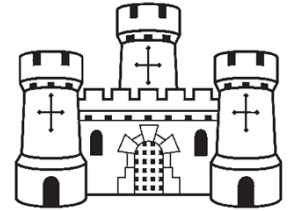


# Public Document Pack

**Date of meeting** Tuesday, 21st May, 2019  
**Time** 7.00 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

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 8)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MINOR DEVELOPMENT - 4 MEADOWS ROAD, KIDSGROVE. KIMBERLEY DEVELOPMENTS LTD & KIDSGROVE WORKING MEN'S CLUB. 18/00889/FUL** (Pages 9 - 16)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - KIDSGROVE WORKING MEN'S CLUB. HARDINGSWOOD ROAD, KIDSGROVE. LIDL UK GMBH & KIMBERLEY DEVELOPMENTS LTD. 18/00916/FUL** (Pages 17 - 36)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE-UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE. THE SCHOOL GOVERNORS. 19/00042/FUL** (Pages 37 - 48)
- 7 APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO KEELE UNIVERSITY, UNIVERSITY AVENUE, KEELE UNIVERSITY. KEELE HOTEL DEVELOPMENTS LTD AND KEELE UNIVERSITY SCIENCE AND BUSINESS PARK LTD. 19/00203/REM** (Pages 49 - 58)
- 8 APPLICATION FOR MINOR DEVELOPMENT - ST JAMES CHURCH, CHURCH STREET, AUDLEY. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 19/00231/DEEM3** (Pages 59 - 66)

- |    |  |                 |
|----|--|-----------------|
| 9  | <b>APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT FARM, MAIN ROAD, BETLEY. MR AND MRS F SPEED. 19/00183/FUL</b>                          | (Pages 67 - 74) |
| 10 | <b>PLANNING COMMITTEE SITE VISIT DATES FOR 2019/20</b>   | (Pages 75 - 76) |
| 11 | <b>APPEAL DECISION - IMPERIAL WORKS, TALKE. 18/0066/FUL</b>  | (Pages 77 - 78) |
| 12 | <b>QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED</b>                                      | (Pages 79 - 82) |
| 13 | <b>OPEN ENFORCEMENT CASES</b>  | (Pages 83 - 84) |
| 14 | <b>URGENT BUSINESS</b><br>To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972 |                 |

**Members:** Councillors to be confirmed at Annual Council on 15 May, 2019

**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.

**PLANNING COMMITTEE**

Tuesday, 23rd April, 2019  
Time of Commencement: 7.00 pm

**Present:-** Councillor Andrew Fear – in the Chair

Councillors S. Burgess, Mrs J Cooper, H. Maxfield, P. Northcott, S. Pickup,  
B. Proctor, M. Reddish, S Tagg, G Williams and J Williams

Officers Nick Bromley - Senior Planning Officer,  
Geoff Durham - Mayor's Secretary / Member Support Officer,  
Jennet Hough - Landscape Officer,  
Elaine Moulton - Development Management Team Manager and  
Trevor Vernon -Solicitor

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

**3. MINUTES OF PREVIOUS MEETING(S)**

**Resolved:** That the minutes of the meeting held on 26 March, 2019 be agreed as a correct record.

**4. APPLICATION FOR MAJOR DEVELOPMENT - STANTON CLOSE AND SITE OF FORMER FORGE INN PUBLIC HOUSE, KNUTTON. ASPIRE HOUSING. 18/00932/FUL**

**Resolved:** That the application be permitted subject to the undermentioned conditions:

- (i) Time Limit.
- (ii) Approved Plans.
- (iii) External facing materials.
- (iv) Landscaping details provision, agreement, and implementation.
- (v) Prior approval and implementation of tree retention and protection measures.
- (vi) Provision and retention of access, internal roads, private drives, parking and turning areas in accordance with the approved plans.
- (vii) The approval, provision and implementation of:
  - surfacing materials for the private drives, parking and turning areas;
  - means of surface water drainage for the private drives, parking and turning areas;

- delineation of the parking bays;
- details of the proposed electric buggy and cycle parking stores;
- EV charging points and infrastructure
- (viii) The two existing site accesses on Knutton Lane, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted, to be permanently closed and the access crossings reinstated as footway.
- (ix) No development shall take place, including any works of demolition, until a Construction Management Plan has been agreed in writing and thereafter fully implemented during construction.
- (x) Prior approval and implementation of bin storage details.
- (xi) Prior approval and implementation of external lighting.
- (xii) Prior approval and implementation of a construction demolition and environmental management plan.
- (xiii) Standard conditions relating to dealing with site contamination, remediation and importation of soil.
- (xiv) Prior approval of an air quality assessment and mitigation for combustion appliances.
- (xv) Prior approval of coal mining risk hazard mitigation measures.
- (xvi) Prior approval of a scheme for the provision of affordable rented housing units throughout 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, but not requiring such provision to be "in perpetuity".

**5. APPLICATION FOR MAJOR DEVELOPMENT - PLOT 3 OF THE SCIENCE & INNOVATION PARK, KEELE ROAD, KEELE. CVS GROUP PLC & KEELE UNIVERSITY. 18/01011/FUL**

**Resolved: (A)** That, subject to the applicant entering into a Section 106 obligation by 21<sup>st</sup> May 2019 to secure a financial contribution of £2,360 towards travel plan monitoring,

the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved drawings
- (iii) Materials
- (iv) Provision of access, parking and turning areas
- (v) Provision of cycle parking
- (vi) Travel Plan
- (vii) Trips to count towards the trip envelope calculation with regard to 17/00934/OUT
- (viii) Landscaping scheme
- (ix) Electric vehicle charging infrastructure

- (x) Implementation of security/crime prevention measures
- (B) Should the above Section 106 obligation not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure measures to ensure that the development achieves sustainable development outcomes, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

AND

Officers to write to applicant on behalf of Planning Committee to seek an assurance, for clarification purposes, that the facilities are for small/domestic animals and not large/farm animals

**6. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. HILBRE HOMES. 19/00036/FUL**

*Councillors' Gary and Simon White spoke on this application.*

**Resolved:** That, subject to the applicant entering into a Section 106 obligation by 31<sup>st</sup> May 2019 securing a financial contribution of £178,528 (index linked) towards the maintenance and improvement of public open space at Madeley Pool, a contribution of £66,488 towards school spaces at Madeley High School and 25% onsite affordable housing),

the application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Materials
- (iv) Boundary treatments
- (v) Finished ground levels and floor levels
- (vi) Submission and approval of SuDS scheme/ layout and proposed maintenance regime
- (vii) Foul and surface water to be drained on separate systems
- (viii) Detailed hard and soft landscaping proposals which shall include evergreen mature tree planting along the southern boundary
- (ix) Dimensioned Tree Protection Plan (to include retained trees and proposals for protection of hedgerows)
- (x) Arboricultural Method Statement (detailed) for all works within the Root Protection Areas (RPAs) of retained trees including for construction of the acoustic fence/barrier.
- (xi) Alignment of utility apparatus
- (xii) Schedule of works to retained trees
- (xiii) Submission and approval of a Construction

- (xiv) Environmental Management Plan,  
Design measures to control internal and external noise levels,
- (xv) Noise assessment
- (xvi) Electric Vehicle Charging Provision
- (xvii) Visibility splays
- (xviii) Access road being completed prior to occupation
- (xix) Internal roads, private drives and parking areas being provided prior to occupation
- (xx) Off-site highway works - construction of an uncontrolled pedestrian crossing on New Road
- (xxi) The access road at the junction with New Road shall have a maximum gradient of 1:15
- (xxii) Submission and approval of surfacing, surface water drainage and delineation of car parking spaces
- (xxiii) The upgrade of two bus stops on New Road
- (xxiv) Private drives shall have a minimum length of 6m
- (xxv) Submission and approval of a construction management plan
- (xxvi) Biodiversity recommendations
- (xxvii) Waste Management details, as per submission

**7. CONSULTATION BY STOKE ON TRENT CITY COUNCIL ETRURIA VALLEY PHASES 2 & 3, ETRURIA, STOKE-ON-TRENT. STOKE-ON-TRENT REGENERATION LTD SOT/61494/OUT (NULBC REF 348/242 AND 348/262))**

**Resolved:** That the City Council be informed that the Borough Council has no objections to the proposed development subject to the Environmental Health Division confirming that the development does not result in air quality issues for the Borough.

**8. APPLICATION FOR MINOR DEVELOPMENT - 9 RUSSELL STREET, WOLSTANTON. MERCIA GAS LTD. 19/00029/FUL**

*Amended recommendation ('wording', suggested by Councillor Proctor) Proposed by Councillor Simon Tagg and seconded by Councillor Northcott.*

**Resolved:** That the application be refused for the following reason:

There is insufficient space within the site to accommodate an appropriate level of off-site car parking for the number of units proposed in addition to providing appropriate pedestrian access bin storage and access for collection. As a result the development would negatively impact upon local on street car parking problems and create further highway safety issues in the area contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2019).

**9. APPLICATION FOR MINOR DEVELOPMENT - 24 GREENOCK CLOSE, NEWCASTLE-UNDER-LYME. MR R TAYLOR. 19/00149/FUL**

**Resolved:** That the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Provision of access, parking and turning
- (iv) Delineation of parking bays
- (v) Access to remain ungated
- (vi) Submission of a Construction Management Plan
- (vii) Contaminated land
- (viii) Construction hours
- (ix) Electric vehicle charging points
- (x) Materials
- (xi) Boundary treatments

**10. APPLICATION FOR OTHER DEVELOPMENT - UPPER FLOOR ABOVE TESCO EXPRESS, HIGHERLAND. J3BOX LTD. 19/00030/FUL**

**Resolved:** That the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Provision of parking and cycle storage prior to commencement of use.
- (iv) Noise management plan
- (v) Approval of details of any mechanical ventilation or air conditioning plant prior to installation.
- (vi) Approval of details of any external lighting prior to installation.
- (vii) Approval of details of the storage and collection of recyclable materials and refuse storage.
- (viii) Provision of 2 electric vehicle charging points within six months of commencement of use

**11. APPEAL DECISION - 26 CHURCH LANE, WOLSTANTON. 18/00041/FUL**

**Resolved:** That the appeal decision be noted.

**12. APPEAL DECISION - LAND REAR OF ROWLEY HOUSE, MOSS LANE, MADELEY. 17/01004/REM**

**Resolved:** That the appeal decision be noted.

**13. QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO**

- Resolved:**
- (i) That the report be noted
  - (ii) That the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

**14. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - BETLEY COURT, MAIN ROAD, BETLEY (REF: 18/19005/HBG).**

**Resolved:** That the following grant be approved:-

£423 Historic Building Grant to repair the flat roof above bay window and a sash window on the southern elevation, subject to the appropriate standard conditions

**15. ENFORCEMENT UPDATE - LAND AT DODDLESPool, BETLEY. 17/00186/207C2**

**Resolved:** That the information provided in the report and supplementary report be received, and that a further update report be provided to the June Planning Committee

**16. ENFORCEMENT UPDATE - 5 BOGGS COTTAGE, KEELE. 14/00036/207C3**

**Resolved:** That the information be received and that a further update report be provided to the June Planning Committee

**17. TREE PRESERVATION ORDER - SUNNY BANK, SOUTHWOOD, BALDWINS GATE. TPO 200**

**Resolved:** That Tree Preservation Ord no 200 (2018), Sunny Bank, South Wood, Baldwins Gate be confirmed as made and that the owners of the site be informed accordingly.

**18. URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR ANDREW FEAR**  
**Chair**

Meeting concluded at 9.15 pm



**4 MEADOWS ROAD, KIDSGROVE**  
**KIMBERLEY DEVELOPMENTS LTD & KIDSGROVE WORKING**  
**MEN'S CLUB**

**18/00889/FUL**

The application is for change of use of the building from warehouse (Class B8) and taxi base (sui generis) to a Working Men's Club (Use Class D2) including external alterations and partial demolition of flat roof annexe

The site lies within the Urban Area and within the Town Centre of Kidsgrove as indicated on the Local Development Framework Proposals Map of the Local Plan.

**The 8 week period for the determination of this application ended on the 1<sup>st</sup> January 2019. The statutory determination period was extended by written agreement to the 26<sup>th</sup> April.**

## **RECOMMENDATIONS**

### **(A) Subject to**

- (a) The Environmental Health Department maintaining their objection to the scheme, the entering into by the applicants of a planning obligation by the 28th June financing the provision of improved glazing to any properties which the EHO consider would be materially impacted by the development ,**
- (b) Kidsgrove Town Council providing their comments before the meeting and your Officer confirming that there has been sufficient opportunity to consider these PERMIT subject to conditions relating to:-**

- 1. Time Limit.**
- 2. Plans.**
- 3. Permitted construction hours.**
- 4. Permitted delivery hours.**
- 5. Approval of noise levels for plant, cooling and ventilation equipment.**
- 6. Prior approval of any external lighting.**
- 7. Prevention of break out music from windows of the function room.**
- 8. Prevention of break out music from the fire door serving the stage.**
- 9. Hours of use limited to 9am to 11pm Monday to Thursday and 9am to 12pm Friday to Saturday including bank holidays.**
- 10. Control of music volume within the main function room.**
- 11. Provision of parking, access and turning areas.**
- 12. Provision of cycle parking.**
- 13. Prior approval and implementation of the marking out of the Meadows Road car park.**
- 14. Approval and implementation of a Construction Method Plan.**

**In the event of Kidsgrove Town Council not providing their comments before the meeting and/or your Officer being unable to confirm that there has been sufficient opportunity to consider such comments, that a decision on this application be DEFERRED.**

- (B) Should the above Section 106 obligation not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such noise mitigation works being secured, the development would be likely to cause a material loss of residential amenity by reason of disturbance by noise , or if he considers it appropriate, to extend the period of time within which such obligation can be secured**

## **Reason for Recommendation**

Kidsgrove Town Council have not yet been provided with the opportunity to comment upon the application and only if their comments are received in time can this application lawfully be determined

on the 21st May. There are no objections to the broad principle of allowing Working Men's Club as a leisure use at this central location within Kidsgrove Town Centre. At the time of writing the Environmental Health Department is not satisfied that the Noise Assessment demonstrates satisfactorily that noise impacts (to adjoining residents) can be managed to an acceptable level through the imposition of planning conditions. Unless a different conclusion is reached, it is considered appropriate to require the applicant to fund improvements to the glazing of the sheltered housing units which might be impacted upon. There are no highway safety impacts which give rise to refusal which cannot be addressed by planning condition.

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

The Planning Authority has requested additional information during the consideration of the planning application to address specific noise related concerns to the proposal. Taking into account all information submitted the proposal is considered to be a sustainable form of development.

**Key Issues**

The application is for change of use of the building from warehouse (Class B8) and taxi base (sui generis) to a Working Men's Club (Use Class D2) including external alterations and partial demolition of flat roof annexe. Use Class D2 refers to the proposed hours of opening are 9am until 12pm Monday to Sunday including Bank Holidays. The amount of floor space subject to the change of use is 366 square metres. The site lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map and within the Town Centre. The main issues for consideration of the application are:

1. Is the principle of leisure development on the site acceptable having regard to prevailing policy?
2. Is the design of the proposal acceptable?
3. Is the impact on neighbouring land uses and local amenity in general acceptable, with particular regard to noise and artificial light impacts, or other general amenity impacts?
4. Is the proposal acceptable in terms of highway safety?

**1. Is the principle of leisure development on the site acceptable having regard to prevailing policy?**

1.1 The National Planning Policy Framework (the Framework) advises main town centre uses such as leisure facilities (which a workingmen's club or social club can be described as) 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.

1.2 The site is in the town centre of Kidsgrove and accordingly there is no need to consider the issue of the sequential test any further (there is no need to consider whether there are any more suitable sites within the town centre).

1.3 In terms of the Development Plan for the area, the most relevant policy is saved policy R12 which indicates that retail or leisure uses within or close to Kidsgrove Town Centre as defined on the Proposals Map, will be encouraged so long as the following requirements are met:

- i) The development should not harm the vitality and viability of the centre
- ii) Any opportunities to improve conditions for pedestrians should be exploited

1.4 There are no grounds to consider the development would harm the vitality and viability of the centre. This is a sustainable Town Centre location where non-retail uses such as leisure uses are appropriate and the existing B8 use of the building is not something policy seeks retention of, nor prevent an appropriate alternative use. Taking into account the Development Plan for the area as well as the Framework in force it is concluded there are no objections to the broad principle of the leisure development proposed. More site specific detailed matters are now considered.

**2. Is the design of the proposal acceptable?**

2.1 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.

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

2.3 The changes to the exterior of the building largely entail the demolition of a flat roofed side extension, the provision of an external smoking shelter/entrance, the bricking up of windows and associated rendering. The changes are modest and do not give rise to any significant design concerns.

3. Is the impact on neighbouring land uses and local amenity in general acceptable with particular regard to noise and artificial light impacts, as well as other general amenity impacts?

3.1 The Environmental Health Division of the Council referring to their experience with this type of development, object to the development from a noise impact perspective. They are not convinced that residential properties in the immediate vicinity will not be unduly affected by the new use, based on the information submitted within the applicant's noise assessment. They do not consider their concerns could be dealt with by planning conditions, or controlled via the licensing regime.

3.2 In response the applicant has pointed out that the Environmental Health Division are citing noise methodology levels which are appropriate for an industrial activity rather than a social club use. They argue by way of technical report that the resultant impact will be acceptable and the application should not be refused on technical grounds associated with noise assessment. The Environmental Health Division are currently considering their position and a further report is expected to be provided on this aspect.

4. Is the proposal acceptable in terms of highway safety?

4.1 The most up to date planning policy (contained within the Framework) 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.

4.2 Saved policy T16 of the NLP states that development which provides significantly less parking than the maximum specified levels 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.

4.3 Parking is provided for at most 10 vehicles within the site boundary. The applicant also proposes that the free public car park on Meadows Road will be used for any overspill parking. The public car park has parking for approximately 20 vehicles. There is also a regular bus service within a short walking distance located on The Avenue. The Highway Authority have no objections to the proposal subject to conditions relating to access, parking and surfacing.

4.4 Overall subject to the conditions the highway safety impacts of the development are acceptable.

## 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy R12: Development in Kidsgrove Town Centre  
Policy T16: Development – General Parking Requirements  
Policy T17: Parking in Town and District Centres  
Policy T18: Development – Servicing Requirements

### **Other Material Considerations include:**

[\*National Planning Policy\*](#)

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

[Planning Practice Guidance \(2019\)](#)

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

EPUK/IAQM publication 'Land-use Planning and development Control: Planning for Air Quality, January 2017

[\*Supplementary Planning Guidance/Documents\*](#)

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

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

[Waste Management and Recycling Planning Practice Guidance Note \(January 2011\)](#)

### **Relevant Planning History**

11/00630/COU Change of use from offices to taxi base	Permitted 2012
<a href="#">Views of Consultees</a>	

The **Highway Authority** has no objections subject to conditions requiring:-

1. The development is not brought into use until the access, parking and turning areas have been provided in accordance with the approved plans.
2. The development shall not be brought into use until details of surfacing materials, means of surface water drainage for the access, parking and turning areas and delineation of the parking spaces have been approved and implemented.
3. Prior approval and implementation of weatherproof cycle parking details.
4. Prior approval and implementation of a Construction Method Plan.

The **Environmental Health Division** object to the application on the basis that they are unable to say that the development is acceptable in terms of noise impacts and these concerns could not be dealt with by condition, or controlled via the licensing regime

In the event of approval they recommend the following conditions:-

1. Approval of noise levels for plant, cooling and ventilation equipment.
2. Prior approval of any external lighting.

3. Prevention of break out music from windows of the function room.
4. Prevention of break out music from the fire door serving the stage.
5. Control of music volume within the main function room.
6. Hours of construction
7. Electric vehicle charging.

**Staffordshire Police (Crime Prevention Design Advisor)** comment that despite the fact that a comprehensive Noise Assessment has been produced accompanying the application which suggests noise levels would be acceptable, the facts of the matter introduce some doubts. The premises would be open until either midnight or 0030 hours (times vary within the documentation) seven days a week. The smaller capacity of the ground floor club room could be inflated on Fridays, Saturdays and Sundays by the larger capacity first floor function room which could cater for up to 110 additional people. The potential for conflict would most likely occur at the end of evening when people leave the premises, particularly from functions and perhaps en masse and fuelled by alcohol. One could envisage some rowdy behaviour even if it were good natured. Parked vehicles leaving and people waiting around for and getting into taxis could add to the noise. The slightly elevated external smoking area could generate some background noise throughout the evening as could youngsters of those attending the club or functions who might go outside to let off steam. Some of those within the Meadows sheltered housing scheme whose rooms face the application premises no doubt sleep with their windows partially open. It would seem unavoidable that late evening/early hours noise would be likely to disturb them. This may be the case even if windows are closed. Consequently, it is difficult to see how a Working Men's Club would be compatible with a sheltered housing scheme already in existence in such close proximity. Without prejudice to the above concerns, should the application meet with Local Authority approval, bearing in mind that social clubs and pubs are popular targets for burglary, the applicant would be wise to ensure that the external doorsets (including cellar doors) and ground floor windows offer a very robust barrier to forced entry. Internally, the office door (where presumably any cash is stored overnight) would need to be equally robust. The applicant should seriously consider installing products in these respective apertures that will offer a proven and certified level of intruder resistance (rather than relying upon products which have no third party security certification and have an unknown and unquantifiable attack-resistance capability). Consequently, the attention of the applicant is drawn to the following widely recognised national security standards.

**Kidsgrove Town Council** have been consulted and they have until 30th May to comment but they are expected to provide comment following their meeting on the 16th May

**The Canal and River Trust** and **County Council Mineral and Waste Authority** have no comments. The **Coal Authority** have been consulted but having not responded by the due date can be assumed to have no comments to make upon the application

### **Representations**

Some 238 letters of representation have been received – of these 235 are in support of the application. The 3 objections received relate to the following concerns

- Noise and antisocial behaviour impacts will result
- Parking problems will occur.

The supportive comments relate to:-

- Allowing relocation of the Working Men's Club to a more modern facility in a more central town centre location which would be an improvement and serve wider community needs.
- Bringing jobs to the area.
- Customer variety.

(Some of the comments in support of the application are referring to the new supermarket proposal on the current site occupied by the Working Men's Club.

### **Applicant's/Agent's submission**

The application is accompanied by the following documents:

- Transport Statement
- Noise Impact Assessment

All of these documents are available for inspection as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00889/FUL>

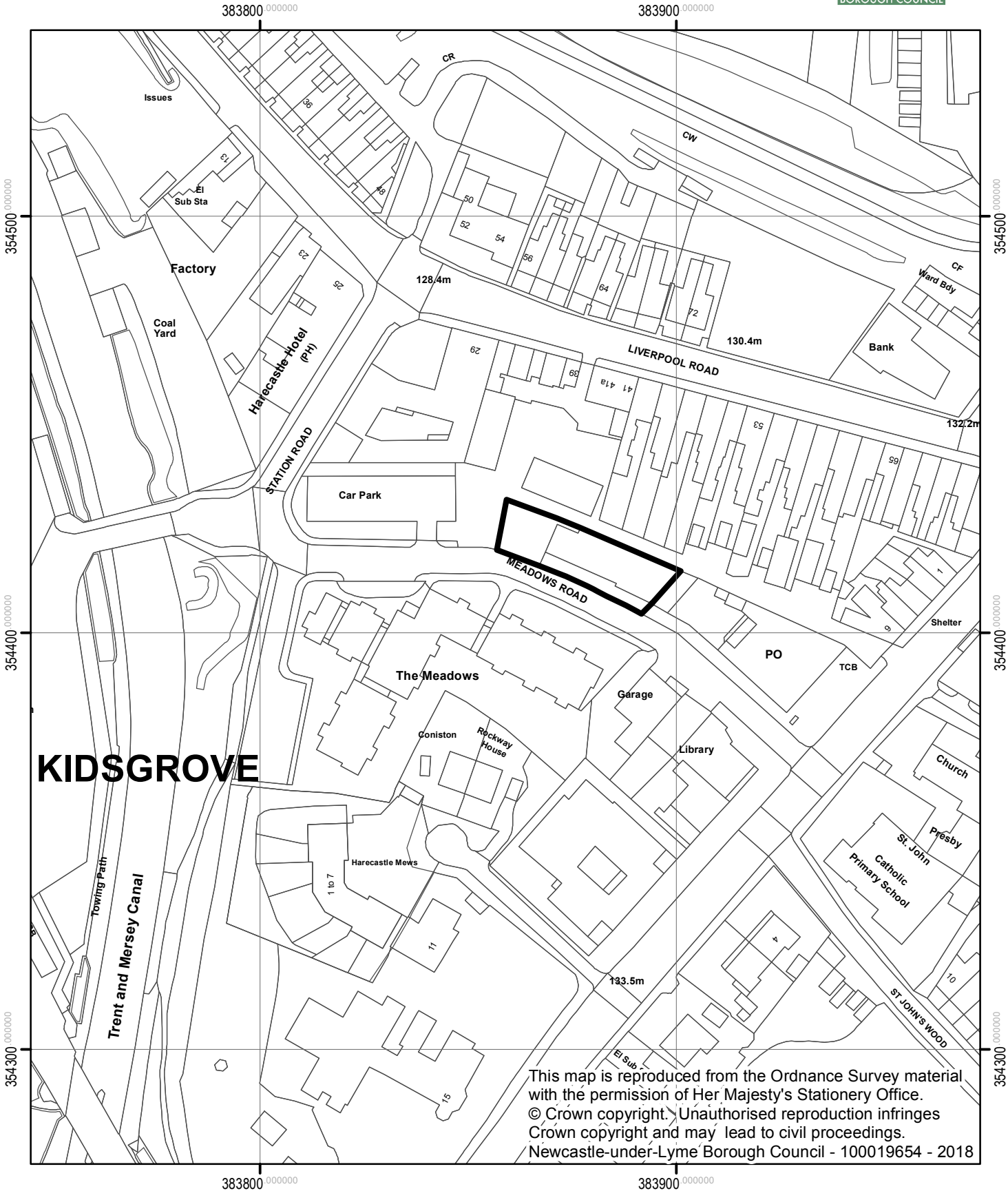
Background papers

Planning files referred to.  
Planning Documents referred to.

Date report prepared

3rd May 2019

4 Meadows Road, Kidsgrove.



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**KIDSGROVE WORKING MEN'S CLUB**  
**HARDINGSWOOD ROAD, KIDSGROVE**  
**LIDL UK GMBH & KIMBERLEY DEVELOPMENTS LTD**

**18/00916/FUL**

The application is for full planning permission for the demolition of existing buildings and the construction of a new retail store (use class A1, measuring 2,206 square metres in gross floor area), with means of access, parking, landscaping and associated infrastructure works.

The site area under consideration measures just under 0.7 hectares. It includes in addition to the club the taxi base and land which used as a beer garden serving the Canal Tavern public house...

The site lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map. It also borders the Trent and Mersey Canal Conservation Area which also includes a stretch of the Macclesfield Canal. The Canal bridges and lock areas associated to it are Grade II Listed Buildings.

**The 13 week period for the determination of this application ended on the 15<sup>th</sup> February. The statutory determination period was extended by written agreement to the 26<sup>th</sup> April.**

## **RECOMMENDATION**

A) Subject to the applicant entering into a Section 106 obligation by agreement by 28th June 2019 to secure the following:

- A Travel Plan monitoring fee of £2,407.
- £10,000 for the provision of signal controlled pedestrian crossing facilities on the A50 Liverpool Road.

PERMIT subject to conditions relating to:-

1. Time Limit.
2. Plans, unless overridden by conditions below.
3. No consent granted for signs indicated in submission
4. Agreement of external facing materials.
5. Agreement of boundary treatments.
6. Hard and soft landscaping details, including for area currently proposed for 10 car parking spaces adjacent to Canal boundary, and tree protection measures

### ***Highways and parking matters***

7. Amended car parking layout to reflect condition 5 above
8. Full details of the site access on Hardingswood Road
9. Agreed visibility splays being provided on Hardingswood Road
10. The development not to be brought into use until parking, servicing and turning areas have been provided in accordance with the approved plans.
11. Prior approval and provision of surface water drainage for the access and car park.
12. Off-site highways works for the provision of road signs 'for pedestrians in carriageway' and 'slow' road markings on Hardingswood Road and Second Avenue prior to use of the development.
13. Pedestrian / cycle access point's provision.
14. The pedestrian / cycle route via the canal towpath to be signed subject to the agreement and thereafter maintained.
15. Secure weatherproof cycle parking details
16. The submitted Travel Plan shall be fully implemented. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary date of the planning consent for a period of 5 years.
17. Agreement and implementation of a Delivery Vehicle Management Plan.
18. The agreement and implementation of a Construction Management Plan.

### ***Drainage***

19. Foul and surface water drained on separate systems.
20. Prior approval and implementation of a surface water drainage scheme.
21. The surface water drainage scheme to be in accordance with Standards for Sustainable Drainage Systems.

### ***Amenity matters/ Site contamination***

22. Agreement of a Construction and Demolition Environmental Management Plan.
23. Implementation of the submitted lighting scheme.
24. Agreement of refuse and storage arrangements.
25. No noise generating plant shall be installed externally in any part of the development until full and precise details of the proposed plant and any mitigation measures have been submitted to and approved in writing by the Local Planning Authority.
26. Deliveries to, and waste collections from, the store shall not take place before 7am or after 11pm on any day.
27. Standard conditions relating to dealing with land contamination and the importation of soil
28. Electric Vehicle charging points provision.

B) Should the above Section 106 obligation not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured, the development would fail to ensure it achieves sustainable development outcomes and safety improvements required to secure an

**appropriate context for the development , and there would not be an appropriate review mechanism to allow for changed financial circumstance, or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.**

### **Reason for Recommendation**

The principle of allowing the proposed food store retail development to occur outside Kidsgrove Town Centre in this location is acceptable taking into account the sequential tests applicable set by national planning policy and also having regard to accessibility. The impact of the development on the visual appearance of the area and setting of the Trent and Mersey Canal Conservation Area and general amenity of the area subject to planning conditions is considered to be acceptable. Subject to a planning obligation to secure an appropriate sum for Travel Plan Monitoring and also signalised crossing on Liverpool Road (A50) and a range of planning conditions to secure a range of highway safety and sustainable transportation measure requirements there are no objections to this development.

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

The Authority has requested additional information during the consideration of the planning application to address specific heritage and highways related concerns to the proposal. Taking into account all information submitted the proposal is considered to be a sustainable form of development.

### **Key Issues**

1.1 Full planning permission is sought for the demolition of the existing Working Men's Club building and an additional building used as a taxi base to make way for the construction of a new food retail store (measuring 2,206 square metres in external gross floor area) with means of vehicular and ramped pedestrian access off Hardingswood Road, parking, landscaping and associated infrastructure works. The site also includes land which was previously a beer garden serving the Canal Tavern Public House. Signs indicated on the proposal drawings are not part of the application, requiring to be subject of a separate application for consent under the Advertisement Regulations.

1.2 The site lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map. It also borders the Trent and Mersey Canal Conservation Area. The canal bridges and lock areas are Grade II Listed. The application site at its closest boundary is approximately 355 metres away from the boundary of the Kidsgrove Town Centre as defined on the Local Development Framework Proposals Map of the Local Plan. The main issues for consideration of the application are:

1. Is the principle of retail development on the site acceptable having regard to prevailing policy on the appropriate location of main town centre uses such as retailing, and also regard to the loss or potential replacement of an established community facility?
2. Is the design of the proposal acceptable inclusive of regard to the special character and appearance of the Trent and Mersey Canal Conservation Area and the setting of Listed canal structures in close proximity?
3. Is the impact on any other remaining trees acceptable?
4. Is the impact on neighbouring land uses and local amenity in general acceptable, with particular regard to air quality, noise/artificial light impacts, and other general amenity impacts?
5. Is the proposal acceptable in terms of highway safety?

2. Is the principle of the proposed development on the site acceptable having regard to prevailing policy on the appropriate location of main town centre uses and also the loss or potential replacement of an established community facility?

2.1 Kidsgrove town centre is recognised by the Councils' Joint Core Spatial Strategy to primarily provide food shopping and services to meet local needs. The 2011 Retail & Leisure Study noted that Kidsgrove Town centre had a low vacancy rate with a low proportion of vacant units and floorspace - an observation confirmed by recent visits to the centre. Notably there is no anchor food store within

the town centre itself. Tesco operates a bulk food store to the north west side of the town centre and Aldi operates a bulk food store to the east side the town centre. Both of those existing stores (as measured by foot to their entrances) are around 260-290 metres beyond the Kidsgrove Town Centre boundary. The proposal in comparison is around 385 metres away from the Kidsgrove Town Centre boundary. A plan showing that boundary will be displayed at the meeting.

*a) Local Plan and National Planning Policy*

2.2 Both local and national planning policy advocate sustainable development with a primary focus on main town centre uses being located within town centres. Main town centre uses include retail development such as new supermarkets.

2.3 Saved Newcastle under Lyme Local Plan (NLP) Policy R12 which relates to development within Kidsgrove Town Centre states that development for retail uses within or close to Kidsgrove Town Centre, as defined on the Proposals Map, will be encouraged so long as the following requirements are met:

- i) The development should not harm the vitality and viability of the centre.
- ii) Any opportunities to improve conditions for pedestrians should be exploited.

The policy is consistent with the Framework, but given the distance from the site to the Town Centre, the site cannot be described as “close to” that Centre.

2.4 At paragraph 86 the National Planning Policy Framework (the Framework) 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. The glossary to the Framework indicates that “edge of centre” means for retail purposes a location that is well connected to, and up to 300 m from, the primary shopping area. In the case of Kidsgrove Town Centre no primary shopping area is identified in the Local Plan, so it is appropriate to take such measurements from the boundary of the Town Centre.

2.5 At paragraph 87 the Framework 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.

2.6 The Framework 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 2,500m<sup>2</sup> if there is no proportionate locally set threshold. As there is no locally set threshold and the floorspace involved is below 2,500m<sup>2</sup> an impact assessment is not necessary in this case.

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

2.7 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.

2.8 Policy SP1 of the CSS indicates that retail development will be focussed towards the City Centre and Newcastle Town Centre, and that such development in other centres will be of a nature and scale appropriate to their respective position and role within the hierarchy of centres. Kidsgrove is recognised within the CSS as a centre that primarily provides food shopping and services to meet local needs, and the development is “appropriate” to Kidsgrove’s position albeit it is not within the centre. The policy goes on to state that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to

developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

2.9 Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. At part c) for decision making this means approving development proposals that accord with an up to date development plan without delay and at part d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:-

- i. the application of policies in the Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed, or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In this case there are no “relevant development plan policies” so paragraph 11(d) is engaged. If the decision maker finds either that policies in the Framework that protect Conservation Areas (as designated heritage assets) provide clear reason for refusing the development proposed, or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against policies, such as those on main town centre uses, in the Framework taken as a whole, planning permission should be refused

2.10 Paragraph 12 highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permissions should not normally be granted. Existing policies, such as those within the NLP on development that affects Conservation Areas, should not be considered to be out-of-date simply because they were adopted or made prior to the publication of the Framework. 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).

#### *b) Sequential Test*

2.11 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.

2.12 It is for the applicant to demonstrate compliance with the sequential test. The applicant's submission material asserts the following sites have been taken into account, with the reason as to why they have been discounted:-

- Kildgrove Station Yard – discounted because it is not visible from a main road frontage making it unsuitable for a food retailer use.
- Land at Kinnersley Street – discounted on the grounds the site is too small.

- The caravan and storage yard directly opposite Tesco – not available.
- Site at Heathcote Street/ Market Street and Queen Street – discounted on the ground the site is too small.
- Land between the telephone exchange and the realigned Mount Road – discounted on the ground the site is too small.
- A range of other brownfield sites including land at Heathcote Street and sites further afield in the Kidsgrove area are also referred to as either being not available for development or unsuitable in terms of Lidl's size requirements.

2.13 It is also asserted by the applicant that the proposed food store cannot be reduced in scale owing to operational requirements – a smaller than usual sized store is already being proposed by Lidl. The applicant submits there are no sequentially preferable sites which are more favourable to the one proposed. Your Officer does not disagree with this conclusion.

*c) The potential loss of a community facility and its replacement*

2.14 Saved NLP C22 states that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of it being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable. The NPPF indicates that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should inter alia guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs; and ensure that established facilities are both able to develop and modernise, and are retained for the benefit of the community.

2.15 The applicant in making this application is also seeking approval for a new home for the Working Men's club within Kidsgrove Town Centre boundary. A separate report on an application for planning approval for such a proposal at 4 Meadows Road (reference number 18/00889/FUL) precedes this item on the agenda. The question does arise is it necessary for the LPA to determine first that other application in order to establish whether at least in planning terms there is an alternative acceptable location for the Working Men's Club within the Kidsgrove Community, and if it is what steps if any need to be taken to secure that alternative.

2.16 The existing Working Men's Club building (following several site visits) does appear to be well used and of local benefit. No commercial viability case has been advanced. In terms of retention of the community use, policy C22 does have consistency with the Framework and is a material consideration. However there is realistic scope for replacement of the facility as opposed to straightforward loss following direct negotiations undertaken between the applicant and Kidsgrove Working Men's Club as landowner. Moreover the present occupiers of the building have referred to ongoing substantial maintenance issues for the roof and running costs as reasons why a newer more modern facility is a better option for them in dialogue with Lidl. Noting that other similar facilities will exist within the area, it is not considered necessary to seek further controls to require replacement of the facility in this particular case.

*d) Conclusion on the principle of the acceptability of the location taking into account all relevant factors*

2.17 Your officer agrees with the applicant's findings that there are no sequentially preferable sites available.

2.18 The site entails previously developed land in close proximity to pedestrian links to and from Kidsgrove Town Centre, which is within easy walking distance, and where there are regular bus services and a railway station. The links referred to include a cycleway and pedestrian footway along the Trent and Mersey Canal as well as the existing footway along Liverpool Road and the proposal makes efficient use of land within an urban area close to a town centre.

2.19 It is estimated by the applicant the new food store will provide 40 new jobs on a full and part time basis as a further significant local economic benefit factor to pay regard to (in the context of paragraph 11(d)).

2.20 Taking into account the Development Plan for the area as well as the Framework in force it is therefore concluded there are no objections to the broad principle of the retail development proposed. More site specific detailed matters are now considered.

3. Is the design of the proposal acceptable inclusive of regard to the special character and appearance of the Trent and Mersey Canal Conservation Area and the setting of Listed canal structures, adjacent to the site?

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.

3.2 Policy CSP1 of the Core Spatial Strategy (CSS) seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape. CSP2 of the CSS seeks to preserve and enhance the character and appearance of sites with heritage or historic interest. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1 and CSP2.

3.3 Furthermore local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special regard of preserving or enhancing the character and appearance of Conservation Areas in the exercise of its planning functions.

3.4 The site lies adjacent to but is not within a Conservation Area.

3.5 The Framework states that the effect of a proposal on the significance of a designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

3.6 The Working Men's Club building to be demolished is in a state of disrepair and has no substantial architectural merit. The same is true for the taxi office. Both significantly detract from views obtained entering Kids Grove along the A50 from the west at this "gateway" location.

3.7 The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area and Listed Buildings, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

3.8 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.

3.9 NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas and NLP Policy B10 lists a number of criteria that must be met in ensuring that the character and appearance of a Conservation Area is preserved or enhanced. These include inter alia that open spaces important to the character or historic value of the area are protected, that important views within, into and out of a Conservation Area are protected, and that trees and other landscape features contributing to the character of the

area are protected. The policy is consistent with the Framework and the weight to be given to them should reflect this.

3.10 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 point C that new development must not adversely affect the setting or detract from the qualities and significance that contribute to a Conservation Area's character and appearance.

3.11 The site presently contains a club building and its surrounds, open space including a pub's beer garden, planting, and associated car parking, and there is also a small office building present, used by a Taxi firm. Access is off Hardingswood Road to the west. Liverpool Road East is to the north. To the east of the site is a railway line. To the south is the Trent & Mersey Canal and the site abuts the Trent & Mersey Canal Conservation Area – within which lies the Listed and elevated Grade II Listed bridge over the Macclesfield Canal. To the south-west is the Canal Tavern Public House. The frontage of the site to Hardingswood Road is about one metre above the level of Liverpool Road. The site ground levels are also above the Liverpool Road East level. On the canal boundary side ground levels generally follow that of the canal towpath. There is existing dense landscaping and trees to the perimeter shared with the canal as well as fencing. The trees and their adjacent open space are an important contextual feature of the Canal Conservation Area boundary. On the opposite side of Hardingswood Road there are large industrial buildings in use. There are also terraced residential properties on Liverpool Road East which face towards the application site.

3.12 Today, the canal network continues to be a valuable local asset, serving the region's growing leisure and tourism industries. The 'ring' formed by the Trent and Mersey, the Staffordshire and Worcester and the Shropshire Union canals being a particularly popular route. Strategic Aim 8 (SA8) of the CSS is to increase the attraction of the area as a tourist destination based on its industrial heritage, existing and future magnets of tourism and leisure interest and the high quality environment.

3.13 The existing Working Men's Club building and taxi building have no significant architectural merit and are to a degree are partially viewable from the canal towpath. In that regard the removal of the buildings from the aspect of the canal would be a visual improvement. However consideration of the removal of any intervening green space is a factor. The Canal and Rivers Trust refers to the openness of the site alongside the canal as contributing positively to it, and helping to give an informal character to the area around the canal junction.

3.14 The new store proposed will occupy the space taken up by the existing club building. The store has a footprint which is roughly 50 percent larger than the existing club building to be demolished but is 2-3 metres lower in height on the side of the canal. The position of the new store would as a result be far closer to the canal boundary than the existing club building. The corner of the proposed food store building is around 2 metres to the boundary of the canal (as is the Tavern) and the building is situated roughly at a 45 degree angle to the canal boundary.

3.15 The new store is to comprise of a steel frame structure with grey metal cladding for the roof. The walls are to comprise of a mixture of smooth white metal cladding panels with grey coloured panels above matching the roof. The primary elevations and public frontage has shopfront glazing and a set of customer entrance doors. There are feature canopies framing the shopfront glazing fronting onto Hardingswood Road.

3.16 The Council's Conservation Officer and the Canal and River Trust object to the development on the basis that the store has a poor relationship with the Canal Conservation Area boundary, having referred to the contribution that the site makes at present. Their primary concern is that the store turns its back on this frontage as well as other criticisms about the location of the servicing area and boundary treatment. The comments of the Urban Vision Design Review Panel (UVDRP) also are of a similar nature.

3.17 There are a range of specific site constraints to consider in assessing the design. There are also functional surface parking requirements for the proposed use. The applicant points to the position of the site access as largely fixed and the best fit solution available. The proximity of the railway line also prevents a different site configuration where visibility from Liverpool Road East is an essential requirement of Lidl. The applicant notes the layout has also been designed in a way that it does not provide any hidden areas that could be potential areas for anti-social behaviour. There are also other



specific circumstances which include the position of a culvert within the site boundary which have impacted upon the position of the building relative to the surface parking area. Your Officer accepts that the scheme design is largely constrained by these factors and the layout configuration proposed is the only realistic option available to develop the site for a food store development of this size.

3.18 The entrance to the proposed food store will have its primary glazing located so that it is visible from the junction of Liverpool Road East and Hardingswood Road. It will also be visible from several vantage points on the Trent & Mersey Canal and the towpath adjoining the Canal, although it is not orientated to the Canal. The design also incorporates a direct pedestrian link to the Canal tow path following an in principle access agreement negotiated with the Canal and Rivers Trust.

3.19 The service area for the store is located on the southern side of the proposed development separating this area from the customer car parking. This area is low rise and to be screened from the Canal Conservation Area. The loading bay would be positioned at this end of building.

3.21 A significant number of trees on or near to the southern boundary that currently provide a backdrop to the Conservation Area are to be removed. The trees are proposed to be replaced by a single tree in the south western corner of the site. The trees are not protected. A proposed triangle of tree planting in the south eastern corner will provide partial screening at least of the end gable and its service and external plant areas. The corner of the building will be quite apparent as will its servicing bay and there is little scope to change this unless the scheme were to be completely revised. A substantial area of green space will be replaced with parking and manoeuvring space in the scheme as it is.

3.22 Taking all of the above into account including the benefits arising from the removal of the existing building, and the design of what is proposed, a significant change is required to the proposals in this respect, if the development is not to cause harm to the character and appearance of the Canal Conservation Area to which the LPA must pay special attention. Your Officer's view is that this can be achieved by reducing the number of car parking spaces along the canal boundary, by at least 10 spaces, and using the area involved to substantially improve the planting proposed in this area, and that this can be achieved by planning conditions. The consequences of such a change in terms of the overall level of parking provision is considered below.

3.23 Taking into account the heritage impact and design concerns received the view taken is that subject to the above change, the agreement of suitable boundary treatments and amended landscaping details, the impact on the surrounding area and most particularly the special character of the setting of the Canal Conservation Area, inclusive of listed structures, would be acceptable relative to the existing appearance of the site and its relationship with the canal.

#### 4. Is the impact on any other remaining trees acceptable?

4.1 There is a large attractive willow tree on the site adjacent to the site access on Hardingswood Road which will be removed to make way for the proposed access to the store and to allow for pedestrian and surface car parking. The tree isn't protected. Policy N12 indicates that the Council will resist development that would involve the removal of any visually significant tree unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. The loss of the tree is, it would appear, unavoidable given the site layout constraints evident. The applicant is proposing tree planting in the car parking area to offer some mitigation for tree loss and the view taken is that this will offer some benefit, accepting there are no other workable solutions to avoid the loss of the tree.

#### 5. Is the impact on neighbouring land uses and local amenity in general acceptable with particular regard to noise and artificial light impacts, as well as other general amenity impacts?

5.1 The Environmental Health Division of the Council do not raise any objections to the development from a noise or nuisance perspective subject to a suite of conditions to protect the amenity of the area including the agreement of a construction management plan, noise mitigation measures for noise generating equipment, implementation of agreed lighting, controlled deliveries to the site as well as controlled hours of construction. All of the recommended measures are considered to be appropriate and necessary apart from controlled deliveries to the site. Overall there are no objections to the

scheme from a noise and amenity perspective. Consideration has been also given to the close proximity of 3 long term leisure (as opposed to residential) moorings on the South West Boundary in reaching this conclusion as a concern raised by the Canal and River Trust.

#### 6. Is the proposal acceptable in terms of highway safety?

6.1 National planning policy (contained within the Framework) 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.

6.2 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.

6.3 The development is proposed to provide a total of 89 car parking spaces, including 6 disabled car parking spaces and 8 parent and child car parking spaces. The development will also provide eight cycle stands with capacity for 16 bicycles. The number of parking spaces proposed is said to reflect Lidl's experience at their stores. This is a location where access is obtainable by a number of different modes of transport, the scheme includes provision for both pedestrians and cyclists and good accessibility by such means to adjoining areas, and your Officer's view is that were the car parking provision to be reduced to 79 spaces as is proposed above, noting that the adjacent highway network is subject to parking and waiting controls, no material harm to highway safety would result from that. The views of the Highway Authority on this are being sought and will be reported if available.

6.3 Vehicle access to the site is proposed to be achieved from a priority controlled all-movement T-junction with Hardingswood Road. The access junction is to be located in approximately the same position as the existing access to the Working Men's Club.

6.6 A number of highway safety impact related concerns have been negotiated with the applicant for resolution during the application determination period. In particular this includes the fact there are three narrow bridges on Hardingswood Road leading to Second Avenue. Two are Canal bridges and one a Railway bridge, and in one case there is no pedestrian provision at all. It is neither feasible nor desirable in place making terms to widen or replace these three narrow bridges. The Highway Authority are asking that pedestrian signage and road markings be secured by planning condition.

6.7 In addition to the bridges as an existing highway constraint there is no footway to the frontage of the Canal Tavern Public House on Hardingswood Road consequently this would require pedestrians to either walk in the carriageway or use the footway on the western side of Hardingswood Road and then cross back over the road to access the store. However, to overcome this issue the applicant is providing a segregated pedestrian / cycle route via the canal towpath linking directly into the car park in agreement with the Canal and River Trust.

6.8 The most recent up to date advice from the Highway Authority is that subject to a range of planning conditions and legal agreement for:

- a) A Travel Plan monitoring fee of £2,407.
- b) £10,000 for the provision of signal controlled pedestrian crossing facilities on the A50 Liverpool Road.

there would be no harm to highway safety. The applicant has in response to this advice tabled a draft Heads of Terms agreeing to the obligation requirements advised by the Highway Authority in full.

6.9 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.

6.10 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. Overall subject to the conditions and obligation referred the highway safety and transportation impacts of the development are acceptable.

## 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets  
Policy CSP10: Planning Obligations

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

Policy R12: Development in Kidsgrove Town Centre  
Policy T16: Development – General Parking Requirements  
Policy T18: Development – Servicing Requirements  
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 C22: Protection of Community Facilities  
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities  
Policy N2: Development and Nature Conservation – site surveys  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N12: Development and the protection of trees  
Policy N13: Felling and pruning of trees

### **Other Material Considerations include:**

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

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

#### [Planning Practice Guidance](#) (2019)

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

EPUK/IAQM publication 'Land-use Planning and development Control: Planning for Air Quality, January 2017

#### [Supplementary Planning Guidance/Documents](#)

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

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

#### [Waste Management and Recycling Planning Practice Guidance Note](#) (January 2011)

#### [Relevant Planning History](#)

05/00744/FUL - Erection of five town houses on site of Canal Tavern beer garden, car parking and alterations to existing accesses – refused

## Views of Consultees

The **Highway Authority** have no objections subject to conditions relating to the following:-

1. Full details of the site access on Hardingswood Road are agreed in writing by the planning authority prior to the building being brought into use.
2. Agreed visibility splays have been provided on Hardingswood Road and kept free of obstruction.
3. The development shall not be brought into use until parking, servicing and turning areas have been provided in accordance with the approved plans.
4. Prior approval and provision of surface water drainage for the access and car park.
5. Off-site highways works for the provision of road signs 'for pedestrians in carriageway' and slow road markings on Hardingswood Road and Second Avenue prior to use of the development.
6. Pedestrian / cycle access point's provision.
7. The pedestrian/ cycle route via the canal towpath be signed subject to the agreement of the Planning Authority and thereafter maintained.
8. Secure weatherproof cycle parking details shall be approved in writing and fully implemented.
9. The submitted Travel Plan shall be fully implemented. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary date of the planning consent for a period of 5 years.
10. Agreement and implementation of a Delivery Vehicle Management Plan.
11. The agreement and implementation of a Construction Management Plan.

And in addition, the developer enters into a Section 106 Agreement to secure the following:

- A Travel Plan monitoring fee of £2,407.
- £10,000 for the provision of signal controlled pedestrian crossing facilities on the A50 Liverpool Road at the junction with Hardingswood Road.

The **Canal and River Trust** in summary, object to the development on the basis that it creates a poor relationship with the canal seeking to turn its back on the canal rather than engaging with it. Consequently, the scheme will significantly detract from the character, setting and appearance of the Canal Conservation Area and listed bridge opposite the site. Their more detailed comments received note the following:-

### *Impact on designated Heritage Assets*

The canal is a designated Conservation Area and the bridge carrying the towpath over the junction with the Macclesfield Canal is a Grade II Listed structure. No detailed heritage impact assessment has been undertaken to inform the scheme in with regard to those heritage assets.

The existing building on the application site has no great architectural value and makes little contribution to the character and appearance of the Conservation Area, although by virtue of its openness alongside the canal it does contribute positively to it, helping to give an informal character to the area around the canal junction. There is very little engagement with the canal, and the application sites car parking and servicing areas alongside the canal. Although some planting is proposed on the canal acing boundary, the proposal seeks to close off views to and from the canal by introducing boundary fencing. The result is that the scheme effectively turns its back on the canal presenting a largely unattractive and unengaging view which fails to preserve the character and appearance of the Canal Conservation Area, nor does it provide any enhancement. To a lesser extent, the setting of the listed bridge at the canal junction is also harmed for the same reasons. The proposed landscaping is inadequate to screen the development from view and in any event will be located behind the unattractive proposed high boundary fence.

### *Canal access road*

The application proposes (following amended plans being submitted) the construction of a pedestrian access from the site onto the canal access road. The Trust does not have any in principle objection to the creation of a new access, but construction of the access will require a commercial estates agreement to be entered into with the Trust directly.

#### *Impact on the Ecological Value of the Canal*

In the absence of an ecological survey or assessment the impact on biodiversity of the canal cannot be properly identified.

#### *Impact on occupiers of nearby moorings*

The application site is separated from the canal by a narrow strip of land which provides an access road from Hardingswood Road to three long term leisure moorings located adjacent to the site. Although these are not permanent moorings, the application does not appear to take any account of the potential impact of the development on the occupiers of the moorings whether in terms of visual impact, external lighting, noise or general disturbance. Without any assessment it is difficult to adequately identify the extent of any adverse impacts or whether mitigation measures may be necessary to ensure that the moorings can continue to be enjoyed by their occupiers, both during and after construction operations. It is therefore requested that an appropriate impact assessment of the impact to occupiers of the moorings should be considered by the Local Planning Authority.

The **Environmental Health Division** have no objections to the application subject to conditions:-

1. Agreement of a Construction and Demolition Environmental Management Plan.
2. Implementation of the submitted lighting scheme.
3. Agreement of refuse storage and collection arrangements.
4. No noise generating plant shall be installed externally in any part of the development until full and precise details of the proposed plant and any mitigation measures have been submitted to and approved in writing by the Local Planning Authority.
5. Deliveries to, and waste collections from, the store shall not take place before 7am or after 11pm on any day.
6. Contaminated land mitigation and the importation of soil. .

**Staffordshire Police (Crime Prevention Design Advisor)** notes that the site is a very prominent one and subject to a reasonable amount of natural surveillance from passing traffic. The positioning of the store towards the rear of the site could be beneficial if opportunities to restrict unauthorised access to the rear are taken with the bulk of the open space at the front of side of the store and potentially subject to natural surveillance. The fact that the site borders the railway line with its security fencing and the northern towpath of the canal has restricted access and is going to be reinforced could be to the site's advantage. Other noteworthy points in terms of security are the fact that the store does not stock cigarettes, which are a common target for organised offenders, that staff cycles will be secured stored within the warehouse and that Sheffield hoops are provided for members of the public to secure their cycles. The fully glazed frontage should provide a good level of natural surveillance over a portion of the car park and the coming and going of customers throughout the day should discourage criminal and anti-social behaviour on the car park as a whole. The bulk of any negative attention the site might receive is likely to be outside of operating hours. The police also mention there are a number of alterations/measures the applicant should consider which could reduce the opportunity for offenders to target the site or anti-social behaviour to be attracted to it these are related to site security measures such as CCTV, door shutters and window standards and consideration to gating the site access.

**Cadent (National Grid)** have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.

**United Utilities** have no objections subject to:-

1. Foul and surface water drained on separate systems.
2. Prior approval and implementation of a surface water drainage scheme.
3. The surface water drainage scheme to be in accordance with Standards for Sustainable Drainage Systems.

**Waste Management** advise that the site layout is adequate for waste collection.

The **Conservation Advisory Working Party** is happy with the principle of a supermarket in this location although would prefer if it were slightly smaller and positioned further from the canal boundary. A more robust and characterful design and use of materials is preferable in this location

rather than a standard fits all design and there are examples of this in towns and locations. The landscaping needs improving and should be taller along the canal side edge to screen the car park and concern was raised in relation to the prominence of the car parking at what is a higher level on the canalside. The large sign on top of the South West elevations and the adverts on the side of the building are not appropriate and should be removed from the proposal as they are harmful in this location to the amenity of the character of the Conservation Area. There could be a sign near the canal (and of a more appropriate size) to advertise the store to canal users.

The Council's **Conservation Officer** comments that the application site runs adjacent to the Trent and Mersey Canal Conservation Area. The locks at Hardingswood are distinctive as they are (along with the one at Etruria) known as the top locks of the canal. The junction at Hardingswood is also significant as the Macclesfield Canal runs parallel to the Trent and Mersey Canal at this point before crossing over it at Pool Locks. Adjacent to both canals is the towpath bridge over the Macclesfield Branch which is a Grade II Listed Building. This is opposite the proposal site at high level over the canals and provides views across to the site and along the canal landscape. The site currently has the club building and an additional office building which offer no visual character however by this token, redevelopment offers opportunity. The buildings are currently some distance away from the canal edge and the new development brings the large supermarket building close to the canal edge including the associated car parking and landscaping. There are no 'in principle' objections to a store on this site, but she would prefer a better quality of design which responds better to the local environment and vernacular given its location close to significant canal side location. The part of the building facing the canal will also be the back of the building and its servicing screened by fencing. There should be challenge to the applicants to engage their architects to consider the context and achieve a better design and materials for the location. There are strong objections to the size and location of the signage particularly on the South West elevation. This should be removed from the proposal. In addition the large pictures on the side of the elevation serve no purpose to invite people into the store and a more interesting building would be a better proposal. An access onto the canal towpath is encouraged, which might encourage canal users into the store as well.

The **Lead Local Flood Authority** comments that the submitted Flood Risk & Drainage Assessment concludes that the development will be at low flood risk and demonstrates that an acceptable Drainage Strategy can be achieved as part of the proposed development. Subject to a condition requiring prior approval of a detailed drainage scheme there are no objections.

The **Landscape Development Section** object to the scheme. In doing so they note it is disappointing that it is proposed to remove all existing trees from the site. Of particular merit is the large weeping willow tree on the boundary with Hardingswood Road which is a prominent feature of the site and consideration should be given to its retention. Little space has been allowed for tree planting to mitigate the tree loss, and it is proposed to replace the approximately 12 most prominent trees with only 7.

They also comment that the development has a poor relationship with the adjacent Hardingswood Conservation Area. A significant mass of trees on the southern boundary that currently provide a backdrop to the Conservation Area will be lost, to be replaced by a single tree in the south western corner of the site. Other planting in this area is to be limited to groundcover only. Although the triangle of tree and shrub planting in the south eastern corner will provide partial screening, the service and external plant areas have very little in the way of a buffer with the Trent and Mersey Canal. Trees are important to the boundaries of this section of the Conservation Area. It is also questionable the retention of existing fencing on this boundary.

Consideration should be given to improving the pedestrian access from Liverpool Road. Permission should be subject to submission of a Tree Protection Plan to BS5837:2012 for the trees on the rail embankment.

**Kidsgrove Town Council, Staffordshire Wildlife Trust** and the **Health and Safety Executive** have not responded by the due date and therefore it can be assumed that they have no comments to make upon the application.

### **Representations**

Some 256 letters of representation have been received. A summary of the objections made is as follows:

- The application doesn't address the safety of pedestrians moving along Second Avenue or crossing bridges.
- There is a conflict of interest with members of the Working Men's Club commenting.
- The development will create excessive amounts of traffic and result in unacceptable danger to road users.
- There are long standing complaints about increased traffic through Second Avenue and Hardingswood Road which the Lidl development would exacerbate. A 'one way road' or 'no through road' would be an option.
- The canal bridges on Hardingswood Road close to the application site is an existing dangerous spot for road users and additional traffic will exacerbate this problem leading to further highway safety issues.
- There is no need for a new store.
- The existing road network is too narrow.
- Wing mirror damage to vehicles parked on Second Avenue is a persistent issue which would be made worse by additional traffic.
- The loss of a visually significant tree is detrimental to the area.

Of the letters received the majority 250 are in support of the application. A summary of the supportive comments is as follows:

- The proposal will improve the local area.
- There would be more traffic and strain on the area if houses are built
- The supermarket use is not harmful to highway safety.
- The new store will help keep food prices low.
- The proposal will pay for a new smaller Working Men's Club which is of significant benefit to the community. The new social club will be located more centrally in the Town, and is therefore more accessible as a result.
- The existing club is in a poor state of repair.
- The store will be in a convenient place.
- The club will create new jobs.
- The new store will bring additional shoppers to the town.
- The new store will provide greater shopping choice.

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Highways Technical Note
- Arboricultural Technical Assessment
- Air Quality Assessment
- Planning and Retail Statement
- Coal Mining Risk Assessment
- Phase 1 Investigation Report
- Statement of Community Involvement
- Transport Assessment and Travel Plan
- Noise Impact Assessment
- Ecology Statement
- Flood Risk Assessment
- Car Park Light Assessment
- Design Review Panel Comments
- Design and Access Statement
- Planning and Retail Statement

All of these documents are available for inspection as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00916/FUL>



Background papers

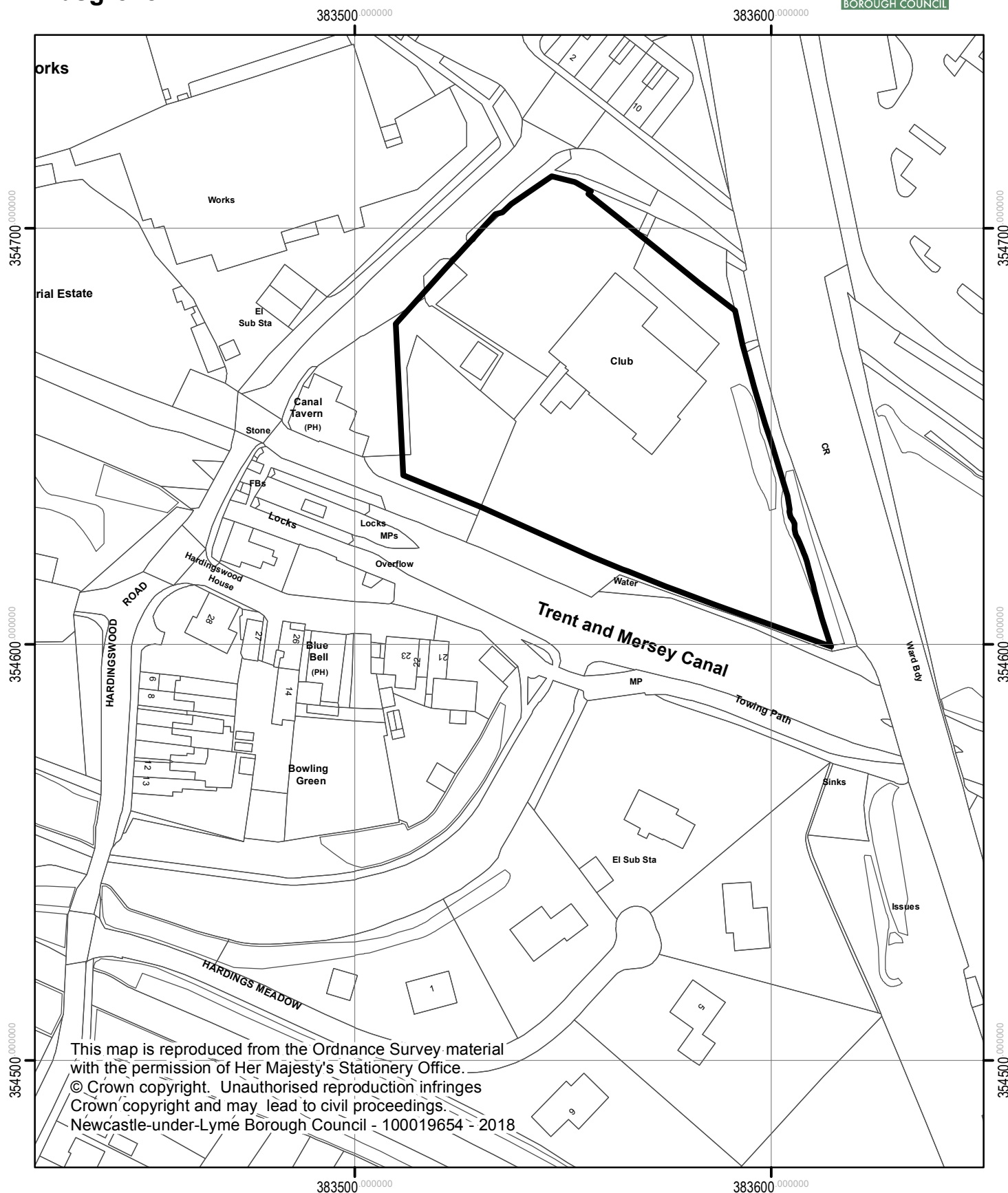
Planning files referred to.  
Planning Documents referred to.

Date report prepared

3rd\_May 2019

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**Kidsgrove Working Mens Club & Institute**  
**Hardingswood Road**  
**Kidsgrove**



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**NEWCASTLE-UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE**  
**THE SCHOOL GOVERNORS**

**19/00042/FUL**

The application is for full planning permission for an extension to the existing school sports centre to form a new sports hall and formation of a new car park with new vehicular access point off Lancaster Road. The proposals include the recladding of an existing building.

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

This application was reported to Committee on the 26<sup>th</sup> March but a decision was deferred to allow consideration/submission to amendments to the design/external appearance of the proposed building to ensure it is not harmful to character of the Conservation Area.

**The 13 week period for the determination of this application expired on the 18<sup>th</sup> April 2019 but the applicant has agreed to extend the statutory period until 31<sup>st</sup> May 2019.**

**RECOMMENDATION**

**Permit, subject to conditions relating to the following matters:-**

- **Commencement time limit**
- **Approved plans**
- **Method statement for construction of the proposed footpath**
- **Submission of a schedule of works for retained trees**
- **Construction phase Tree Protection Plan**
- **Landscaping scheme**
- **Hours of construction**
- **Piling**
- **Noise management scheme**
- **Assessment of plant noise**
- **Lighting scheme**
- **Electric vehicle charging**
- **Completion of the access**
- **Provision of parking and turning areas**
- **Location of gates**
- **Details of secure weatherproof cycle parking**
- **Additional parking within the school grounds to be available for use during netball competitions**
- **Events hosted by sporting bodies external to the school to be restricted to outside of school hours**
- **Construction Management Plan**
- **Facing and external surfacing materials**

**Reason for Recommendation**

The principle of the development is acceptable and it is not considered that there would be any adverse impact on the character and appearance of the Conservation Area. Subject to the imposition of conditions, there would be no impact on trees, highway safety or residential amenity.

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

Officers have worked with the applicant to address issues and the application is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

## **Key Issues**

Full planning permission is sought for an extension to the existing school sports centre to form a new sports hall and formation of a new car park with new vehicular access point off the highway.

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

This application was reported to Committee on the 26<sup>th</sup> March but a decision was deferred to allow consideration/submission of amendments to the design/external appearance of the proposed building to ensure it is not harmful to character of the Conservation Area.

Concerns have been raised by the occupiers of properties on the opposite side of Victoria Road regarding loss of light but given the intervening landscaping and the distance between the dwellings and the proposed building, it is not considered that there would be any significant adverse impact on residential amenity. The Landscape Development Section (LDS) raised no objections to the plans as originally submitted and it is not considered that the revised plans raise any further issues. A detailed landscaping scheme has been submitted in an attempt to avoid the imposition of a condition requiring the later submission of a scheme, but the LDS raises a number of issues with that scheme. It is considered therefore that a landscaping condition remains necessary if approval is granted.

The main issues in the consideration of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the scale and design of the building acceptable, particularly with regard to its impact on the character and appearance of the Conservation Area?
- Is the level of car parking proposed acceptable and would there be any adverse impact on highway safety?

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

The proposed sports hall would be constructed on an existing hardcourt area marked out for three tennis courts and two netball courts and the new access and car parking area would be sited on part of the existing playing field, as well as on the site of two existing buildings which would be removed.

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England has been consulted on the application and has responded to say that that they have considered the application in light of paragraph 97 of the NPPF and against their own playing fields policy which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- All or any part of a playing field, or
- Land which has been used as a playing field and remains undeveloped, or
- Land allocated for use as a playing field

unless in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions’.

Sport England states that the existing hard court area is not considered to be physically or functionally linked to the playing field area and therefore falls outside their statutory remit. Whilst the new access and car parking area would encroach onto the playing field, they are satisfied that the proposal meets exception E3 of their playing fields policy in that:-

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

On this basis, Sport England does not object to the application and therefore it is not considered that an objection could be sustained on the grounds of loss of part of the playing field.

Is the scale and design of the building acceptable, particularly with regard to its impact on the character and appearance of the Conservation Area?

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF 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.

Paragraph 193 of the NPPF states that 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.

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. 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.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.

- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

The building would be constructed on existing tennis courts adjacent to the school's current sports hall and swimming pool. To the south of the site is a track that is used predominantly by vehicles accessing the sports facilities.

In relation to the scheme as originally submitted, concerns were expressed by both residents and Members of the Committee regarding the design of the building and the impact on the Conservation area in particular. That building was to have a simple pitched roof and the elevations were to comprise facing brickwork up to a height of approximately 3m with vertical timber boarding above on the north and south elevations and with mid grey standing seam cladding above on the east and west facing elevations. The design was influenced by the Urban Vision Design Review Panel (UVDRP) who considered the proposal at pre-application stage. The Panel recommended a simple building form with a pitched roof and a limited materials palette.

A revised scheme has been submitted and it is this that the Council must now determine. The design is similar to that considered by UVDRP at the pre-application stage with a curved vaulted roof designed to soften the southern elevation and the south-western corner of the building. The western elevation would comprise untreated vertical timber cladding above a facing brick base to blend with the tree canopies of Stubbs Walks. Relief would be provided to the uniformity of the elevation with the introduction and rhythm of narrow strips of black ceramic coated glass which would subtly reflect the adjacent tree canopies. The timber cladding would wrap around from the western elevation to part of both the north and south elevations. The eastern elevation would comprise facing brickwork at low level with louvre screening above the main entrance.

The existing sports hall has a two-tone profiled cladding which is faded and dated and therefore, the proposal includes the recladding of that building so that the appearance closely matches that of the new sports hall.

A new car park comprising 30 spaces is proposed which would be accessed from Lancaster Road. A cobbled strip is proposed immediately before the gates and the section between the gates and the parking bays would be finished with resin bound gravel. The car park would be lit by four column light fittings which would be a simple design and black in colour.

The Design & Access Statement provides a justification for the scale of the building. It is stated that the sports hall would provide a premier netball court along with court markings for 2 netball practice courts as well as courts for badminton and tennis. The level of accommodation has been driven by the School and Newcastle Netball Club and in turn the minimum size requirements for the courts. The existing sports hall is too small to accommodate a premier netball court and a new sports hall is the only alternative. The scale of the building in terms of both its floor plan and height has been entirely driven by the minimum size requirements for premier standard netball facilities.

The topography of the site falls considerably from east to west so when viewed from Lancaster Road, the building would be set down significantly below the road level. From Victoria Road, views of this part of the school are limited due to the mature trees and certainly in summer months when the trees are in full leaf, views of the building will be limited in key views along the pathway networks to and from the Church to the north. The curved roof and the rhythm of the design on the western elevation are considered to provide visual interest and the materials palette is considered appropriate. In particular, on the western elevation, the red brickwork at low level will match the existing swimming pool and the vertical timber cladding will provide a softer finish that will integrate well with the mature trees in Stubbs Walk. It is considered therefore that the scale and design of the building would be acceptable and that there would be no adverse impact on the character and appearance of the Conservation Area to justify a refusal.

Is the level of car parking proposed acceptable and would there be any adverse impact on highway safety?

Concerns have been expressed by some local residents regarding the impact of additional traffic and increased pressure on parking which it is considered will increase congestion and the risk of



accidents. The proposal includes the provision of a new car park to comprise 30 additional parking spaces. The car park would predominantly be used for the existing School staff and pupils and therefore will help to alleviate pressure on the surrounding roads caused by on-street parking. Any netball events at the new facility would be out of normal school hours and therefore, both the existing main school car park and the new car park would be available for use to avoid additional on-street parking. The Highway Authority raises no objections to the proposal subject to the imposition of conditions.

Although not recommended by the Highway Authority, it is considered that conditions requiring the existing parking within the school grounds to be available for use during netball competitions and requiring events hosted by sporting bodies external to the school to be restricted to outside of school hours would ensure that on-street parking issues are not exacerbated. Subject to conditions, it is not considered that an objection could be sustained on the grounds of impact on highway safety.

## 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 SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation

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

Policy T16:	Development – General Parking Requirements
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

### **Other Material Considerations include:**

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

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

#### [Planning Practice Guidance \(2014 as updated\)](#)

#### [Supplementary Planning Guidance/Documents](#)

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

#### Relevant Planning History

There have been numerous applications for planning permission at the School but the most relevant are as follows:

12/00181/FUL	Extension and alterations to sports block	Approved
11/00379/CON	Erection of 15m high floodlighting mast to school sports fields	Approved
11/00378/FUL	Erection of 15m high floodlighting mast to school sports fields	Approved
99/00856/FUL	Proposed astroturf sports facility with screen fencing and illumination	Approved
96/00089/FUL	Extension to link sports hall, changing room and swimming pool with entrance hall and ancillary rooms	Approved

#### Views of Consultees

**Historic England** does not wish to offer any comments.

Regarding the scheme as originally submitted, the Council's **Conservation Officer** made the following comments:

- The surrounding streets are residential and large characterful villas characterise the area as well as terraces on a grid iron street pattern.
- The requirement for a large sports hall is set out in the applicant's case and the building's size, character and appearance is dictated by these requirements.

- The position of the proposed building is on the part of the school which houses the sports facilities including the swimming pool and an existing sports hall.
- Views of this part of the school are limited due to the mature trees and landscape and this is shown and set out within the Conservation Area Appraisal for Stubbs Walk (2016).
- The Walks allow for linear views along the pathway networks and views are more limited across the park into the school grounds. However this shows how important the management and landscaping is.
- Two trees have been lost and should be replaced to enable this character to be retained and to minimise the impact of this part of the school. The comments by the Landscape Development Section are noted and concerns about the creation of a gap through tree loss which would serve to increase any impact that the proposed building might have on the character and appearance of the Conservation Area when viewed from Victoria Road.
- It is unfortunate that the nature of the proposed building does not allow for feature glazing which would have provided light and interest along the lines of the examples shown in the applicant's submission.
- The simplification of the west elevation in line with Urban Vision's comments may be a step too far. Whilst a well-executed standing seam material can be effective, this key elevation might perhaps look better if it were timber clad or had some feature picture windows to reflect the landscape.
- High quality materials and workmanship will help to adjust this building into the landscape along with positive planting and landscaping of the school grounds and the public park. Certainly in summer months when the trees are fully in leaf, views of the building will be limited with key views along the pathway networks to and from the church. There may be some limited (less than substantial) harm to this small part of the Conservation Area but this will be limited and the palette of materials will help to mitigate its appearance.

Regarding the revised plans, the **Conservation Officer** supports the amendment as the curved roof and the rhythm of the design on the west elevation helps to provide some visual interest, albeit with simplicity. High quality materials and workmanship will help to adjust this building into the landscape along with positive planting and landscaping of the school grounds and the public park.

Regarding the plans as originally received, the **Conservation Advisory Working Party** accepted that the clean and modern approach was the best way to mitigate the impact of the large building. The simpler the building the more invisible it will become. The issue of the rainwater goods was raised and the assumption made that they must be internal as well as the importance of dealing with run off, especially on the timber elevation. The issue of signage and directions for the new facility was also raised.

Regarding the revised plans, the Working Party considers that the proposal sits better in the landscape than the previous scheme. The basis for the changes was acknowledged. There is however a concern that the design is not a cohesive one in that two distinctive approaches have been taken to the various elevations – with the western and southern elevations being treated markedly differently from the eastern elevation. More details about the external materials, for example the treatment of the external timberwork, the choice of brick, and the handling of rainwater are required and conditions will need to address these matters. Noting the access ladder onto the roof of the building as indicated on the elevational details, steps should be taken to bring any further additions to it within the scope of planning control. On balance the Working Party has significant reservations about the proposal but it does not oppose it.

**Sport England** raises no objections on the grounds that the proposal accords with Exception 3 of their policy and meets their objective of providing new opportunities to meet the needs of current and future generations.

The **Landscape Development Section** has no objection in principle subject to submission of a method statement for construction of the proposed footway adjacent to the western elevation of the building, submission of a schedule of works for retained trees and a Tree Protection Plan. Concerns are raised regarding access to the western façade of the building and all work must be carried out without access to the Construction Exclusion Zone. Detailed comments have also been received regarding the submitted landscaping scheme.

The **Highway Authority** has no objections subject to conditions regarding completion of the access, provision of parking and turning areas, gates to be located 5m rear of the site boundary and to open away from the highway, details of secure weatherproof cycle parking and submission of a Construction Management Plan.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, piling, a noise management scheme, assessment of plant noise, lighting scheme and electric vehicle charging.

The **Crime Prevention Design Advisor** states that the new gates and fencing will provide a reasonable deterrent to intrusion but states that attention should be paid to intruder-resistant qualities of external doorsets of the new hall. It is noted that the access track is made of compacted material, some of which is loose and the applicant should be mindful that damage can be inflicted on buildings by offenders using loose stones.

The Council's **Waste Management Section** makes no comments.

The **Lead Local Flood Authority** has no objections.

**Cadent** states that there is apparatus in the vicinity which may be affected so developers are required to contact their Plant protection Team for approval before carrying out any works on site.

No comments have been received from the **Newcastle South Locality Action Partnership**. Given that the period for comments has expired it must be assumed that they have no comments to make.

#### Representations

Letters have been received from 39 **supporters** stating that the development will provide Newcastle with a facility that will enable the delivery of sports to the residents of the borough and will help with the health and well-being of residents. It will enable Newcastle Town Netball Club to extend and enhance its delivery of netball programs. The redesign appears more in keeping with the local area and there is plenty of parking on site.

A petition of 51 signatories has been received along with letters from 34 **objectors**. A summary of the objections made is as follows:

- Design of the building and its impact on the Conservation Area
- Overbearing and out of character in this area
- Height of the building and impact on residential properties due to blocking the light of the rising sun
- Additional traffic and increased pressure on parking will increase congestion and risk of accidents
- Impact on trees
- Too close to the boundary of Stubbs Walks to allow any meaningful landscape treatment
- The drainage scheme is not sustainable and will result in rainwater that currently is available to the trees in Stubbs Walk and Victoria Road being diverted
- The revised plan still has no visual interest

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design, Access and Heritage Statement and Addendum
- Arboricultural Report
- Tree Report – Ash Tree
- Design Review Report

All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00042/FUL>

Background papers

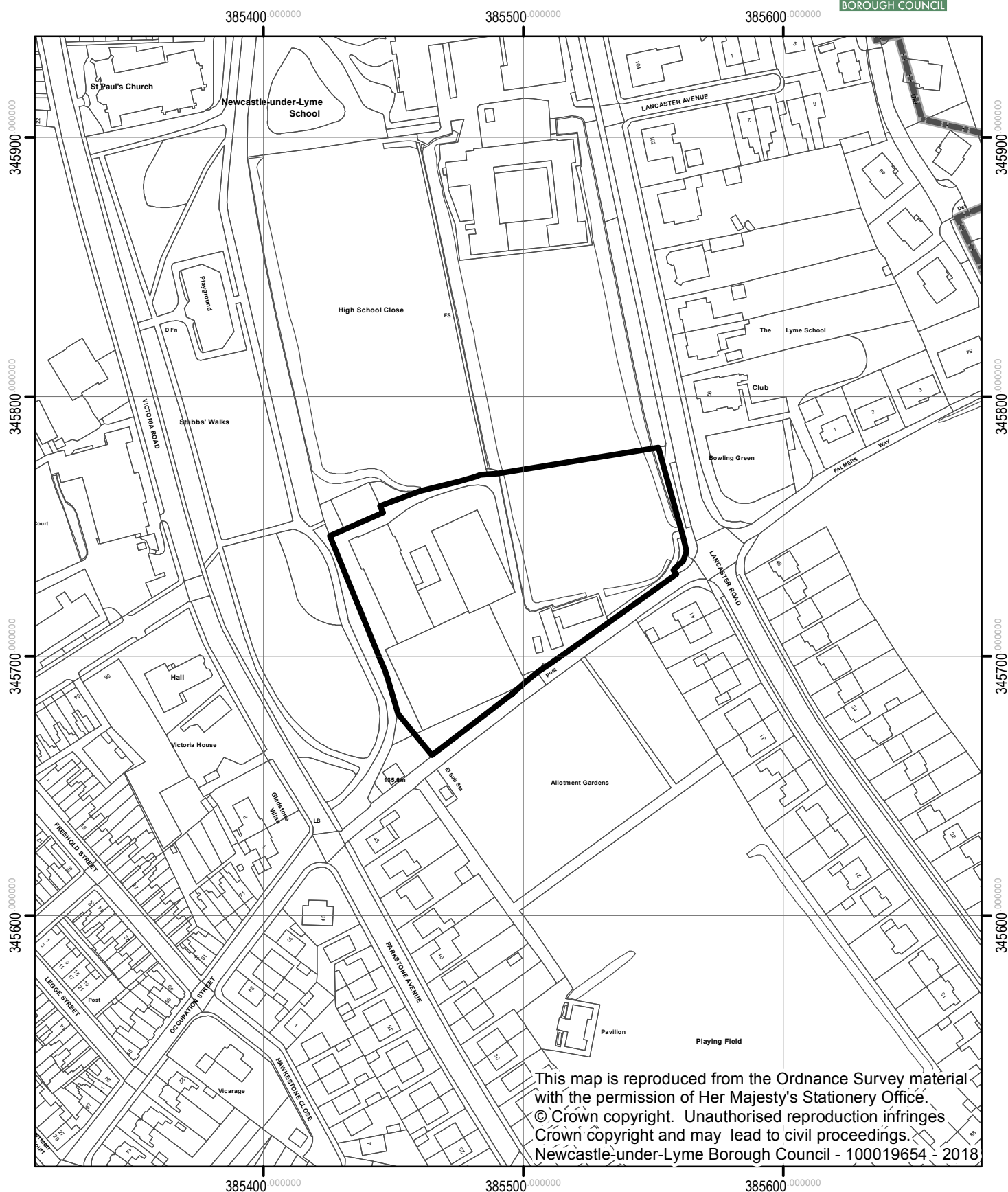
Planning files referred to  
Planning Documents referred to

Date report prepared

8<sup>th</sup> May 2019

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# Newcastle under Lyme School adjacent to Victoria Road



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**LAND ADJACENT TO KEELE UNIVERSITY, UNIVERSITY AVENUE, KEELE UNIVERSITY  
KEELE HOTEL DEVELOPMENTS LTD AND KEELE UNIVERSITY SCIENCE AND BUSINESS  
PARK LTD** **19/00203/REM**

The application is for the approval of reserved matters for the erection of a 150-bedroom hotel, car parking and associated infrastructure. Additional car parking is also proposed for the University. The hotel is to be a 'Courtyard by Marriott' brand.

The reserved matters submitted for approval are all the matters of detail comprising access, appearance, landscaping, layout and scale.

This application for approval of reserved matters follows the granting of an outline planning permission for buildings accommodating academic functions; staff and student residences; employment uses directly related to or complementary to the University's core activities; and Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods (Refs. 05/01146/OUT and 17/00934/OUT). The original consent also granted full planning permission for various engineering works that include the creation by cut and fill of levelled plots, some hard and soft landscaping and the creation of the road network serving these plots. Those works were all undertaken.

The site is part of that allocated on the Local Development Framework Proposals Map for employment/higher education-led development (Proposal E8). The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

**The 13 week period for the determination of this application expires on the 21<sup>st</sup> June 2019.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following:-**

- 1. Link to outline planning permission and conditions**
- 2. Approved drawings**
- 3. Materials**
- 4. Provision of access, parking, turning and servicing areas**
- 5. Provision of staff cycle parking store**
- 6. Details of cycle parking for visitors**
- 7. Travel Plan**
- 8. Recommendations of the Wardell Armstrong Arboricultural Impact Assessment to be followed**
- 9. Submission of Arboricultural Method Statement**
- 10. Updated Tree protection Plan**
- 11. Approval of line of footpath link to Keele Road**
- 12. EV charging points and infrastructure**

**Reason for Recommendation**

The proposed hotel use is considered to comply with the terms of the outline consent. Subject to the imposition of conditions the details of access, appearance, landscaping, layout and scale are considered acceptable and the hotel would be a positive landmark development. The proposed development therefore accords with the development plan for the locality indicated below and there are no material considerations which would justify a refusal of this reserved matters submission.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

### **Key Issues**

The application is for the approval of reserved matters for the erection of a 150-bedroom hotel, car parking and associated infrastructure. Additional car parking is also proposed for the University. The reserved matters submitted for approval are all the matters of detail comprising access, appearance, landscaping, layout and scale.

This application follows the granting of an outline planning permission for buildings accommodating academic functions; staff and student residences; employment uses directly related to or complementary to the University's core activities; and Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods (Refs. 05/01146/OUT and 17/00934/OUT). The original consent also granted full planning permission for various engineering works that include the creation by cut and fill of levelled plots, some hard and soft landscaping and the creation of the road network serving these plots. Those works were all undertaken.

The site is part of that allocated on the Local Development Framework Proposals Map for employment/higher education-led development (Proposal E8). The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The main issues for consideration in the determination of this application are:-

- Does the proposed hotel use comply with the terms of the outline consent?
- Are the siting and design of the hotel acceptable and would there be any significant adverse impact on the character and appearance of the area?
- Would there be any impact on the existing trees and is the submitted landscaping appropriate?
- Is the level of car parking proposed acceptable?

### **Does the proposed hotel use comply with the terms of the outline consent?**

The outline planning permission for the wider development site gave consent for the following uses:

- a) Academic functions
- b) Staff and student residences
- c) Employment uses directly related to the core activities of Keele University as a University and uses complementary to such activities (including, without prejudice to the generality of the foregoing, conferences, training, retail, and leisure for use of students, staff, conference delegates and their visitors and in the case of leisure facilities, for the wider community (for the avoidance of doubt the phrase "their visitors" to relate to all of the uses in this paragraph)
- d) Uses within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, (and for the avoidance of doubt this shall include research and development activities, experimental testing or assembly operations) with the exception of the manufacture or storage of large tonnages or mass production of goods.

This list of uses accords with the terms of Policy E8 of the Local Plan which identifies the site as forming part of an area where development at Keele University and Keele Science Park will be permitted so long as it is limited to one or more of the listed uses.

The proposed hotel use is stated by the applicant to be integral to the evolution and longevity of the University supporting existing university functions and visitors allowing it to continue to flourish as a destination of choice.

Although no conference facilities are proposed, the hotel would be for use, in part, by students, staff, conference delegates and their visitors and therefore is considered to be directly related to the activities of the University. As such, the proposed hotel use is considered to come within the scope of the terms of the outline consent.

Are the siting and design of the hotel acceptable and will there be any significant adverse impact on the character and appearance of the area?

Consent is sought for a six-storey hotel comprising a reception, restaurant/bar, meeting rooms and fitness suite on the ground floor with five floors above comprising 150 bedrooms.

The outline planning permission, 17/00934/OUT, was supported by Design Guidance and a condition of the permission specified that any reserved matters coming forward for approval shall comply with that Design Guidance.

The proposed building would be within Zone A in the Guidance. Zone A is the northern part of the wider site and the Guidance states that to respond to its more direct relationship with the Medical School, Innovation Centres and University Campus, Zone A's infrastructure has been implemented in a more overtly urban manner. It states that buildings within this zone will need to have regular, defined and active frontages, with hard and soft landscaping also reflecting the order and rhythm. Building forms will need to respond to urban opportunities and features such as junctions of routes, activity nodes and important visual axes. It states that it is important that building heights appear consistent as this formality is an essential part of Zone A's character.

The building has been orientated at 45 degrees to both the main road into the Campus from the A525 Keele Road and the spine road through the new Phase 3 site. The application states that it has been positioned in such a way to ensure the following:

- Access towards to the hotel from within the campus is on the oblique thus improving the dynamic and visual properties of the building form.
- The building mass responds positively with the junction at Keele Road and University Avenue and provides a balance with the Medical Research Building.
- The building mass is minimised towards the north-east, thus reducing visual impact from the adjacent Green Belt.
- The highly glazed ground floor accommodation is south facing assisting with energy efficient design whilst also breaking up what could be a standard hotel 'slab block' elevation.
- Deep overhangs provide solar shading to the highly glazed south facing façade at ground level.
- The public 'front of house' has been orientated to be highly visible when viewed upon approach to the building.

In consideration of the proposal at the pre-application stage, the Urban Vision Design Review Panel (UVDRP) expressed concerns regarding the location of the hotel set back from the spine road through Phase 3 creating a gap in the built frontage. The applicant has responded stating that the proposed siting would create a 'gateway' development ensuring maximum visibility of the hotel at the junction of Keele Road and University Avenue, and that the form and siting would create a balance with the Medical Research Building on the opposite side of University Avenue. Your Officer concurs with the applicant's response and considers that the siting is appropriate.

The proposed materials would comprise a combination of 2 shades of buff facing brickwork with large expanses of curtain walling (glazing) below aluminium rainscreen cladding with punched openings demonstrating a regular window pattern and rhythm. The cladding is proposed in three shades of green. The application states that these elements combined with changes in colours tied to the surrounding landscape provide significant visual interest to the hotel building. The Design and Access Statement states that the proposed hotel design creates an appropriately rich and diverse character within the wider site and facilitates the creation of a high-quality place with a strong identity that positively enhances the overall character and image of the University. It goes on to state that high quality materials subtly blend contemporary, innovative architecture into the context of the adjoining landscape character and ensure a robust, durable and easily maintained building.

In considering the pre-application proposal which included panels in 4 shades of green, 2 shades of yellow/gold and a red feature panel, UVDRP suggested that a more muted colour palette would allow the building to sit more restfully within its landscape context. The applicant has responded by reducing the variety of colours to 3 shades of green. Your officer remains concerned that the proposed colours are too vibrant and would be inappropriate within this landscape. The applicant has confirmed their agreement to a darker more recessive colour and subject to a condition requiring agreement of the panel and brick colours, your Officer is satisfied that the proposed materials are acceptable.

The site, as formed under the terms of the original outline consent, is relatively level with a very gradual slope up from north to south of approximately just a metre. The principal roadway into the University due west of the site is approximately 4m above that part of the site where the building would be whereas the site is at a similar level to the A525 Keele Road to the north. The main part of the building would be 19.7m in height with the central vertical element extending to 22m high.

A scheme for a hotel of a similar scale was allowed on appeal in 2011 (Ref. 10/00631/REM). In that case, the hotel was to be sited on an east-west axis with its long elevation parallel with the A525 Keele Road and the building was to be 22.8m in height. In allowing that appeal, the Inspector acknowledged that the site represents a unique gateway location and was satisfied that that building would be no higher in profile than the Medical Research Facility Building or IC3 or 4. In considering the impact of the building in the wider landscape, the Inspector stated that the tree belt provided by Rosemary Hill Wood would significantly screen the hotel from the town centre and Cemetery Road and the proposal would be no more prominent in the landscape than the existing IC3 and 4 buildings on the other side of the access road.

The height of the building as proposed is considered to be acceptable in this location and any objection to its height would be inconsistent with the Planning Inspector's decision to allow the previous proposal for a six storey hotel of a greater height than that now proposed.

A footpath/cycle link is proposed from the A525 Keele Road into and through the site. UVDRP were unconvinced as to the desirability, position and requirement for such a cycle and pedestrian route but your Officer considers that subject to there being no harm to the trees, such a link is both desirable and appropriate

The siting, design and materials are considered to be appropriate in this location and it is considered that the building would provide a positive focal point in a prominent position at the main vehicular entrance to the University.

#### Would there be any impact on the existing trees and is the submitted landscaping appropriate?

There is a belt of existing trees to the north of the site and an avenue of protected lime trees to the west. The limes would not be impacted by the proposals but the Arboricultural Impact Assessment that accompanies the application states that a small number of early mature trees would need to be removed to accommodate the footpath/cycleway linking the site to Keele Road. The Landscape Development Section raises no objections but states that the line of the footpath should be adjusted to avoid trees and any trees lost should be replaced. Subject to conditions including a requirement for the line of the footpath link to be agreed, it is not considered that there would be any significant adverse impact on the existing trees on the site.

A formal avenue of lime trees is proposed along the access to lead visitors into the site and to mirror the existing avenue of lime trees into the Campus. Ornamental trees are proposed within the car park, formal hedges will frame spaces and separate pedestrian and vehicular areas and ornamental shrub planting will add interest all year round. The planting has been designed to integrate into the current structural landscaping approved in relation to the outline permission.

The Landscape Development Section has no objections to the planting proposals and overall the landscaping is considered appropriate to the development.

#### Is the level of car parking proposed acceptable?

A total of 180 car parking spaces are proposed along with 11 electric vehicle charging points and cycle spaces for 14 staff and 40 visitors. 160 of the parking spaces being provided are for the staff and visitors to the hotel with 20 additional spaces provided for non-overnight guests visiting the University and using the hotel's restaurant.

In relation to this application for approval of reserved matters including access, it is relevant to note that paragraph 108 of the NPPF states, inter alia, that development should ensure that safe and suitable access to the site can be achieved for all users and paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Paragraph 110, inter alia, states that applications for development should create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Policy T16 of the Local Plan, adopted in 2003, states that development will not be permitted to provide more parking than the levels set out in an appendix. The maximum car parking standards in the Local Plan recommend 1 space per bedroom for hotels which in this case would equate to 150 spaces. As stated above, 180 spaces are proposed but given the scale of the use proposed and the relatively small number of additional spaces proposed, the level of car parking is considered appropriate and should not undermine longer term efforts to achieve modal shift through Travel Planning.

Although the Highway Authority has requested a Section 106 contribution towards travel plan monitoring, this is an application for the approval of reserved matters following the granting of the outline consent and it is not appropriate to request such a contribution at this stage. In any event, a contribution towards travel plan monitoring was secured at the outline stage.

## 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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

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

Policy E8: Keele University and Keele Science Park  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas  
Policy T16: Development – General Parking Requirements

### **Other Material Considerations include:**

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

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

#### [Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

#### Relevant Planning History

- 05/01146/OUT (A) Full planning permission for engineering operations including plateau formation, earthworks, layout of road network, cyclepaths and footpaths, drainage works and other ancillary works  
(B) Outline planning permission for development for (a) academic function's; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved
- 10/00631/REM The siting, design and external appearance of a conference, training, and leisure hotel (outline permission for which was granted under reference 05/01146/OUT), the means of access to its site from the road network and the internal landscaping of its site - Refused and subsequently allowed on appeal
- 17/00934/OUT Proposed development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core

activities including conference, training, retail and leisure - for the use of students, staffs, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved

#### Views of Consultees

The **Environmental Health Division** has no objections.

The **Highway Authority** has no objections subject to the imposition of conditions requiring the provision of the access, parking, turning and areas in accordance with the approved plans, submission of a travel plan, provision of staff cycle parking store in accordance with approved plans and submission of details of cycle parking for visitors. A Section 106 contribution is requested towards travel plan monitoring.

The **Landscape Development Section** has no objections to the planting proposals. All recommendations of the Wardell Armstrong Arboricultural Impact Assessment should be followed and permission should be subject to submission of an Arboricultural Method Statement and updated Tree Protection Plan. These should take account of the proposals to increase ground levels outside of the application site and any amendments necessary to the balancing pond. Adjustments should be made to ensure that no existing trees are compromised. The submission should also provide details in relation to the footpath link to Keele Road. Some changes in level will be necessary to minimise the path gradient at the northern end however the remainder should be of 'no-dig' construction. The exact line should be adjusted to avoid trees and any trees lost should be replaced.

The **Waste Management Section** is concerned that the service access does not include any turning area for the collection vehicle. The length of reverse required is significant and will be through a parking area frequented by pedestrians. The hotel would need a trade refuse contract on place adequate to acceptably manage the waste generated on site.

The **Police Crime Prevention Design Advisor** states that it is apparent from the Design and Access Statement that crime prevention and security have been seriously considered. The design suggests there should be very good levels of natural surveillance from the hotel over the external public space and the cycle parking. Public access to the hotel appears to be limited to the main hotel entrance and the restaurant entrance and informal policing and natural surveillance will be supplemented by CCTV. It is suggested that the applicant considers the following:

- The emergency exit doors should be restricted for that use only
- There should be the ability for management to lock the building down should the need arise
- Subtle yet effective hostile vehicle mitigation measures should be used to prevent vehicles approaching and striking the building

The views of **Keele Parish Council** have been sought, however as they have not responded by the due date it is assumed that they have no comments.

#### Representations

One letter of representation has been received stating that the proposal is a dramatic improvement on the original proposal. The site is an important one for the Borough and the University and for a motorist approaching Newcastle from the west the hotel will be the first major indication of the presence of both. It is important that the avenue of lime trees is retained.

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Drainage Strategy

- Vehicle Tracking Statement
- Reptile Survey Report
- Great Crested Newts Survey Report
- Arboricultural Impact Assessment
- Photo views

All of these documents are available for inspection at the Guildhall 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/19/00203/REM>

**Background papers**

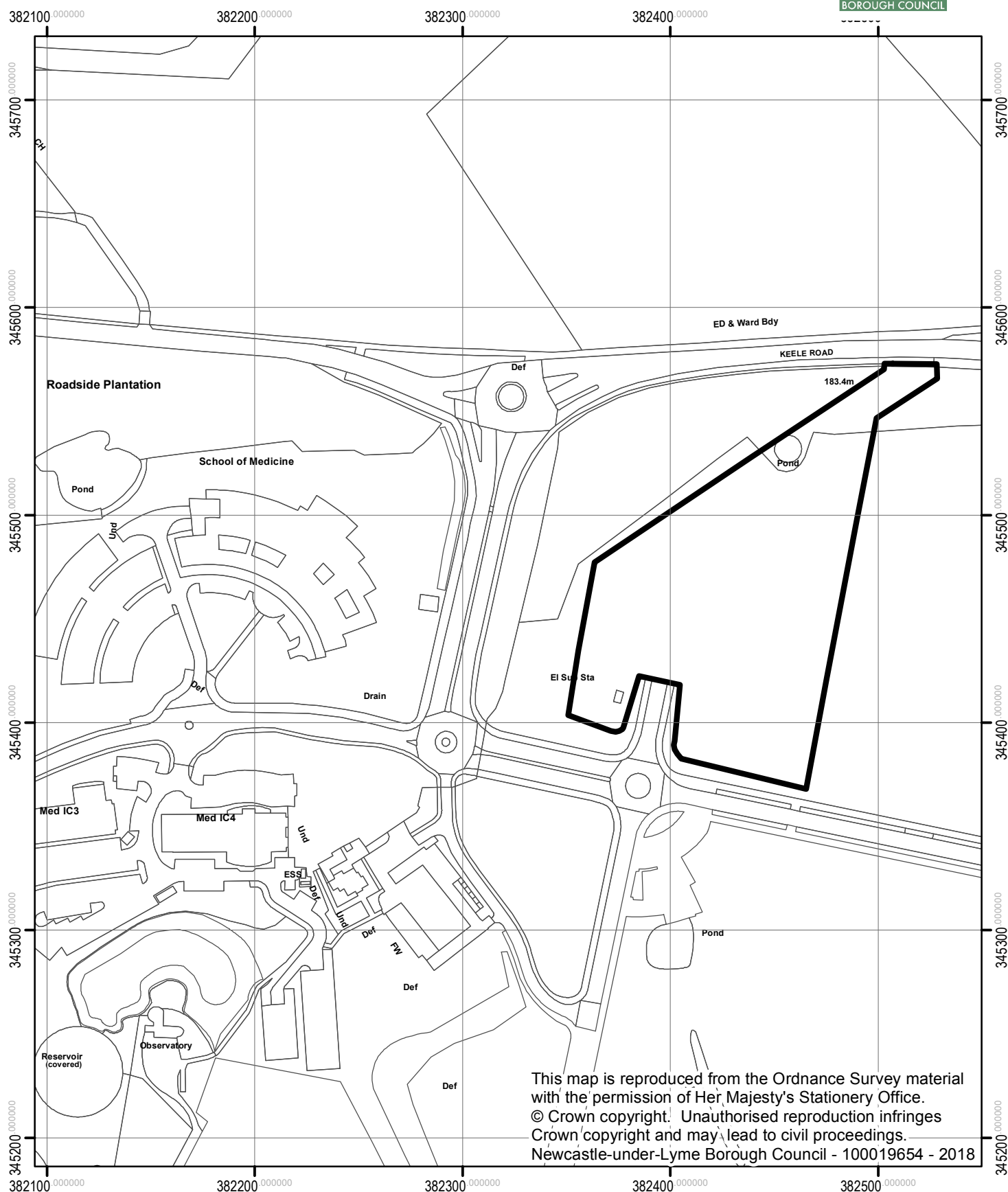
Planning files referred to  
Planning Documents referred to

**Date report prepared**

8 May 2019



# Land Adjacent To Keele University, University Avenue, Keele University.



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**ST JAMES CHURCH, CHURCH STREET, AUDLEY**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**19/00231/DEEM3**

The application is for the reconstruction and repair of an existing boundary wall along the north west boundary of St James Church, Audley.

St James Church is a Grade II\* listed building within the village envelope of Audley and is also located within the Audley Conservation Area, as indicated by the Local Development Framework Proposals Map. The boundary walls running along the north west boundary, adjacent to Church Street, are also a Grade II\* listed structure.

**The statutory 8-week period for the determination expires on the 5<sup>th</sup> June 2019.**

**RECOMMENDATION**

**Subject to any comments received from the National Amenity Societies being taken into consideration**

**Permit, subject to the following conditions relating to;**

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**

**Reason for Recommendation**

The development would preserve the special character and appearance of the Grade II\* Listed Church, and subject to the works being carried out in accordance with the submitted details, it is considered that the works would comply with policies B5, B6, B9 and B10 of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, and the guidance and requirements of the National Planning Policy Framework 2019. The views of the National Amenity Societies have been sought and any comments that are received will therefore need to be taken into consideration, however,.

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

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application seeks full planning permission for the demolition and repair of 3 sections of the boundary wall to the Grade II\* listed St James Church. These structures are also considered to be Grade II\* listed in their own right.

The alterations and repairs to the boundary wall do not require listed building consent as the Church is subject to a "Faculty" system which means that the special architectural and historic interest of the structure will be taken into account by the church system.

The site is located within the Village of Audley and is also within the Audley Conservation Area.

The main issue for consideration in the determination of this application is;

- Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area?
- Is there any harm to trees?

Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area?

The application proposes to demolish two sections of wall referred to as wall sections A-A and C-C within the submitted documents and plans. Works to wall section B-B, will be remedial and will only involve the repair, rebedding and re-pointing of the existing brickwork and copings.

The NPPF emphasises that Local Authorities should recognise that designated heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded, whilst Policies B6 and B5 of the Local Plan state that the Council will resist alterations or additions to a listed building that would adversely affect its setting, character and architectural or historic features.

Wall section A-A to be replaced comprises the far left-hand section of wall, the length of which runs 20m from the steps adjacent to Church Bank along two bays of wall to the brick pier on the right. Here the wall consists of a smooth hard red engineering type facing brick, capped off with blue clay brick copings; a more recent addition that is likely to have been constructed within the last twenty years.

This particular section of wall is leaning towards the pavement and displays a very large vertical crack at the corner with the foot of the steps. For this section it is proposed to demolish and rebuild the wall from similar facing materials. In order to provide stability the wall will be constructed on a reinforced concrete foundation with an inner block wall.

From this point, the next section of wall is not proposed to be demolished and will instead be repaired and made good (wall section B-B). This section is located directly to the left hand side of the main stepped entrance, and extends 15m to the first brick pillar adjacent to section A-A. Along this section of wall all loose bricks will be rebedded in a lime mortar with all open joints repointed. The blue brick copings will be removed throughout the length, redressed and re-laid on the walls in a suitable mortar. Some additional copings will be obtained to match and used for the missing areas. Clarification was sought from the Conservation Officer on the composition of section B, as the drawings and heritage statement refer to brickwork, yet this area is actually made up of a mixture of original stone and brickwork. The architect has confirmed that this is the case, and any condition should be carefully worded to ensure that appropriate matching materials for each section are utilised.

Finally, wall section C-C is located to the right of the main stepped entrance and the extent that is to be replaced extends 2.1m. As with wall section A-A, this section of wall will be replaced with redressed/new facing brickwork that will be laid in a lime mortar with foundations as described for wall section A-A.

Consultation with Historic England has raised no comments in relation to the works. The Council's Conservation Officer is satisfied with the approach being taken, and subject to a condition to secure appropriate materials, raises no objections to the scheme.

The Council's Conservation Advisory Working Party (CAWP) supports the like for like replacement and repair works. They have noted that the requirement for an Archaeological Watching Brief is likely to be justified given the close proximity of graves to the development site. Whilst comments from the County Archaeologist are outstanding at this stage, it is agreed that such a condition would be a reasonable requirement. Whilst it has been suggested that stone or a higher quality brickwork should be utilised in Section A, it is not considered reasonable to request such an alteration when the works proposed are considered to preserve the character of the listed building and the conservation area.

The works proposed are considered to be an acceptable solution to ensure that the structural integrity of the boundary wall is reinstated whilst continuing to safeguard the character and significance of this heritage asset. Therefore subject to appropriately worded conditions to secure samples and specifications of the facing materials prior to the commencement of the development together with

any necessary archaeological conditions, it is considered that the proposal would preserve the special historic interest of this Grade II\* listed building and the wider Audley Conservation Area. It is noted however, that the views of the National Amenities Societies (listed below), who are statutory consultees for this application given that it relates to a Grade II\* listed building, have not been received and the date for them to comment had not expired when this report was prepared. Any comments that are received will therefore need to be taken into consideration and a supplementary report will therefore be provided

#### Is there any harm to trees?

Policy N12 of the Local Plan notes 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. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

Criterion vi) of Policy B10 notes that trees and other landscape features that contribute to the character or appearance of the area should be protected.

It is accepted that the boundary wall is currently structurally unstable and is a considerable safety risk given its proximity to the adjacent footpath. In order to secure the structure temporary measures have had to be implemented to prevent its collapse.

It has been indicated that the structural faults and cracking in relation to Section A-A are largely linked to the presence of a large mature tree which is proposed to be removed to ensure that the repair works will be an effective, long term solution. Therefore on this occasion it is considered that the need to remove the tree for safety reasons, and to ensure that the long term stability of the structure is safeguarded, will outweigh the harm associated with its removal.

There are various mature trees located along the length of the boundary wall, and within close proximity to the sections that are to be repaired and replaced as part of the proposal. However, no further trees are proposed to be removed and given the largely unobtrusive works required on sections B-B and C-C; these trees should be capable of retention.

Whilst it is considered that the safety implications would outweigh the need to retain the mature tree, the comments of the Landscape Department are outstanding at the moment, and any response shall be reported through a supplementary report prior to the committee.

## **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 CSP2: Historic Environment

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

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

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 N12: Development and the Protection of Trees

### **Other material considerations include:**

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

[Planning Practice Guidance](#) (PPG) (2018)

Relevant Planning History

92/00233/LBC - Rebuilding of gable end – Approved

94/00717/COU - Change of use to burial ground of land adj churchyard – Approved

Views of Consultees

**Audley Parish Council** resolved to support the application and noted that the work needed to be carried out as soon as possible

**Historic England** was consulted but did not wish to offer any comments on the application.

The **Urban Design and Conservation Officer** notes that the wall is deemed to be a dangerous structure and is currently temporarily propped. The officer is happy with the approach taken in the application with the main historic stonework shown to be carefully raked out and repointed. The sections of wall that have to be taken down are damaged by tree roots and will eventually fall down if they are not taken down. The officer recommended that replacement bricks should be conditioned.

The **Conservation Advisory Working Party (CAWP)** approves the replacement of like for like. They note that the proposal drawings in respect of Section B-B were not specific as to what was proposed. In relation to Section A-A, it was suggested that consideration should be given to replacing it in stone or a higher quality brick. The mortar should not be cementitious and provision should be made for expansion joints and drainage. Technical advice should also be taken with respect of the impact of the works on trees, although the Working Party recognises that following investigation there may be tree loss. A condition requiring an Archaeological Watching Brief is likely to be justified given the close proximity of graves to the works. The applicant should also consider railings on top of the wall if there is a significant safety issue.

**Cadent/National Grid** note that low or medium pressure gas pipes and associated equipment has been identified within the vicinity of the proposed works. The applicant's attention should be drawn to the requirements set out in the response before any works are undertaken.

The views of the following have been sought and any comments received will be reported:

- Landscape Development Section
- Staffordshire Wildlife Trust
- Twentieth Century Society

- Victorian Society
- Georgian Group
- Council for British Archaeology
- Ancient Monuments Society
- Society for Protection of Ancient Buildings
- County Archaeologist
- Diocesan Advisory Committee

#### Representations

None received.

#### Applicant/agent's submission

The application has been supported by a Heritage Design and Access Statement. The submitted documents and plans are available for inspection on the Councils website by searching under the application reference number 19/00231/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00231/DEEM3>

#### Background Papers

Planning File  
Development Plan

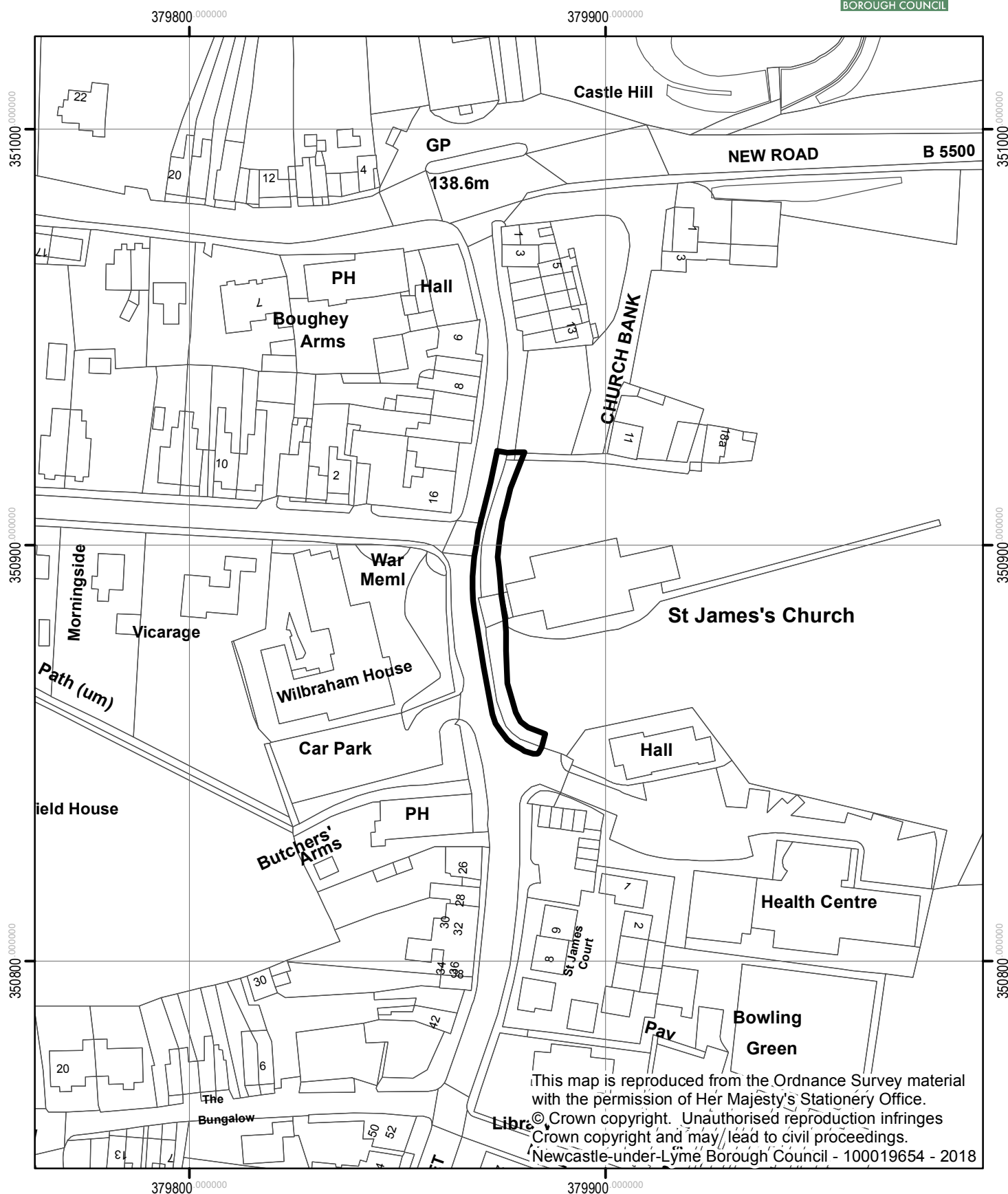
#### Date report prepared

2<sup>nd</sup> May 2019

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## St James Church, Church Street, Audley.



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**BETLEY COURT FARM, MAIN ROAD, BETLEY**  
**MR AND MRS F SPEED**

**19/00183/FUL**

The application is for full planning permission for the conversion and extension of the existing brick built farm building to holiday let accommodation at Betley Court Farm, which is located beyond the village envelope of Betley within the open countryside on land designated as Green Belt and An Area of Active Landscape Conservation (policy N18), as defined by the Local Development Framework Proposals Map.

The site is also located within the Betley Conservation Area and within the 500m buffer of the Betley Mere Site of Special Scientific Interest (SSSI).

**The 8 week determination period expired on the 9<sup>th</sup> May but the applicant has agreed and extension of time to the statutory determination period to the 24<sup>th</sup> May 2019.**

**RECOMMENDATION**

**Permit with the following conditions**

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Restriction to use as a holiday let**
- 4. Sample facing and roofing materials**
- 5. Joinery details – doors and window frames**
- 6. Window reveals**
- 7. Boundary treatments**
- 8. Archaeological building recording**
- 9. Electric vehicle charging provision**
- 10. Parking area provision**

**Reason for Recommendation**

Whilst the proposed development represents inappropriate development within the Green Belt it would result in a limited amount of additional harm to the openness of the Green Belt and the purposes of including land within the Green Belt to that which currently exists. Any harm would be outweighed by the benefits, namely the acceptable design and the enhancement to the conservation area and landscape and the development supporting sustainable rural tourism. It is therefore considered that very special circumstances exist that justify approval of planning permission.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework and no amendments or further information were necessary.

**KEY ISSUES**

The application seeks full planning permission for the conversion and extension of the existing brick built farm building to holiday let accommodation at Betley Court Farm, which is located within the open countryside on land designated as Green Belt and an area of active landscape conservation (policy N18), as defined by the Local Development Framework Proposals Map.

The site is also located within the Betley conservation area and within the 500m buffer of the Betley Mere SSSI.

No objections to the application have been received from the Environmental Health Division and Highway Authority, subject to conditions which are considered necessary to make the development acceptable.

The key issues in the determination of this planning application are therefore as follows:

- Is the proposal appropriate or inappropriate development in the Green Belt and if inappropriate, do the required very special circumstances exist to justify approval?
- Does the proposal comply with policies on the re-use of rural buildings which include the achievement of sustainable development objectives?
- Is the design acceptable and would there be any adverse impact on the character and appearance of the Betley Conservation Area and Historic Environment? And
- Would there be any adverse impact on the Betley Mere SSSI?

#### Appropriate or inappropriate development in the Green Belt?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 146 states that certain 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. One of the exceptions listed is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The NPPF further indicates in paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposal is to convert and extend the single storey former piggery building into holiday let accommodation. The extensions would result in a new roof, which would extend over and enclose an existing open yard to provide internal living accommodation.

The existing building is of a permanent and substantial construction and the proposed extensions would enclose the existing open yard area, which would increase the footprint and volume of the building. The increase in footprint and volume is considered to result in a disproportionate addition over and above the size of the original building which is modest in scale.

Therefore, the proposed development represents inappropriate development within the Green Belt and should not be approved except in very special circumstances.

#### Compliance with policies on the re-use of rural buildings which include the achievement of sustainable development objectives?

The NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Paragraph 83 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings, promote agricultural and land based rural businesses, support sustainable rural tourism, and promote the retention and development of local services.

Policy E12 of the Local Plan is concerned with the conversion of rural buildings for new employment purposes. Policy H9 indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises. It lists a series of criteria that include the

requirement that the building does not require reconstruction, extension or substantial alteration and its form bulk and general design is in keeping with its surroundings.

A holiday let is considered to be a business use. The building is structurally sound and the design of the conversion is considered in the section below.

In terms of sustainability, the building is located outside of the village envelope of Betley but is within walking distance of the services and amenities of Betley. There are also public transport opportunities nearby.

The proposal involves the re-use of an existing building and it is not uncommon for holiday lets to be located in rural locations. It is considered that the use of this redundant building for tourist accommodation is a form of use that would have positive benefits for the rural economy and the proposal would sympathetically bring back into use this building. It is therefore considered that the proposal complies with general policies on the reuse of rural buildings and on balance it is considered that refusal on such grounds could not be sustained.

Is the design acceptable and would there be any adverse impact on the character and appearance of the Betley Conservation Area and Historic Environment?

At paragraph 193, the NPPF states that 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. 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. This follows the duty that is placed upon the Local Planning Authority in the exercise of planning functions with respect to any buildings in a Conservation Area, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 124 of the 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.

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Policies B9, B10 and B13 of the Local Plan all concern the prevention of harm to Conservation Areas, and the requirement to preserve or enhance their character. The policies of the Urban Design SPD reflect the aims of the Local Plan Policies, which are consistent with the aims of the National Planning Policy Framework.

The application site is part of an historic farmstead containing a number of agricultural buildings, which are not listed but are included on the Register of Locally Important Buildings.

The works of conversion and extension of the building would bring it back into use. Many of the existing features of the building will be protected, including the feeding troughs. The courtyard, bounded by brick walls, would be incorporated into the building through the addition brick to extend the height of the existing walls and the introduction of a pitched roof above. Whilst a different design approach could have been adopted which would have retained the essence of this courtyard it is nevertheless considered that the building works are sympathetic to the character and appearance of the building. Conditions which secure appropriate facing and roofing materials are necessary, as is the window frames and doors. The Conservation Officer has requested a window reveal of at least 50mm or to match the existing windows on site, which is also considered appropriate and acceptable. Boundary treatments will also need to be clarified.

The Staffordshire County Councils Historic Environment Team has requested that an archaeological building recording Level 2 should also be secured via condition.

Subject to conditions, the proposed development would not harm the character and appearance of the conservation area and the design is acceptable.

Would there be any adverse impact on the Betley Mere SSSI?

Paragraph 175 of the National Planning Policy Framework (NPPF) sets out that development on land within or outside a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect on a SSSI should not normally be permitted. An exception should only be made where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest. Ramsar sites are afforded the same protection.

The application site is within close proximity to Betley Mere Site of Special Scientific Interest (SSSI).

The proposal is for the conversion and extension of an existing building within a complex of existing buildings and the associated hardstandings.

Natural England (NE) has been consulted on the proposal but no comments have been received.

On balance, due to the nature and scale of the proposed development it is not considered that any significant adverse harm would be caused to the SSSI and the proposal accords with the guidance and requirements of the NPPF.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF details at paragraph 144 that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The conversion and extension would bring back into use a disused building. The principle of the conversion to holiday let accommodation is acceptable and the proposal would enhance this part of the conservation area and landscape in general. In addition there are economic benefits arising from tourist accommodation and the introduction of rural tourism developments in a sustainable location is supported with the NPPF.

The building is located within a complex of buildings and the proposed accommodation to be created is not considered excessive. Therefore, by extending and enclosing the yard area the harm to the openness of the Green Belt would not be significant.

It is considered that the above represent the very special circumstances that are required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

## **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 SP3:	Spatial Principles of Movement and Access
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 H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy S3:	Development in the Green Belt
Policy H9:	Conversion of Rural Buildings for Living Accommodation
Policy E12:	The Conversion of Rural Buildings
Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Considerations
Policy N18:	An Area of Active Landscape Conservation
Policy B8:	Other Buildings of Historic or Architectural Interest
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

### **Other Material Considerations include:**

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

The buildings associated with Betley Court Farm have been the subject of various planning applications over recent years which has resulted in them being converted to various commercial uses.

#### Views of Consultees

The **Councils Urban Design and Conservation Officer** advises that the development is generally sensitive in its approach and the retention of the feeding troughs is supported. A more lightweight infill would have retained the appearance of the courtyard feature and would have been preferable. The applicant has been encouraged to contact the County Council Archaeology department to get their views on recording the building prior to any work being undertaken. Conditions to secure samples of the bricks and the windows to be recessed at least 50mm are advised.

The access door is annotated on the plan to be half glazed but the elevation shows a blank doorway. This needs clarifying and details submitted. Also the access way to the alley where the hot tub will be shows a boundary feature but not sure if this is a fence and gate.

The **Conservation Advisory Working Party (CAWP)** raises no objections to the principle of the scheme if the details can be kept simple because simplicity is essential to retain the character of the existing building. They also support the retention of the feeding troughs but would like the building to be properly recorded prior to any development taking place.

**Staffordshire County Council Historic Environment Team** advises that there is the potential that the proposals would result in an adverse effect upon the archaeological interest of the proposed development site. Consequently they recommend archaeological mitigation to be secured via condition involving the implementation of an approved scheme of archaeological investigation.

The **Highway Authority** raises no objections subject to the parking area being available prior to the building being brought into use.

The **Environmental Health Officer** has no objections subject to conditions regarding electric vehicle charging provision.

Comments were also invited from **Betley, Balterley and Wrinehill Parish Council**, the **Landscape Development Section** and **Natural England** but in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

None received.

#### Applicant's/Agent's submission

The application is accompanied by the requisite plans, as structural survey, a Heritage Statement and a Planning Statement.

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00183/FUL>

#### Background papers

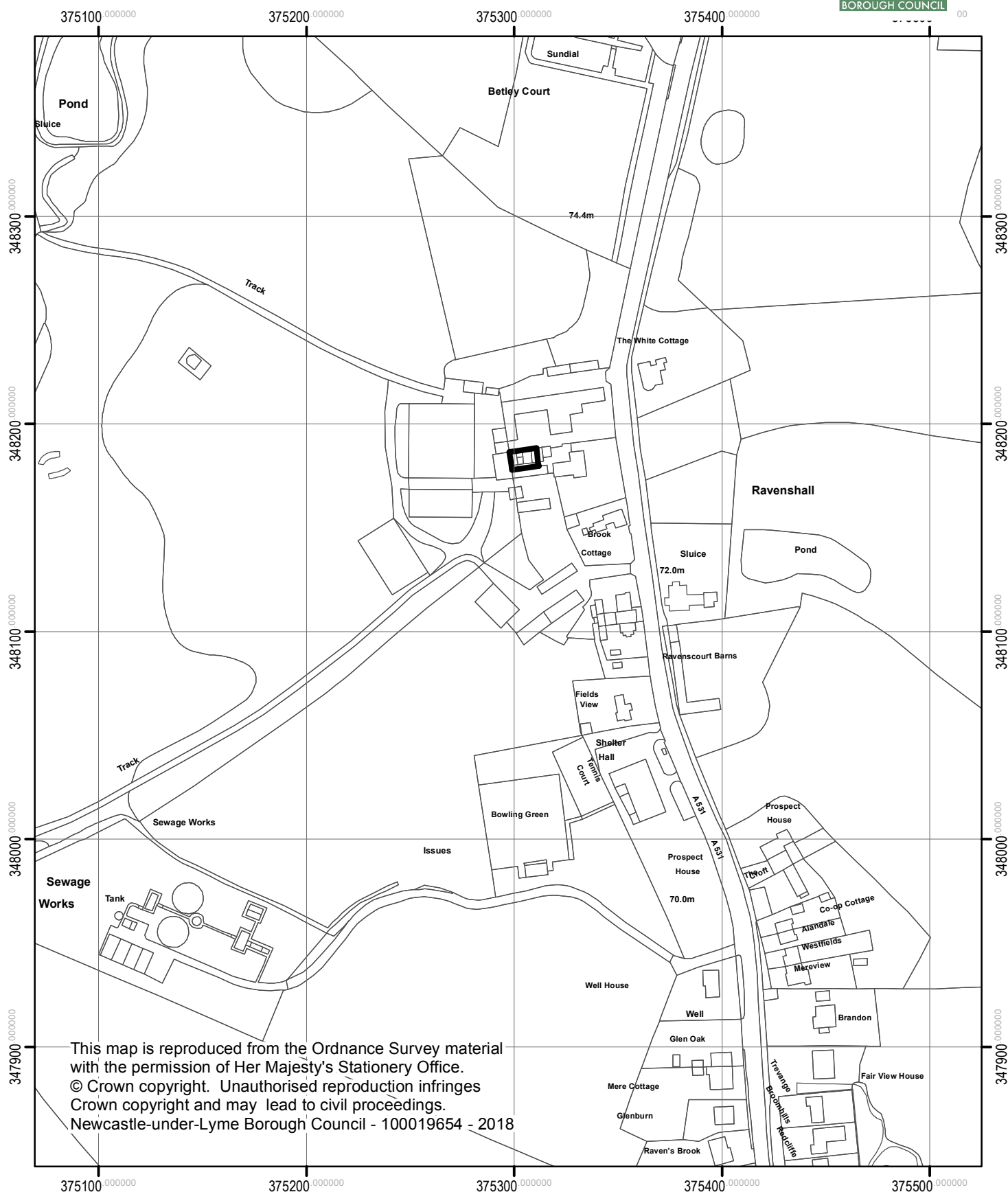
Planning files referred to  
Planning Documents referred to

#### Date report prepared

8<sup>th</sup> May 2019



## Betley Court Farm, Main Road, Betley.



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## **Planning Committee site visit dates for 2019-20**

It has been the practice of the Committee to annually agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary at a meeting of the Committee.

The likely dates of Planning Committee meetings, to which Development Management items are likely to be brought, are known. It is recommended that the Committee should now agree to a programme of dates upon which the Planning Committee visits will be held during the 2019/20 municipal year. Members are reminded that the policy of the Committee is that in the event of a site visit being held, only members who have attended the site visit may then take part in the discussion and determination of the application which has been the subject of the site visit.

Date of Planning Committee at which decision to hold a site visit is made	Date of site visit	Time of site visit
Tuesday 18 June 2019	Thursday 11 July 2019	6.15pm
Tuesday 16 July 2019	Thursday 08 August 2019	6.15pm
Tuesday 13 August 2019	Thursday 05 September 2019	6.15pm
Tuesday 10 September 2019	Saturday 05 October 2019	9.15am
Tuesday 08 October 2019	Saturday 02 November 2019	9.15am
Tuesday 05 November 2019	Saturday 30 November 2019	9.15am
Tuesday 03 December 2019	Saturday 04 January 2020	9.15am
Thursday 07 January 2020	Saturday 01 February 2020	9.15am
Tuesday 04 February 2020	Saturday 29 February 2020	9.15am
Tuesday 03 March 2020	Saturday 28 March 2020	9.15am
Tuesday 31 March 2020	Thursday 23 April 2020	6.15pm
Tuesday 28 April 2020	Thursday 21 May 2020	6.15pm
Tuesday 26 May 2020	Thursday 18 June 2020	6.15pm

If any additional meetings of the Planning Committee, to which Development Management items are brought, being held, it will be necessary in the event of the meeting agreeing to defer an item for a site visit, to also agree at that meeting an appropriate date and time for that site visit

## **Recommendation**

**That the above list of dates and times for possible Planning Committee site visits for 2019/20 be agreed**

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**APPEAL BY MR AL PROPERTY AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A CHANGE OF USE FROM CAR PARK TO INDUSTRIAL STORAGE AT CAR PARK OPPOSITE TALKE WORKING MENS CLUB, COALPIT HILL, TALKE**

<b><u>Application Number</u></b>	<b>18/00066/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refusal, in accordance with officer recommendation, by Planning Committee 24<sup>th</sup> April 2018</b>
<b><u>Appeal Decision</u></b>	<b>Appeal dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>8<sup>th</sup> April 2019</b>

## **The Appeal Decision**

The Inspector identified the main issues to be (i) the effect of the appeal proposal on sustainable modes of transport with particular regard to the bus stop location and (ii) whether the absence of information with regard to the operation and site layout of the appeal proposal would have significant highway safety implications for users of the highway including pedestrians.

In dismissing the appeal the Inspector made the following comments:-

### *Sustainable modes of transport*

- The intention is to use the site as an external industrial storage yard in connection with the adjoining London Hoist Limited site. The nature of the proposed use would mean that Heavy Goods Vehicles (HGVs) would require access to the appeal site.
- The widening of the existing access on Coalpit Hill is required to provide adequate visibility splays. However, the existing bus stop would then have to be relocated as it currently sits almost in the middle of the proposed widened access.
- The bus service is a regular service to Hanley, Kidsgrove and Newcastle and the bus stop is in an optimum location with a pavement and leads to the wider residential development particularly the housing to the rear of the appeal site.
- The suggested alternative location on Swan Bank is not acceptable to the bus operator who has indicated that there is no suitable alternative location and removing the bus stop may affect the viability of the service.
- The loss of the bus stop in this location would severely restrict the mobility of bus users particularly the elderly and less mobile. The potential loss of the bus service altogether would have more serious consequences in terms of accessing facilities for shopping and would have social mobility implications.
- The proposal would be contrary to Policy SP2 of the Newcastle-Under-Lyme and Stoke-On-Trent Core Spatial Strategy 2006-2026 (the Core Strategy) which refers, amongst other matters, to priority being given to developing sites which are well located in connection to existing neighbourhoods and infrastructure.
- It would also be contrary to Paragraph 110 of the Framework which states, amongst other things, that development should give priority first to pedestrian movements both within the scheme and neighbouring areas and secondly to facilitate access to high quality public transport with layouts that maximise the catchment area for bus services.

### *Highway Safety*

- It is proposed that HGVs turn right into the site and exit left.
- Proposed operations would involve 12 metre rigid HGV vehicles and 16.5 metre HGV articulated vehicles accessing the site. Gates would be sited 12 metres from the highway. The length of vehicles means that if the gates are closed there could be vehicles obstructing the highway if the vehicle has turned into the site entrance while

the gates are shut. It is not considered that the location of the gates and the setback can be adequately dealt with by condition particularly in this location on a hill and a bend.

- No details have been provided of specific areas for loading, unloading and storage of materials. Whilst the submitted drawings show swept paths for the vehicles to turn in forward gear, the absence of marked areas for storage and unloading may mean that proposed turning areas will not be kept clear which could result in vehicles reversing in and out which would be particularly dangerous in this location.
- The appeal proposal includes ten car parking spaces. Whilst the appeal site would be run in conjunction with the existing London Hoist limited and there would be some parking there, it is not clear how that would work. The sites are on different levels and there are no details of the parking capacity on the other site, how the adjoining site operates or how the sites would operate together when they are on different levels. Insufficient parking space on the appeal site may lead to vehicles parking on the front of the site, which could lead to additional highway safety issues particularly with HGV vehicles entering and leaving the site. There is therefore limited information as to why such a significant parking space reduction would be appropriate here.
- The appellant has stated that the whole of the site can be used for storage however the site is not particularly large and is constrained on at least two sides by residential development. The appellant's noise report refers to vehicle and associated activities taking place approximately 10m from property boundaries and this represents a further constraint on the internal layout and supports the need for detailed information.
- It is therefore concluded that in the absence of information with regard to the operation of the site and details of the site layout, the appellant has failed to demonstrate that the appeal proposal would not result in significant highway safety implications for users of the highway.
- The proposal would therefore be contrary to Policy T16 of the Local Plan which requires amongst other things, that parking provision of significantly less than the maximum will not be permitted if this would create a traffic problem. It would also be contrary to the principles of the Framework particularly paragraph 109 which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

### **Recommendation**

That the appeal decision be noted.

## Planning Committee 21<sup>st</sup> May 2019

### QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

The last report was brought to the Planning Committee at its meeting on the 26<sup>th</sup> February 2019. 3 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

### RECOMMENDATION

**That the information be received.**

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Residential Development on site of the Former Silverdale Colliery</p> <p>Non-compliance with condition B8 of outline planning permission 06/00337/OUT which requires the provision of 2 Locally Equipped Areas for Play (LEAPs) and 1 Neighbourhood Equipped Area for Play (NEAP) as integral parts of the development</p>	25.04.17	<p>Following refusal of a planning permission to vary a condition of the permission which would have removed the requirement to provide a second Locally Equipped Area for Play (LEAP) on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.</p> <p>Details of a revised play area were subsequently received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018.</p> <p>Consideration was been given to the provision of a NEAP (Neighbourhood...) during which it became apparent that there are different views as to what has or has not been approved. The developer's position is that details of the NEAP as provided on site were submitted and approved within the reserved matters application Following consideration of the reasonableness of the Council taking a different line to the developer, the considerable time that has elapsed after the provision of that play area, and the nature of the documentation relating to the permissions in place it was decided, under the delegated authority provided by the resolution of the Planning Committee of the 24<sup>th</sup> April 2017, that it would not be expedient to take enforcement action in relation to any breach of planning control in relation to the NEAP.</p> <p>A site visit has been undertaken and all the approved equipment has been provided within the second LEAP. It has, however, been established that benches shown on the approved plans have not been installed.</p>	<p>Contact developer to secure installation of benches and request information in respect of post installation inspections.</p>



Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Initially regarding unauthorised use of land for the siting of a mobile home.</p> <p>Now non-compliance with the occupancy condition attached to the mobile home</p> <p>14/00036/207C3</p>	<p>5.1.16 &amp; 11.10.18</p>	<p>A personal planning permission (reference N14847) was granted for the siting of a mobile home on this Green Belt site due to the personal circumstances of the applicant at that time. The same restrictions were imposed on a subsequent planning permission (reference N21428) for a larger mobile home. Subsequent attempts by the original applicant to vary or remove the conditions were unsuccessful.</p> <p>It was established that the occupation of the mobile home as a dwellinghouse ceased and on 5<sup>th</sup> January 2016 Planning Committee resolved that enforcement action should be taken. An Enforcement Notice (EN) was subsequently served which, because no appeal was lodged, came into force on 13<sup>th</sup> July 2016.</p> <p>The breach of planning control referred to in the EN was “without planning permission the material change of use of the Land for the storage of a mobile home”. Subsequent visits to the site established that the Notice had not been complied with.</p> <p>On 4<sup>th</sup> January 2017 Planning Committee refused an application (16/00969/FUL) to vary the condition on permission N21428 so that it could be occupied by others. A subsequent appeal was dismissed on 5<sup>th</sup> January 2018. Shortly afterwards the applicant/appellant took ownership of the site and it was later established that the mobile home was being occupied. The breach of planning control referred to in the EN was no longer taking place therefore.</p> <p>A further EN was served on 9<sup>th</sup> November 2018 regarding the occupation of the mobile home in breach of condition 1 of planning permission N21248.</p> <p>An appeal has been lodged and confirmation received that it is valid. It remains the case, however, that ‘start letter’ has not, as yet, been issued and as such the appeal timetable has not been set out.</p>	<p>Await the appeal ‘start letter’ and when received adhere to the appeal timetable.</p>

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Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>and at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Breach of condition 3 of planning permission 14/00610/FUL.</p> <p>18/00251/207C2</p>	7.11.18	<p>Planning application 14/00610/FUL, for the retention of water reservoir, formation of hardstandings and repairs to the existing track was permitted on the 3<sup>rd</sup> December 2014 with 13 conditions. Condition 3 required all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas to cease by 1<sup>st</sup> June 2015.</p> <p>A subsequent application was permitted (reference 15/00521/FUL) extending the period set within the condition a further nine months from the decision.</p> <p>In September 2018 complaints were received that soil was being removed from the site in breach of the condition. Following correspondence from the Council that activity ceased, however further allegations were then received on 2<sup>nd</sup> November.</p> <p>Whilst the removal of the soil has been infrequent such operations and activities at the site are still resulting in a significant and detrimental harm to the residential and there was reason to consider that the breach could happen again. As such it was resolved to take enforcement action.</p> <p>An Enforcement Notice (EN) was served on 22<sup>nd</sup> November requiring the cessation of the removal of soil seven days after the notice took effect. An appeal has been lodged and as such the EN hasn't taken affect. As yet confirmation has not been received that the appeal is valid.</p>	<p>Await the appeal 'start letter' and when received adhere to the appeal timetable.</p>

## Report on Open Enforcement Cases

### Purpose of the Report

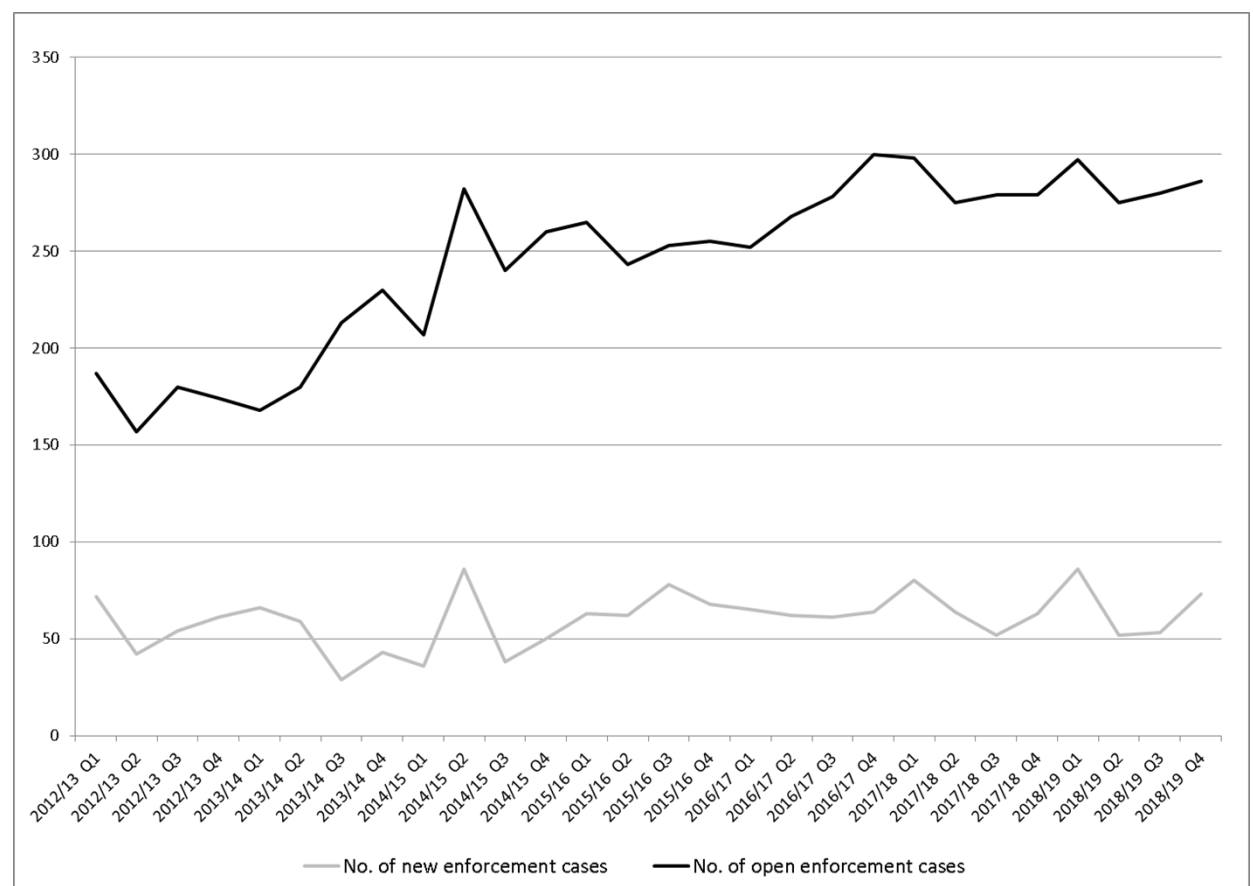
To inform members of the current situation regarding the enforcement caseload.

### Recommendations

- That the report be received
- That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

This report will focus on of the numbers of new and open cases that have been received in the last quarter compared to the numbers in the previous quarter.

In the last quarter (January – March 2019) a further 73 new cases have been reported, more than the previous quarter (53). The current number of open cases is 286. The number of open cases has slightly increased in this quarter given that in the last quarter it was 280. Such figures are illustrated in the graph below.



A number of the cases have associated pending planning applications that are awaiting determination (8 as at 08 May 2019).

### Date report prepared

08 May 2019

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