping the trees, as carried out in the tree survey, is agreed. This approach is standard practice as it would not normally be practical to record every tree in a densely treed area.

They advise that the group of trees to the northern and southern boundaries when the outline planning application was permitted all of them had a stem diameter that made them of low importance for retention. An objection to their removal was therefore not be defensible and replacement planting was pursued as an appropriate mitigation response.

In terms of replacement planting, LDS advises that native trees make up the majority of the proposed replacement tree planting and that it is not always appropriate for all trees to be native, given that the area will become essentially built up and non-native trees tend to perform better in this type of environment.

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

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**Agenda Item 8**

**Application Ref. 21/01131/REM**

**Land West of Pit Head Close, Lymedale Business Park**

Since the publication of the main agenda report the further consultation comments of the **Landscape Development Section (LDS)**, the **Highways Authority (HA)**, **Waste Management Section (WMS)** and the **Lead Local Flood Authority (LLFA)** have been received.

The LDS advises that updated arboricultural information is still required because of additional trees that have been removed on the site and this needs to be properly considered. Trees around the brook and impacts of land stability and fly tipping around the brook should also be considered in greater detail.

LDS also advises that additional landscaping to soften the visual impact of the development is welcomed but concerns about the visual impact of the larger structure and car parking areas still remain. They would also like the proposed 2.4m spike topped galvanised palisade fencing to be replaced with a green coloured welded mesh panel fencing, which would also help soften the appearance of the proposed development.

The **HA** advises that they are satisfied with the cycle parking arrangements and access gate details.

The **WMS** identifies that the site plans show no arrangements for the storage of refuse and recyclable materials generated onsite. The size of store required will be dependent up the precise nature of the operations undertaken. For ease of access and proper use by staff onsite, such storage should be within or close to the building where it is generated. For safe servicing, the store should not require a long reverse to reach it, or involve driving through an area of parked vehicles.

The **LLFA** have advised that they still require some additional clarification points to demonstrate an acceptable drainage strategy. They recommend that planning permission is not granted until this has been resolved.

Officer response

The LDS in their original consultation response requested and updated tree survey, tree retentions and removals plan and an updated Arboricultural Implications Assessment.

The applicant set out previously that they did not consider that additional tree information was necessary because the original tree survey is less than two years old and the extent of tree removal has not changed significantly. The applicant also advised that 100 trees will be planted across the site at a ratio of 5:1 which will adequately address tree loss.

The request by LDS for a different boundary fence can be secured by recommended condition 4 of the main agenda report. However, the additional requests by LDS in terms of the works around the brook, cycle path and for additional planting are not accepted. The access works have been approved as part of the outline planning permission and these secured a number of significant improvements to the brook and the landscaping proposals also include positive improvements to these areas (only those that are in the applicants ownership).

As set out in the main agenda report, your officers are content that the proposed landscape masterplan for the site will soften the appearance of the development to an acceptable level. A revised boundary fence can be secured by recommended condition 4 of the main agenda report also.

Whilst the WMS identify that the site plans do not show arrangements for the storage of refuse and recyclable materials generated onsite, the application is supported by a Waste Storage & Collection Strategy. The submitted site plans also show a bin store on the north elevation of the building which is close to the vehicle access point off Pit Head Close. These matters are therefore considered acceptable and can be secured by a condition, which the main agenda report recommends.

The applicant has still not resolved the matters raised by the LLFA and it cannot be concluded that the proposed development has demonstrated an acceptable drainage strategy. However, the applicant is making a conscious effort to resolve these outstanding technical matters and your officers are content that these matters will be resolved in due course. In light of this it is considered that subject to an amended recommendation as set out below, that deferral of a decision is not justified.

**The Head of Planning be given the delegated authority to determine the application subject to the Lead Local Flood Authority not raising any significant objections that cannot be overcome through the imposition of conditions following their consideration of additional information submitted in response to their latest comments, PERMIT the application subject to conditions set out in the main agenda report.**



**FIRST SUPPLEMENTARY REPORT**  
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**Agenda Item 9**

**Application Ref. 21/01175/FUL & 21/01176/LBC**

**Madeley Manor Nursing Home, Heighley Castle Way, Madeley**

Since the publication of the agenda the applicant has submitted financial information seeking to demonstrate that there is a conservation deficit (i.e. the cost of repair and conversion of the heritage asset exceeds its market value upon completion) which means that the development cannot support the provision of affordable housing as required by policy. The financial information provided will need to be carefully considered and this will not be completed in time for consideration at this meeting.

**Amended Recommendation**

**That a decision on the application be deferred to allow further time for the consideration of the issue of financial viability.**

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**29<sup>th</sup> March 2022**

**Agenda Item 10**

**Application Ref. 21/01064/FUL**

**Betley Court, Main Road, Betley**

Since the publication of the main agenda report a further 7 objections have been received in response to the recommendation. The concerns expressed are summarised as follows:

- The applicant has not sought to discuss the application with the objectors and a report should not therefore have been included on the agenda without prior discussion with local residents.
- The use of the building within the limitations set out in the recommended conditions could amount to a substantial business which would be inappropriate to the surroundings generating unacceptable traffic and safety levels and associated pollution.
- The proposal does not seem to be in keeping with policy BBW5 of the Neighbourhood Plan which indicates that new development and conversions must preserve and enhance the special historical and architectural character of the Conservation Area.
- There is nothing in place to control the possible use of alcohol at some functions
- What is the policy of safeguarding for children, young people and vulnerable adults? How will Health and Safety be managed?
- There is a risk to the wooded area if any cooking takes place.
- Controlling the use through a restriction on activity hours would be so confusing that it is not enforceable.
- The high brick wall will not provide a satisfactory barrier against noise nuisance.
- A two year review period is essential and was agreed by Committee as being required.
- The recommendation does not give sufficient regard to residents' concerns.
- There is no requirement to keep a record of events.
- It would be more appropriate to restrict activities to one day per week between the hours of 9am to 5pm for a maximum of 20 people.

In addition the views of **Betley, Balterley and Wrinehill Parish Council** have been received. They consider that the application is deficient in detail in that it does not present a business case to justify the development, and potentially misleading in that the plans supplied omit the neighbouring properties.

In the absence of a business case to justify the proposal the Parish Council has no alternative but to object to what is proposed.

Should the Local Planning Authority be minded to grant permission it will need to be satisfied that what is proposed meets the very special circumstances required to justify what amounts to a very significant increase in the intensity of use and development in the Conservation Area.

If the Local Planning Authority is minded to grant consent then enforceable planning conditions will need to be attached to the consent to mitigate the adverse impact of the development on local residents, such conditions (which are not exhaustive) could include taking measures to reduce parking on the highway, a restriction on hours, and a restriction on the intensity of sound (particularly music) permitted. In developing any conditions the views of local residents should be taken into account.

### Officer response

The concerns as set out above have largely been addressed within the main agenda report.

Whilst discussions have not taken place with local residents it is, nevertheless, considered that the report addresses the impact of the proposal and seeks to ensure that controls are imposed that will mitigate any adverse impacts. The recommended conditions are considered to be fair, reasonable, practicable and enforceable.

Matters relating to safeguarding, health and safety and the risk that cooking poses to the woodland are not key to the determination of the application.

There is no planning justification to impose conditions to restrict the consumption of alcohol at events held at the building.

The local planning authority may grant planning permission for a specified period only if justified. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area. Bearing in mind the scale of the building it is not considered, on balance, that a temporary 2 year permission is justified in this case.

It is still considered that a condition requiring the keeping of a register of events is required and its omission from the list of recommended condition was in error.

**The revised RECOMMENDATION is therefore as follows:**

**PERMIT subject to the following conditions:**

- 1. Implementation of the parking management scheme approved under 18/00943/FUL when the gardens are open to visitors.**
- 2. Gardens to be open to visitors no more than 6 weekends per year.**
- 3. In addition to the use of the building for purposes incidental to the residential occupation of Betley Court, the building shall be used for pre-booked activities only at times when not in use in association with the opening of the gardens to visitors, subject to the following limitations:**
  - It shall be used for no more than 320 activity hours per week (defined as the use of the building by one person for one hour);**
  - A maximum of 20 people shall attend each event;**
  - Events shall take place on no more than five days in any week (commencing on Monday).**
  - No more than 2 events shall take place on any day.**
  - Events shall be restricted to between the hours of 8.30am and 9.30pm****Any additional use shall only take place with the express permission of the local planning authority.**
- 4. A register providing the nature of each event that takes place, the date of that event and the number of attendees shall be kept at all times and shall be made available for inspection upon request (to enable compliance with condition 3 to be monitored).**
- 5. No cooking of food without the prior approval and implementation of details of any kitchen ventilation system and external plant.**
- 6. Loud speaker amplification systems shall not be installed in the building.**
- 7. Restriction on the hours when deliveries and waste collections can take place.**

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**Agenda Item 12**

**Application Ref. 22/00061/FUL**

**The Nook, Newcastle Road, Madeley**

Since the publication of the main agenda report the agent of the application has written in to express disappointment about the following wording which is set out in the officer's report at the section that relates to the proposed direct access onto Crewe Road:

*"it could be argued that visibility would be slightly improved"*

The agent of the application wishes to clarify that the submitted drawings demonstrate that the proposed visibility will be improved from 3m to 19m to the east and 31m in the west direction, which is respectively a 600% and 1000% improvement. They do not therefore feel that this the officers wording accurately reflects the magnitude of the proposed improvements.

Comments in support of the application have also been received from Cllr Gary White, who acknowledges that whilst the proposed new access does not meeting current legislative requirements, it is in fact safer than the existing access arrangement which has a restricted view due to the position of a brick wall which runs adjacent to the boundary of the Meadows Primary School. Cllr White asks that members of the committee examine the photos of the application site and take these into account in the prior to making any decision on the application.

Officer response

The comments submitted of the agent are considered to be accurate and are not disputed, and it is accepted that the visibility splays from the proposed access directly onto Crewe Road are far greater than those from the existing access arrangement.

However taking into consideration the objections received from the Highway Authority and the fact that the existing access arrangement has been in use for a number of years, it is considered, on balance, that the current arrangement is preferable to the one set out in the application.

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

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