

Public Document Pack

Date of meeting Tuesday, 26th April, 2022
Time 7.00 pm
Venue Garden & Astley Rooms - 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

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|-----------|---|------------------------|
| 5 | APPLICATION FOR MAJOR DEVELOPMENT - CROFT FARM, STONE ROAD, HILL CHORLTON. DAVID JAMES DEVELOPMENTS LIMITED. 22/00046/REM | (Pages 3 - 6) |
| 8 | APPLICATION FOR OTHER DEVELOPMENT - LAND TO EAST OF CONEYGREAVE LANE, WHITMORE. HIGH SPEED TWO (HS2) LIMITED. 22/00153/SCH17 | (Pages 7 - 10) |
| 9 | APPLICATION FOR OTHER DEVELOPMENT - BT TELEPHONE EXCHANGE, FAIRGREEN ROAD, BALDWINS GATE. EE LTD. 22/00262/TDET | (Pages 11 - 14) |
| 14 | APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - NEWCASTLE LODGE, KEELE UNIVERSITY. 21/22004/HBG | (Pages 15 - 16) |

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:-

Contacting the Council:

Switchboard 01782 717717 . Text 07800 140048

Email webmaster@newcastle-staffs.gov.uk.

www.newcastle-staffs.gov.uk

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
26th April 2022

Agenda Item 5

Application Ref. 22/00046/REM

Croft Farm, Stone Road, Hill Chorlton

In addition to the three representations referred to within the main agenda report, a further three representations have been received objecting to the application. The concerns raised are summarised as follows:

- As the Borough now has a 7.3 year housing land supply there is no urgency for the development to be built and the application should be refused.
- The submission has a lack of details relating to surface water drainage even though a condition of the outline permission requiring such details. This is a critical issue that should be addressed. The proposal does not show the current or new route for the existing surface water drain, nor any gaps in the layout of the proposed dwellings that would provide a suitable easement.
- No details of foul drainage are provided.
- The scale, height and massing of the development has a severe negative impact on the landscape and townscape. The height of the proposed development is comparable to the excessive ridge height of a dwelling under construction at 'Greenways'. The ridge heights should be reduced to between 4-5m. The properties are cramped together with little space between thereby restricting views.
- The landscaping of the site has been significantly altered.
- Street lighting needs to be agreed within the reserved matters application as it relates to appearance.
- No consideration has been given to the safety of the site access onto A51 and the limited visibility of oncoming vehicles. Visibility is often blocked by parked cars.
- The Highway Authority has cursorily signed off the plans, not commented on the swept path analysis and has not requested the standard condition that garages should be retained for parking.
- The applicants have not commissioned a car-sharing scheme for the whole Neighbourhood Area as stated in the outline application.

Officer response

The acceptability of the design and impact of the development on the form and character of the area is addressed within the main agenda report and there is nothing further to add at this stage.

As stated within the main agenda report the means of access to the site has already been approved and objections on the highway safety implications of the access couldn't be sustained at this stage. In addition the report indicates that the details of the proposal are acceptable in this regard. As the garages are not required to provide an adequate level of parking there is no justification to impose a condition that stipulates that garages are retained for parking.

The applicant has indicated that no street lighting is to be provided and there is no indication from the Highway Authority that street lighting is necessary to meet their requirements. Notwithstanding this, a condition could be imposed that requires the approval of the appearance of any street lighting should it be necessary to provide it.

There is no requirement of the outline planning permission, granted on appeal, that a Neighbourhood Plan-wide car-sharing scheme is commissioned.

It should be noted that the absence of surface water or foul drainage details drainage strategy does not prevent this reserved matters application being approved. Whilst drainage details need to be agreed to satisfy conditions of the outline planning permission they are not required to be submitted for determination as part of this application for reserved matters. It will be necessary, however, for the applicant to seek approval of any revisions to the layout if permitted should it be necessary to make amendments to that layout to accommodate a suitable drainage scheme.

The revised RECOMMENDATION is therefore as follows:

PERMIT subject to the following conditions:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Tree protection plan**
- **Arboricultural method statement**
- **Schedule of works for retained trees**
- **Provision of access, parking and turning areas**
- **Details of materials**
- **Details of boundary treatments**
- **No street lighting to be installed without prior approval of its appearance.**

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th April 2022

Agenda Item 5

Application Ref. 22/00046/REM

Croft Farm, Stone Road, Hill Chorlton

In addition to the representations referred to within the main agenda report and the first supplementary report, a further two representations have been received objecting to the application. A summary of the concerns raised is as follows:

- Lack of details of foul drainage
- Impact of the design and layout of the dwellings on the character of Hill Chorlton. The house types are homogenous and the scheme fails to respond to and preserve important views. The layout, which would create an urban streetscape, provides no break between dwellings.

Officer response

The lack of foul drainage details is addressed within the first supplementary report and there is nothing further to add at this stage.

The acceptability of the design and impact of the development on the form and character of the area is addressed within the main agenda report and again, there is nothing further to add.

The RECOMMENDATION remains as set out in the first supplementary report.

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th April 2022

Agenda Item 8

Application Ref. 22/00153/SCH17

Land to East of Coneygreave Lane, Whitmore

The **Landscape Development Section** has no objections subject to the following comments:

- Indicative tree root protection areas as shown on the Landscape General Arrangement Plan should be protected in accordance with BS5837.
- Permission should be subject to submission of a dimensioned tree protection plan to BS5837:2012 to ensure that there are no changes in levels within root protection areas.

United Utilities is concerned that woodland mitigation is sited on top of an existing surface water sewer. They state that it is the applicant's responsibility to ensure that United Utilities' required access is provided within their layout and that their infrastructure is appropriately protected.

It is considered that the condition recommended by the Landscape Development Section would accord with the legislation and can be imposed. The matters raised by United Utilities are not pertinent to the consideration of this application.

REVISED RECOMMENDATION

That the Schedule 17 application be granted subject to conditions relating to the following:

- 1. Carried out in accordance with the approved plans.**
- 2. Submission and approval of a dimensioned tree protection plan to BS5837:2012.**
- 3. Any conditions as recommended by consultees which relate to the grounds set out in the legislation**

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th April 2022

Agenda Item 8

Application Ref. 22/00153/SCH17

Land to East of Coneygreave Lane, Whitmore

In the first supplementary report for this application, following receipt of the comments of the Landscape Development Section, Officers recommended the addition of a condition requiring the submission and approval of a tree protection plan. Upon reflection and further consideration of the relevant legislation, it is considered that such a condition would duplicate controls that are already in place and Condition 2 of the first supplementary report is therefore deleted.

The consultation period for the application has now ended and therefore Condition 3 of the first supplementary report is no longer relevant and is also deleted.

REVISED RECOMMENDATION

That the Schedule 17 application be granted subject to a condition relating to the following:

- 1. Carried out in accordance with the approved plans.**

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th April 2022

Agenda Item 9

Application Ref. 22/00262/TDET

BT Telephone Exchange, Fairgreen Road, Baldwins Gate

Since the publication of the main agenda report the **Highway Authority** have confirmed that they have no objections.

The RECOMMENDATION remains as set out in the main agenda.

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th April 2022

Agenda Item 9

Application Ref. 22/00262/TDET

BT Telephone Exchange, Fairgreen Road, Baldwins Gate

Since the publication of the main agenda report and the first supplementary report, **Whitmore Parish Council** have provided comments on the application which raise the following concerns;

- Siting and scale of the design is unacceptable and harmful to the prevailing street scene
- Given the purpose of the mast is to support on board internet on the rail network, consideration should be given to land within Network Rail ownership that is closer to the train line and more open in nature.
- With reference to a number of studies and articles, concerns are raised regarding the health and wellbeing of nearby residents and users of Baldwins Gate Primary School as a result of the proposed siting of the monopole.
- The Applicant's report is incorrect, the school would be within 50m of the proposed development.

Comments from the **Landscape Development Section** have also been received. They highlight that the birch tree on the adjacent land is covered by Tree Preservation Order (TPO) 98. Whilst they state that the presence of the retaining wall would result in no damage to roots, consideration must be given to any pruning works that the applicant considers would be required to accommodate the proposed development. They request the provision of an Arboricultural Impact Assessment.

Officers Response:

In considering applications for electronic communications development, which includes applications for prior approval under the General Permitted Development Order, the NPPF stipulates at Paragraph 118 that Local Planning Authorities must determine applications on planning grounds only and that they should not question the needs for an electronic communications system, or set health safeguards that are different from the International Commission guidelines for public exposure.

The application is accompanied by a signed certificate that stipulates that the proposed development would be in full compliance with the requirements and guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The applicant has therefore complied with the requirements set out in Paragraph 117 of the Framework. Therefore despite the reference of Whitmore Parish Council to a variety of independent studies and papers, the proposal would accord with the national requirements for a development of this nature.

The Parish Council makes reference to the proximity of the application site to Baldwin's Gate Primary School. While the application site would sit approximately 61m north of the boundary line for Baldwin's Gate Primary School, there would actually be a distance of 100m from the main school building. There is no requirement within the NPPF for electronic communications development to be a certain distance from infrastructure such as schools or other places of education. Therefore the applicant's self-certification that the development proposal accords with the requirements of the ICNIRP is sufficient to conclude that the development would accord with the requirements of the NPPF.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. This policy goes on the detail that where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

Comments from the Landscape Development Section have identified that a birch tree sited on land adjacent to the application site is covered by TPO 98. While the Landscape Officer is satisfied that the development would have no impact on the root system of the tree in light of the existing retaining wall, there has been no consideration of whether this adjacent tree would need to be pruned in order to accommodate the proposed development. The Officer has requested the submission of an Arboricultural Impact Assessment which would include details of the clearance required between the mast and the trees crown and any installation access requirements over the adjacent land during the construction phase. The application has not been supported by any arboricultural information.

The TPO tree, and those also sitting adjacent to the site, make a significant contribution to the character and appearance of the area. Without sufficient information to demonstrate that the proposed development could be accommodated without substantial harm to the surrounding trees, it is considered that the proposal is contrary to Policy N12 of the Local Plan as well as the requirements of the NPPF.

The revised RECOMMENDATION is therefore as follows:

(a) That prior approval is required, and

(b) That such prior approval is refused for the following reasons:

- i. The siting, scale and external appearance of the proposal development would be harmful to the visual appearance of the area and contrary to Policy CSP1 of the Core Spatial Strategy 2006-2026, Policy T19 of the Newcastle-under-Lyme Local Plan 2011, Policy DC2 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan and the aims and objectives of the National Planning Policy Framework 2021.**
- ii. The application has failed to demonstrate that the proposed development would not lead to unacceptable harm to TPO 98 and other visually significant trees adjacent to the application site. Therefore the proposal would be contrary to Policy N12 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework 2021.**

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th April 2022

Agenda item 14

Application for Financial Assistance from the Conservation and Heritage Fund for Newcastle Lodge, Keele (Ref: 19/22004/HBG)

The **Conservation Advisory Working Party** recommends that this grant is offered towards the works proposed.

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