

# Public Document Pack

**Date of meeting** Tuesday, 13th August, 2019  
**Time** 7.00 pm  
**Venue** Lancaster Buildings, - Ironmarket, Newcastle, Staffs  
**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 - 12)  
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO NORTH OF SHELTON BOULEVARD, THE SOUTH OF NEWPORT LANE AND IN BETWEEN FESTIVAL WAY AND THE A500 (QUEENSWAY), AND LAND AT GRANGE LANE, WOLSTANTON. CITY OF STOKE-ON-TRENT COUNCIL. 17/00834/FUL** (Pages 13 - 30)
- 5 **MATTER OF URGENCY DECISION WITH RESPECT TO CROFT FARM APPEAL** (Pages 31 - 34)
- 6 **APPLICATION FOR OTHER DEVELOPMENT - LAND BORDERING MADELEY POOL, POOLSIDE, MADELEY. NEWCASTLE BOROUGH COUNCIL. 19/00514/DEEM4** (Pages 35 - 40)
- 7 **APPLICATION FOR OTHER DEVELOPMENT - 12, GRANVILLE AVENUE, MAY BANK. MR THOMAS MILLARD. 19/00506/FUL** (Pages 41 - 46)
- 8 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** (Pages 47 - 52)
- 9 **APPEAL DECISION - 80 APEDALE ROAD, WOOD LANE. 18/00640/OUT** (Pages 53 - 54)

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| 10 | <b>APPEAL AND COSTS DECISIONS - LAND OFF WATERMILLS ROAD, CHESTERTON. 18/00017/REM</b>                        | (Pages 55 - 58) |
| 11 | <b>CONFIRMATION OF ARTICLE 4 DIRECTION FOR KEELE CONSERVATION AREA</b>  | (Pages 59 - 60) |
| 12 | <b>5 BOGGS COTTAGE, KEELE. 14/00036/207C3</b>   | (Pages 61 - 62) |
| 13 | <b>LAND AT DODDLESPOOL, BETLEY. 17/00186/207C2</b>  | (Pages 63 - 64) |
| 14 | <b>APPLICATION FOR FINANCIAL ASSISTANCE (Historic Buildings Grant) -TOWER, KIDSGROVE (Ref: 19/20002/HBG).</b> | (Pages 65 - 66) |
| 15 | <b>TREE PRESERVATION ORDER -GREYHOUND GAP, GRINDLESTONE EDGE HOUSE, COBMOOR ROAD, KIDSGROVE. TPO 202</b>      | (Pages 67 - 72) |
| 16 | <b>TREE PRESERVATION ORDER - LAND AT THE OLD VICARAGE, 1 CONGLETON ROAD, MOW COP. TPO 204</b>                 | (Pages 73 - 76) |
| 17 | <b>URGENT BUSINESS</b>  |                 |

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

**Members:** Councillors S. Burgess, Mrs J Cooper, A. Fear (Chair), D. Jones, H. Maxfield, S. Moffat, P. Northcott, B. Proctor, M. Reddish (Vice-Chair), S Tagg, G Williams and J Williams

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

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, 16th July, 2019  
Time of Commencement: 6.30 pm

- Present:-** Councillor Andrew Fear – in the Chair
- Councillors S. Burgess, Mrs J Cooper, H. Maxfield,  
P. Northcott, B. Proctor, M. Reddish,  
S Tagg, G Williams and J Williams
- Officers Head of Planning and Development -  
Guy Benson, Nick Bromley - Senior  
Planning Officer, Geoff Durham - Mayor's  
Secretary / Member Support Officer,  
Jennet Hough - Landscape Officer,  
Trevor Vernon -Solicitor and Darren  
Walters- Team Leader Environmental  
Protection
- Apologies Councillor(s) D. Jones and S. Moffat

**1. APOLOGIES**

Apologies were received from Councillors' Jones and Moffatt.

**2. DECLARATIONS OF INTEREST**

Councillor Jennifer Cooper declared an interest in applications 18/00933/FUL and 18/00934/FUL as an employee of Keele University.

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

**Resolved:** That the minutes of the meeting held on 18 June, 2019 be agreed as a correct record.

**4. APPLICATION FOR MAJOR DEVELOPMENT - HAMPTON'S SCRAP YARD AND ADJACENT FIELD, KEELE ROAD, NEWCASTLE. PERSIMMON HOMES. 18/00656/REM**

Members were advised that this application had been withdrawn.

**5. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00933/FUL**

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

- (i) Commencement of development
- (ii) Approved plans,
- (iii) 25 year temporary consent and Decommissioning Method Statement

- (iv) Removal upon cessation of energy generation if earlier
- (v) Construction Environmental Management Plan
- (vi) Construction Traffic Plan
- (vii) Details of windturbine design, specifications and colour
- (viii) Details of the substation building
- (ix) Details of transformers
- (x) Height of both turbine blades and hubs
- (xi) Direction of rotation of blades
- (xii) External lighting controls
- (xiii) Undergrounding of cabling to compound
- (xiv) Archaeology, as recommended by the County Archaeologist
- (xv) Scheme of planting to reinstate former parkland trees to the south west of Brickkiln Plantation
- (xvi) Keele Conservation Area Management Plan
- (xvii) Shadow Flicker
- (xviii) Noise emissions during construction
- (xix) Noise emissions from turbines
- (xx) Complaints system for noise emissions
- (xxi) Logging of wind speed, direction and power generation date
- (xxii) Aeronautical issues, as appropriate in the light of any comments received from the Ministry of Defence
- (xxiii) Specification for a protected species survey, submission of results and programme of any required mitigation measures
- (xxiv) Breeding birds nest survey specification, submission of results and any mitigation measures
- (xxv) Biodiversity, habitat management and enhancement and additional planting adjacent to Pie Rough woodland
- (xxvi) Trial blade delivery run

**6. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE. KEELE UNIVERSITY. 18/00934/FUL**

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

- (i) Commencement of development
- (ii) Approved plans, with micro-siting allowance
- (iii) 25 year temporary consent and decommissioning method statement requirement
- (iv) Removal upon prior cessation of energy generation if earlier
- (v) Details of materials, specifications and finish of panel, frames, ancillary buildings, battery storage and fencing
- (vi) Max height of solar PV arrays
- (vii) Archaeology, as recommended by the County Archaeologist
- (viii) Temporary construction compound which will involve topsoil and subsoil stripping, storage, and replacement (unless already detailed)
- (ix) Soil stripping, storage and replacement methodology
- (x) hedgerow planting, including to
- (xi) Fencing

- (xii) Details of the substation building
- (xiii) Tree Protection Plan, and an Arboricultural Method Statement
- (xiv) Construction Environmental Management Plan
- (xv) Construction Traffic Management plan
- (xvi) Controls over any external lighting including temporary lighting
- (xvii) Biodiversity, habitat management and enhancement and additional planting adjacent to Pie Rough woodland
- (xviii) Scheme of planting to reinstate parkland trees to south –west of Brickkiln plantation
- (xix) Keele Conservation Area Management plan
- (xx) Specification for a protected species survey, submission of results and programme of any required mitigation measures
- (xxi) Breeding birds nest survey specification, submission of results and any mitigation measures

**7. APPLICATION FOR MAJOR DEVELOPMENT - WOLSTANTON RETAIL PARK, WOLSTANTON. SOUTH TYNESIDE BC. 19/00114/FUL**

**Resolved: (A)** That, subject to the applicant entering into planning obligations by 16<sup>th</sup> September 2019 to secure £2,407 towards travel plan monitoring;

the application be permitted, subject to the undermentioned conditions / informatives relating to the following matters:-

- (i) Commencement time limit
- (ii) Development to be carried out in accordance with the approved plans and supporting documents, unless otherwise required by condition.
- (iii) External facing and surfacing materials.
- (iv) Construction environmental management plan
- (v) Unit to be used for the sale and display of non-food goods (excluding certain goods such as clothing, footwear, CDs, health and beauty, jewellery) other than the sale and display of food and drink for consumption on the premises within a café not exceeding 139m<sup>2</sup>.
- (vi) Noise from plant and mechanical ventilation,
- (vii) External lighting
- (viii) Noise mitigation measures, supported by a noise assessment, regarding delivery and waste collection
- (ix) Cycle parking in accordance with approved details
- (x) Travel plan
- (xi) Car park, servicing and turning areas to be provided prior to the building being brought into use.
- (xii) Security measures for the development, including the cycle parking.
- (xiii) Restrictions on waste collections and deliveries of goods

- Coal Authority informative regarding public safety.
- Cadent informative note that consideration is given to gas pipeline/s identified on the site.
- Informative indicating the desirability of the provision of a bus service to the development.

(B) Should the above planning obligations not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that the development would fail to ensure it achieves sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

**8. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 19/00375/FUL**

**Resolved:** That subject to the applicant's agreement being obtained to any of the following that are pre-commencement conditions, or failing that agreement, further consideration, the application be permitted subject to the undermentioned conditions:

- (i) Link to outline planning permission and its conditions
- (ii) Approved plans
- (iii) Facing and roofing materials
- (iv) Boundary treatments
- (v) Soft landscaping scheme
- (vi) Method Statement for protection, treatment and future management of hedgerows
- (vii) Off site highway works – provision of accesses and to tie in the existing highway & footway on Moss Grove into the carriageway & footway to the development site
- (viii) Provision of visibility splays
- (ix) Surfacing of parking areas
- (x) Surface water drainage
- (xi) Retention of garages for parking of motor vehicles and cycles
- (xii) Footpath link completed
- (xiii) Trees shown as retained shall be retained and protected throughout construction
- (xiv) Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application

**9. APPLICATION FOR MAJOR DEVELOPMENT - LAND EAST OF SHELTON BOULEVARD, STOKE-ON-TRENT. STOKE-ON-TRENT REGENERATION LTD. SOT/63948/OUT(NULBC REF 348/263)**

**Resolved:** That the City Council be informed that the Borough Council has no objections to the proposed development subject to :

- (i) the City Council receiving no objections from the Highway Authority and/or Highways England in respect of any unacceptable impact the developments may have on the A53/A500 junction at Basford Bank and
- (ii) the inclusion of conditions on any permission requiring the provision of electric vehicle charging infrastructure for staff and visitors as recommended by the Borough Council's Environmental Health Division to address issues relating to air quality.

**10. APPLICATION FOR MAJOR DEVELOPMENT - CHERRY HILL WASTE, HIGH CARR FARM, CHESTERTON. CHERRY HILL WASTE. SCC REF: N.19/02/294 MW (NULBC REF 19/00489/CPO)**

**Resolved:** That, subject to Staffordshire County Council being satisfied that there are very special circumstances that justify the granting of planning permission for inappropriate development in the Green Belt as they clearly outweigh the harm of the proposed development, including that arising from its impact on the openness of the Green Belt and includes conditions in any planning permission which secure the building being finished in a dark green colour, then the County Council be informed that the Borough Council raises no objections to this planning application.

**11. APPLICATION FOR MINOR DEVELOPMENT - ROSEDENE, MOSS LANE, MADELEY. MR ROY WILD. 19/00347/OUT**

*Councillor Gary White spoke on this application.*

*Moved by Councillor Northcott and seconded by Councillor Tagg.*

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

The proposed development represents an inappropriate overdevelopment of the site by virtue of the number of dwellings proposed which would harm the character and appearance of the area.

**12. APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS. ELAN HOMES LIMITED. 19/00409/FUL**

- Resolved:**
- (i) That, Subject to the applicant agreeing to extend the statutory period to 19<sup>th</sup> August and entering into a planning obligation by 16<sup>th</sup> August that preserves the Council's position in respect of obligations secured prior to the grant of permission 18/00314/FUL, permit the variation of condition 2 to list the revised plans and subject to the imposition of all other conditions attached to planning permission 18/00314/FUL that remain relevant at this time.
  - (ii) Failing completion by the date referred to in the above resolution (i) of the above planning obligation, that the Head of Planning given delegated authority to either refuse the

planning application on the grounds that in the absence of a secured mechanism the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured

**13. APPLICATION FOR MINOR DEVELOPMENT - FORMER SAINSBURY'S SITE, LIVERPOOL ROAD, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 19/00470/DEEM3**

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

- (i) No buildings, structures, tents or any other feature associated with each temporary event shall be erected or placed on the site until the details have been submitted to and agreed by the Local Planning Authority,
- (ii) No temporary event shall take place on the site for a period exceeding 4 weeks and no more than 4 such events shall take place in any calendar year.
- (iii) Submission, approval and implementation of an event specific Noise and Event Management Plan prior to each temporary event commencing, which shall address matters including noise management, access and parking, and security and community safety.
- (iv) Where events involve amplified sounds, a noise consultant should be appointed, and a survey of background noise, a sound propagation plan detailing sound levels at noise sensitive locations and sound propagation testing are required.
- (v) Restriction on maximum permitted noise levels and measures to ensure that appropriate arrangements are in place to ensure that the noise levels are not exceeded.
- (vi) Restrictions on times for rehearsals, sound checks and performance.
- (vii) Public address systems, announcements and incidental music shall not be audible at any of the identified noise sensitive locations.
- (viii) Local residents and Council provided with details as to how to make complaints and details of scheduled performance, rehearsals and sound checks.
- (ix) Keeping of a complaint and investigation log
- (x) Restrictions on times for rigging, derigging and movement of vehicles and equipment.
- (xi) Siting of generator sets and noise making plant to ensure they do not cause noise disturbance or affect pedestrians etc. by fumes and emissions.
- (xii) Controls on artificial lighting

**14. APPLICATION FOR MINOR DEVELOPMENT - 114 MOW COP ROAD, MOW COP. MR & MRS K SPENCER. 19/00341/FUL**



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

- (i) Standard time limit
- (ii) Approved plans
- (iii) Materials as per approved plans and application form
- (iv) Prior approval of finished floor level of dwelling, and finished ground levels of the garden.
- (v) Removal of permitted development rights for extensions, outbuildings and hardstandings
- (vi) Soft landscaping scheme to include full details of boundary treatments
- (vii) Completion of access, parking and turning areas prior to occupation
- (viii) Approval of details of means of surface water drainage for the parking and turning areas
- (ix) Provision of an electric vehicle charging point for one vehicle

and informatives included on the decision notice regarding:

- (a) Consultation with United Utilities on the surface water drainage condition; and
- (b) The existence of the Public Right of Way.

**15. APPLICATION FOR MINOR DEVELOPMENT - THISTLEBERRY HOTEL, THISTLEBERRY AVENUE, NEWCATSLE-UNDER-LYME. STAR PUBS AND BARS. 19/00358/FUL**

**Resolved:** That a decision on the application be deferred to enable the applicant to provide the information required by the Highway Authority and for officers to obtain and consider the comments of the Highway Authority in response to such information.

**16. APPLICATION FOR MINOR DEVELOPMENT - CRACKLEY GATES FARM, LEYCETT LANE, SILVERDALE. MR COLIN DACEY. 19/00308/FUL**

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

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) Removal of existing building and outside storage area's prior to the commencement of the construction of the dwelling
- (iv) External materials
- (v) Boundary treatments
- (vi) Existing and proposed ground levels
- (vii) Soft landscaping, including replacement tree planting
- (viii) Tree and hedgerow protection measures
- (ix) Design measures to control internal and external noise levels
- (x) Submission and approval of a noise assessment
- (xi) Construction and demolition hours
- (xii) Electric vehicle charging provision
- (xiii) Access, car parking and turning
- (xiv) Widening of existing access

(xv) Coal Mining investigations and remediation

17. **APPLICATION FOR OTHER DEVELOPMENT - 2 ROSEACRE, NEWCASTLE-UNDER-LYME. MRS JOANNA HISSEY. 19/00459/FUL**

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

- (i) Time limit conditions
- (ii) Development to be carried out in accordance with the approved plans and submitted details
- (iii) Materials

18. **APPLICATION FOR OTHER DEVELOPMENT - COMMUNICATIONS SITE, ROOF OF COPTHALL HOUSE, KING STREET. EE (UK) LTD AND HUTCHINSON UK LTD. 19/00385/TDET**

**Resolved:** (i) That prior approval is required, and  
(ii) That such prior approval be granted

19. **APPEAL DECISION - HAZELEY PADDOCKS, MADELEY HEATH. 18/00488/OUT**

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

20. **APPEAL AND COSTS DECISION - NEW FARM, ALSAGER ROAD, AUDLEY. 18/00122/FUL**

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

21. **REVIEW OF THE LIST OF LOCAL VALIDATION REQUIREMENTS**

**Resolved:** (i) That the Committee agrees to approve the revised list of Local Validation Requirements as set out in Appendix B to this Report for public consultation purposes  
  
(ii) That the Committee agree to receive a further report setting out recommendations on the outcome of the consultation before adoption of a revised list of Local Validation requirements.

22. **DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2018/2019**

**Resolved:** (i) That the report be received.  
  
(ii) That the Head of the Planning with the Development Management Team Manager seek to maintain performance of the Development Management team where satisfactory and improve the service provided where the level of performance may otherwise fall below targets adopted in the 2018/19 Planning and Development Service Plan.  
  
(iii) That the 'Mid-Year Development Management Performance Report 2019/20' be submitted to the Committee around

November/December 2019 reporting on performance achieved for the first half of 2019/20 in relation to these targets, including the 7 indicators considered below.

**23. ANNUAL REPORT ON PLANNING AND RELATED APPEALS - 1ST APRIL 2018  
- 31ST MARCH 2019**

**Resolved:** (i) *That the above report be noted*

- (ii) That internal management procedures within the Service including the assessment of case officers' recommendations by more senior officers continue to be applied;
- (iii) That, as previously resolved, Members of the Committee, and their substitutes, draw to Case Officers' attention any concerns that they have with an application, coming to the Committee for determination, as soon as possible having received notice of the application in the weekly list, so that potential solutions to the concerns are sought with the applicant in line with the requirements of the National Planning Policy Framework;
- (iv) That, as previously resolved, full advantage be taken of the use of conditions in planning permissions to make developments acceptable;
- (v) That, as previously resolved, Members of the Committee, and their substitutes, who are disposed to move refusal of a proposal contrary to recommendation be urged to contact the Head of Planning no less than 24 hours before the Committee, with details of the reasons they are minded to give for such a refusal;
- (vi) That, as previously resolved, when a proposal to refuse to grant planning permission is made at the Committee contrary to the officer's recommendation, advice be sought as to the most appropriate way to meet the requirement upon the LPA to work in a proactive and positive manner with applicants;
- (vii) That, as previously resolved, the mover and seconder of a resolution of refusal contrary to officer recommendation be identified by the Chair and recorded in the Minutes and in the event of an appeal being lodged there be an expectation that those members will make themselves available as witnesses on behalf of the Council in the appeal proceedings should either the Head of Planning or the Council's solicitor or their representatives deem that appropriate; and
- (viii) That a proactive approach be taken by officers to appeal handling with early holding of case conferences

where appropriate, the strength of the case being continually reassessed in the light of any new evidence received, and that a similar approach be taken by the Committee.

**24. 2019 CONSERVATION AREA APPRAISAL AND MANAGEMENT PLANS PROGRAMME**

- Resolved:**
- (i) That the programme for the preparation of Conservation Area Appraisals and Management Plans for the Conservation Areas of the Borough, as set out in Table 3 of the report be approved.
  - (ii) **That a report on a review of the programme be brought to the Committee by no later than July 2024.**

**25. TREE PRESERVATION ORDER - LAND AT PINE COURT, LOGGERHEADS. TPO 201A**

- Resolved:** That Tree Preservation Order No 201A (2019), land at Pine Court, Loggerheads, be confirmed as made and that the owners of the site be informed accordingly.

**26. URGENT BUSINESS**

There was no Urgent Business.

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

Meeting concluded at 8.40 pm

**LAND TO NORTH OF SHELTON BOULEVARD, THE SOUTH OF NEWPORT LANE AND IN BETWEEN FESTIVAL WAY AND THE A500 (QUEENSWAY), AND LAND AT GRANGE LANE, WOLSTANTON**

**CITY OF STOKE-ON-TRENT COUNCIL**

**17/00834/FUL**

The application, which is accompanied by an Environmental Statement, is for full planning permission for a link road known as the Etruria Valley Link Road between Shelton Boulevard, Festival Park across the Fowlea Brook and the West Coast Main Line railway connecting to the Wolstanton/A500 roundabout junction. It is a cross-border development involving works within the City and the Borough and each Authority is the Local Planning Authority (decision maker) for the extent of the overall development that falls within its administrative area.

The City Council as a Local Planning Authority are expected to determine the application that is before them at a meeting of their Planning Committee on the 21<sup>st</sup> August.

The City Council are the applicant.

The works within Newcastle involve:

- Enlargement and improvement of the double (dumbbell) roundabouts at the Wolstanton Grange Lane/A500 junction with a new spur heading towards the railway line.
- Provision of shared footway/cycleway around the dumbbell roundabouts and on the southern side of the road link between the two, including the provision of a zebra crossing on the Wolstanton Retail Park access
- Construction of a mini-roundabout to replace the existing traffic light controlled junction at Grange Lane/Church Lane and associated highway widening.
- Relocation of pedestrian crossing points on the Grange Lane and Church Lane (south) approaches to that junction.
- Alteration of gate and improvements of the footpath to St Wulstan's RC Church and St Wulstan's Catholic Primary School (from Grange Lane) involving resurfacing, provision of ramp and lighting.
- Redevelopment of the former coalyard to the east of the A500 to create ecological habitat.

Part of the application site lies within Wolstanton Conservation Area and in part adjoins Wolstanton Marsh, a Green Heritage Network as defined on the Local Development Framework Proposals Map.

**The 16 week period for the determination of this application expired on the 7th February 2018; whilst the applicant did agree to extend the determination period the latest agreed date has passed.**

## **RECOMMENDATIONS**

- A. Subject to confirmation from Highways England that the amended proposals are acceptable**

**PERMIT subject to the following conditions;**

- i. Time limit conditions**
- ii. Approved plans**
- iii. Prior approval of details of a surface water drainage system for the A500 trunk road.**
- iv. Prior to commencement submission and approval of a detailed programme of phasing.**
- v. Prior approval of earthworks and ground alteration works required due to the realignment of the southbound A500 off slip road**
- vi. A Construction Environmental Management Plan to include a range of best practice construction phase dust mitigation measures and to take account of any cumulative impact of this development taking place at the same time as the Highways England A500 improvements**
- vii. Landscaping scheme which identifies the trees that are to be removed, those that are to be retained and replacement tree planting is secured**
- viii. Tree protection measures for the retained trees**
- ix. Prior approval of the details of the maintenance access to the former coal yard site**
- x. Prior to first use of the Etruria Valley Link Road (EVLN) the proposed junction improvement at the junction of A527 Grange Lane and the A500 shall be completed in accordance with the approved plans including any amendments required by the Road Safety Stage 2 and 3 Audits.**
- xi. Prior to first use of the EVLN the proposed junction improvement at the junction of A527 Grange Lane and Church Lane shall be completed in accordance with the approved plans including any amendments required by the Road Safety Stage 2 and 3 Audits.**
- xii. Prior to the commencement of the development details of the proposed viaduct carrying the EVLN over the railway shall be submitted and approved by the LPA and shall thereafter be provided in accordance with the approved details.**
- xiii. Notwithstanding the details shown on the approved plans, prior to the commencement of the development full details of the pedestrian/cycle crossing facilities to the cycle route provided through the junction between Grange Lane and the EVLN shall be submitted to and approved by the LPA. The facilities shall thereafter be provided and retained in accordance with the approved details prior to first use of the EVLN.**
- xiv. Prior to first use of the proposed development, details shall be submitted and approved in writing indicating an adequate Traffic Management Arrangement for the future maintenance of the road lighting columns within the underpass beneath the A500 at the A500/Grange Lane junction.**
- xv. All reasonable and appropriate conditions recommended by Highways England**

- B. That the above decision be communicated to the City Council and that the City Council be advised that the Borough Council has no objections to the City Council granting application 61768/FUL subject to such conditions as your officers consider may be required to ensure a consistency of approach to matters such a pedestrian and cycle facilities**

## **Reason for Recommendation**

This is a strategically significant highway proposal which is in accordance with development plan and regeneration strategies for the area. The development would improve traffic congestion and traffic flow, provided enhanced connectivity between May Bank/Wolstanton and the City Centre, and would unlock the Etruria Valley Enterprise Area for future development opportunities and regeneration in the local region providing greater opportunities for employment for the residents of the Borough and the City. It is considered that, subject to confirmation from Highways England that the amended proposals now received are acceptable, and provided the scheme is undertaken in accordance with the conditions listed above, it should be permitted

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

Officers have been in discussions with the applicant to address concerns raised by consultees and this has resulted in amended and additional information and plans being submitted.

### **Key Issues**

1.1 The proposal which is the subject of this application (the Scheme) forms part of a larger development for a new road between the A500 and the Etruria Valley site and beyond that to the City Centre.

1.2 The new Etruria Valley Link Road is almost fully within the boundary of Stoke City Council and this is the subject of a separate planning application which will be determined by the City as the relevant Local Planning Authority. The elements of the Scheme that fall within the Borough, and as such are part of the application to be determined by the Borough, are set out above.

1.3 The key issues for consideration in the determination of this application are:

- Is the principle of development acceptable?
- Is the loss of employment land arising from the development acceptable?
- Would the proposed development have any adverse impact upon highway safety?
- Would there be any adverse impact on public amenity?
- Would the development be acceptable in terms of the impact on the form and character of the area?

### 2.0 Is the principle of development acceptable?

2.1 The applicant has identified that the overall aim of the Scheme is to reduce traffic congestion and improve traffic flows, reduce severance, provide enhanced connectivity to the City Centre and unlock the Ceramic Valley Enterprise Area – Etruria Valley Site for future development opportunities and regeneration in the local region by increasing accessibility to this and other key sites, including Middleport, Burslem and Wolstanton. This aim is supported by and is in compliance with the following Development Plan policies:

- Core Spatial Strategy (CSS) policy ASP2 relating to the Inner Urban Core Area of Stoke which indicates that it is proposed to develop certain transport infrastructure proposals including an Etruria Valley Park and Ride Facility and an Etruria Valley to City Centre Burslem Link. It identifies Etruria Valley as a major mixed use area for employment in the south and housing in the north. Improved sustainable transport facilities will be used as a catalyst for a major inward investment offer. A new link from the A500 to the City Centre and Burslem plus park and ride facilities will be a critical element.
- CSS policy ASP5 relating to the Newcastle and Kidsgrove Urban Neighbourhoods Area which indicates, amongst other things, that actions will be taken to improve accessibility, road safety, and to promote sustainable modes of travel in accordance with the North Staffordshire Local Transport Plan.
- CSS Policy SP1, targeted regeneration, which states 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.
- CSS Policy SP2, spatial principles of economic development, amongst other things, seeks to support strategically planned land use on major brownfield sites for high value business growth to complement small scale, localised employment development elsewhere in the plan area.
- CSS Policy SP3, spatial principles of movement and access, amongst other things, seeks to where necessary allocate land for the provision of essential infrastructure.

2.2 In addition, the construction of the proposed link road is referred to within the City Council's adopted Etruria Valley Enterprise Area Supplementary Planning Document. The key points within that document are as follows;

- The Enterprise Area is constrained in terms of access with the surrounding highway network suffering from traffic congestion and queuing at peak times and many key junctions have little or no spare vehicular capacity.
- Access by other more sustainable means such as walking, cycling and public transport is limited.
- Etruria Road/Forge Lane which connects to the A500 at the A500/A53 roundabout can be extremely congested. Whilst the roundabout has been upgraded and there is some remaining capacity this is not sufficient for all of the remaining Etruria Valley
- The preferred option is a direct connection to the A500 at Wolstanton as well as the City Centre via Festival Way and the objective of providing such a new highway access is identified

2.3 Such policies are consistent with the National Planning Policy Framework (NPPF) which states;

- At paragraph 80, that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development
- At paragraph 81, planning policies should, amongst other things, seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.

2.4 In light of the above, local and national policy context it can be concluded that the development, in principle, is acceptable.

### 3.0 Is the loss of employment land arising from the development acceptable?

3.1 The proposal involves the loss, or sterilisation, of the site of the former coalyard which is between the A500 and Fowlea Brook. About half of the currently undeveloped land at the end of Lowfield Drive (the Centre 500 industrial estate) will also be lost to accommodate the realigned exits from the enlarged and repositioned eastern roundabout and embankments, and that remaining may be uneconomic to develop due its limited size, shape and levels difference with the highway.

3.2 Saved Local Plan (LP) Policy E11, indicates that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The criteria for what constitutes 'good quality' include the following:

- i) Accessibility to and from the primary network
- ii) Size
- iii) Topography and configuration
- iv) Ground conditions
- v) Its location and relationship to adjoining uses.

3.3 Paragraph 121 of the NPPF indicates that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

3.4 The submission indicates that there is no viable way of securing a safe access point into the site of the coalyard without otherwise constraining or curtailing other employment sites within the wider Etruria Valley (because of the design of the sliproad off the A500). The site currently has excellent accessibility to and from the primary network, is of a reasonable size and is relatively flat. Its configuration is not ideal, however, for other employment uses being long and narrow and is likely to be contaminated given its former use. It is therefore concluded that, when considered against the criteria set out in LP policy E11 the site is average to good.



3.5 The coalyard site and the plot at the end of Lowfield Drive are identified within the Employment Land Review. Neither site is allocated as an employment site in the adopted Development Plan, however, the Lowfield Drive site and the coalyard forms part of the Wolstanton Colliery (Centre 500) site referred to in policy E9 of the LP. Policy E9 indicates that planning permission for employment development would be renewed during the plan period on this and the other sites identified. Notwithstanding this the loss of employment land that would arise from the Scheme would be more than offset by the significant employment development potential in Etruria Valley that would be facilitated by the access improvements achieved.

3.6 The coalyard site is to be used for drainage and to create ecological habitat to mitigate any losses arising from the Scheme within the City's administrative area.

3.7 Overall it is considered that the Scheme would not result in an unacceptable loss of employment land that would justify refusal.

#### 4.0 Would the proposed development have any adverse impact upon highway safety?

4.1 Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states 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 of development would be severe.

4.2 The submitted Transport Assessment (TA) identifies the existing conditions at key junctions by testing the performance of each junction against the 2015 Base Year scenario flows for the AM and PM peak hours. The TA goes on to forecast the impact of the Scheme on such junctions on the opening year and then at 15 years after opening compared to the forecasted flows if the Scheme wasn't implemented.

4.3 The key junctions that are of most relevance to the Borough, (which will be indicated on a plan that will be published) and the assessment of them, are as follows:-

##### *A53/A500 Basford Bank (Junction A on the plan)*

4.4 The junction is predicted/modelled to operate within capacity at both peak hours, but observations show that the junction experiences significant queuing and delays on a number of approaches and on the A500 northbound off slip road. As such the model underestimated queuing in comparison with what was observed.

4.5 The TA predicts that there will be a reduction in flows in the AM/PM peak at year of opening of minus 21.2% / minus 24.6% and a reduction at 15 years of minus 20.2% / minus 28% compared to the forecast flows if the Scheme was not implemented.

##### *A500/Wolstanton (dumbbell roundabouts) (Junction B on the plan)*

4.6 The junction currently operates with no capacity constraints in either peak and with minimal queueing.

4.7 The TA predicts that there will be an increase in flows in the AM/PM peak at the year of opening of 196.4% / 196.6% on the eastern side, and of 46.1% / 50.2% on the western side. At 15 years there will be an increase in flows in the AM/PM peak of 197.9% / 216.7% on the eastern side, and 47.7% / 50.1% on the western side, compared to the forecast flows if the scheme was not implemented.

4.8 The prediction is that the majority of vehicles travelling from Festival Park will use the A500 rather than Grange Lane to continue their journeys.

##### *A527 Grange Lane/Church Lane (Junction C on the plan)*

4.9 The junction is predicted/modelled to operate well within capacity during the AM peak but beyond its theoretical capacity during the PM peak.

4.10 The TA predicts that there will be an increase in flows in the AM/PM peak at year of opening of 10.8% / 12.4% and an increase at 15 years of 5.6% / 9.2% compared to the forecast flows if the scheme was not implemented.

4.11 The TA has also assessed the impact of the Scheme on other junctions relevant to the Borough on the opening year and then 15 years after opening compared to the forecasted flows if the Scheme wasn't implemented. These junctions are:

*B5368 High Street Wolstanton/B5369 Porthill Bank (Junction D on the plan)*

4.12 The TA predicts that there will be a reduction in flows in the AM/PM peak at year of opening of minus 9.3 / minus 0.8% and a reduction at 15 years of minus 7.5% / minus 1.7% compared to the forecast flows if the scheme was not implemented.

*A527 Church Lane/B5369 Basford Park Road (Junction E on the plan)*

4.13 The TA predicts that there will be an increase in flows in the AM peak at year of opening of 1.1/% and a decrease in the PM peak of minus 1.4%. At 15 years there will be an increase in flows in the AM peak at year of opening of 2.1% and a decrease in the PM peak of minus 1.6%.

*A527 Brampton Road/Sandy Lane (Junction F on the plan)*

4.14 The TA predicts that there will be an increase in flows in the AM peak at year of opening of 2.4% and slight decrease in the PM peak of minus 4.1%. At 15 years there will be a reduction in flows in the AM/PM peak at year of opening of minus 2.5% / minus 2.9%.

*A52 Ryecroft/A527 Queen Street (Junction G on the plan)*

4.15 The TA predicts that there will be a reduction in flows in the AM/PM peak at year of opening of minus 4.2% / minus 2.8% and a reduction at 15 years of minus 4.4% / minus 2.6%.

*A53 Etruria Road/B5369 Basford Park Road (Junction H on the plan)*

The TA predicts that there will be an increase in flows in the AM peak at year of opening of 3.3% and slight decrease in the PM peak of minus 3.8%. At 15 years there will be increase in flows in the AM peak at year of opening of 6.2% and a decrease in the PM peak of minus 5.2%.

*A527 Grange Lane/Great Row View (the access into the residential development off Grange Lane) (Junction J on the plan)*

4.16 The TA predicts that there will be increase in flows in the AM/PM peak at year of opening of 28% / 30% and an increase at 15 years of 27.3% / 28.4%.

4.18 The TA states that at the A527 Grange Lane / Great Row View junction peak queues of up to 2-3 vehicles emerging from Great Row View have been observed during the peak hours. It is noted that the traffic flows on Grange Lane will increase although demand on the minor arm will be unaffected and remain low. Therefore no operational issues are envisaged at this junction.

4.19 The TA asserts that the predicted changes in traffic flow across the junctions identified within the Borough are either negligible or reduced and even the largest increase predicted is unlikely to be detectable within the day to day variation in the traffic flow.. It is stated that overall the Scheme will reduce journey times and significantly improve connectivity between Festival Park, Etruria Valley, the City Centre and the wider North Staffordshire conurbations. It will help to reduce the demand on the A53/A500 Basford Bank junction, an identified pinch point. The Scheme will reduce congestion and improve the resilience of the road network within the administrative areas of both Newcastle and Stoke.

4.20 Staffordshire County Council as the Highway Authority for the Borough have not raised any concerns about the TA in respect of its assessment of these key junctions. Similarly Highways

England has raised no objection to the principle of the Scheme or to the consequent increase in vehicles accessing onto and off the A500 at the Wolstanton junction.

4.21 The Scheme includes puffin crossings at the Grange Lane / Church Lane junction, except for the northern arm where the existing zebra crossing will be retained on the Church Lane (north approach). Puffin crossings are crossings with traffic lights which go green again only when no more pedestrians are detected on the crossing by infrared detectors and mats. The scheme did originally include signalised controlled crossings around the dumbbell roundabouts but these are no longer included in the scheme. The reason for such amendments is that the signalisation of the entry and exit arms to the roundabouts would be likely to result in backing up of traffic waiting to manoeuvre around such roundabouts and would require an increase in the size of the roundabouts to ensure that there is 'storage' capacity for vehicles who are stopped from completing their circuit due to the signalised controls. The Highway Authority has not raised objections to the proposals although it does seek certain conditions which have been taken forward into the recommendation above.

4.22 Highways England has provided comments and whilst their latest response of late June indicates they still had a number of issues with the Scheme, they do not object to the principle of such informal crossings. Since then revised proposals have been received, and it is expected that they will make further comments that will be able to be considered by the Planning Committee.

4.23 Currently non-motorised user route provision between the east and west dumbbell roundabouts at the existing A500 junction is poor with very limited provision for cyclists and pedestrians and pedestrian and cycle use on the existing route is low. The new link provides an opportunity to provide a better east west pedestrian and cycle route, and a shared footway/cycleway route is proposed which links to existing and proposed facilities. Nevertheless objections have been made that the proposed improvements to the routes are not adequate primarily because of the nature of the crossings. Whilst initially, toucan crossings (traffic light controlled crossings expressly designed for use by both cyclists and pedestrians together) were proposed these have been omitted from the Scheme as, in as far as it relates to the Scheme within the Borough, safety concerns were raised by Highways England about the position and number of signalised controlled crossings at the dumbbell roundabouts. The concern was that the signals could cause confusion to drivers approaching the roundabouts from the slip roads. There is also a concern, as indicated above, that queueing traffic could cause a hazard on the roundabouts for traffic stopped on the exits of the roundabouts. The submission indicates that the crossings could safely be installed as uncontrolled and this has been accepted by Highways England.

4.24 In acknowledgement of the known issues of congestion, particularly around the A53/A500 Basford Bank junction, and in light of the comments already received from the relevant technical consultees it can be concluded that the overall benefits of the Scheme far outweigh the limited increases in traffic flows in Wolstanton and May Bank and at key junctions on the local road network, other than at the A500 dumbbell roundabouts. In addition whilst it has not been possible to safely provide controlled crossings around the dumbbell roundabouts, the Scheme still provides improved facilities for pedestrians and cyclists.

4.25 Subject to the conditions recommended by the Highway Authority and confirmation from Highways England that they no longer have any objections to the scheme it could not be concluded that the impact on highway safety would be severe and that the Scheme should be refused on highway grounds.

## 5.0 Would there be any adverse impact on public amenity?

5.1 Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.2 At paragraph 170 the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should,

wherever possible, help to improve local environmental conditions such as air quality and water quality, taking into account relevant information.

5.3 One of the aims of the Scheme is to reduce traffic congestion and improve traffic flow. Air pollution in part arises from traffic idling in queues and this issue has led, in certain parts of the Borough and the whole of the City, to the designation of Air Quality Management Areas.

5.4 The Environmental Health Division advises that the operational scheme is predicted to have an overall beneficial impact on air quality in respect of the Newcastle Air Quality Management Area (AQMA) – which includes Newcastle Town Centre, London Road to the south, and the A53 to Basford Bank. In respect of AQMA at May Bank, Wolstanton and Porthill, along the A527, it is concluded that whilst the scheme will result in a number of increases at receptors in the AQMA the magnitude of the increase is minimal and pollution concentrations are predicted to remain significantly below the air quality Directive levels.

5.5 Overall it is considered that the minimal impact in this respect in the May Bank, Wolstanton and Porthill area is significantly outweighed by the improvements in air quality in Stoke and at Basford Bank where NO<sub>2</sub> is currently being exceeded. In addition the Scheme will improve connectivity to a major employment area for residents of both Newcastle and Stoke and could encourage employment and green transport opportunities between Hanley and Newcastle although it should be noted that the provision of green transport options could not be directly achieved through the granting of permission of the Scheme.

5.6 A further consequence of increased traffic flows arising from the Scheme is an increase in noise. The increases in flows are, however, considered to be at a level where they will be undetectable and the additional noise will not be noticeable above the existing background noise level.

5.7 As well as impacts arising from the Scheme when operational, there is the potential that its construction will result in environmental issues, such as dust. Such impacts can be minimised through appropriate mitigation measures during the construction phase, and such measures can be secured through condition.

#### 6.0 Would the development be acceptable in terms of the impact on the form and character of the area?

6.1 The main changes in the form and character of the area are the introduction of a roundabout at the junction of Grange Lane/Church Lane, the loss of existing mature landscaping around the dumbbell roundabouts and the introduction of the ecological habitat on the former coal yard.

6.2 The Grange Lane/Church Lane roundabout is located within the Wolstanton Conservation Area and adjoins the Marsh which is part of the designated Green Heritage Network. In terms of the Conservation Area the Council is required by legislation to pay special attention to the preservation or enhancement of the character and appearance of the Conservation Area. There are also listed buildings, the church and the cottages on Church Lane the setting of which special attention should also be paid to. In this case their settings will be unaffected.

6.3 The following development plan policies are of relevance to the consideration of this issue.

6.4 CSS Policy CSP1, design quality, indicates that new development should be well designed to respect the character, identify and context of Newcastle and Stoke's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. New development should, amongst other, things promote the image and distinctive identify of Newcastle and Stoke through the enhancement of strategic and local gateway locations and key transport corridors.

6.5 Policy CSP2 of the CSS, historic environment, sets out that both Councils will seek to preserve and enhance the character and appearance of their historic heritage including buildings, monuments, sites and areas of special archaeological, architectural and historic interest.

6.6 Saved LP policy N16 states that it is the policy of Council to seek opportunities to consolidate and enhance the green heritage network. Planning permission will not be granted in or adjacent to 'green heritage' areas which would harm their integrity or their ecological and landscape value as open spaces. Where development is permitted, the Council may require mitigation and/or compensation measures and will seek to ensure that appropriate landscaping proposals will be implemented and maintained to enhance the area's status and function as part of the Borough's wildlife network

6.7 Saved LP policy N17 says that development should be informed by and be sympathetic to landscape character and quality and should contribute, as appropriate, to the regeneration, restoration, enhancement, maintenance or active conservation of the landscaping likely to be affected.

6.8 Saved LP policy B9 indicates that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

6.9 Paragraph 124 of the NPPF 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. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

6.10 The Conservation Officer and Conservation Advisory Working Party have not raised any objection to the scheme. There is no encroachment into the walled area around Moreton House. The removal of the traffic signal controlled junction at the Grange Lane/Church Lane junction will remove some of the highway structures that result in visual clutter and whilst there will be railings and signs associated with the new roundabout junction and the lights associated with the puffin crossings, one will now be outside the Conservation Area, and overall it is considered that the Scheme will at least maintain the appearance of this part of the Conservation Area.

6.11 The construction of the roundabout and puffin crossing at the Grange Lane/Church Lane junction does not result in any loss of landscape features within the Marsh and as such should not have a significant visual impact on this part of the Green Heritage Network.

6.12 The construction of the larger dumbbell roundabouts at the A500 junction as proposed will result in the loss of trees and other mature planting. Such loss is regrettable but unavoidable. The creation of the ecological habitat on the former coal yard site will, to some extent, mitigate any loss of landscaping arising from the Scheme. Opportunities for replacement tree planting around the dumbbell roundabouts should also be taken, and a condition is required to ensure that a landscaping scheme which identifies the trees that are to be lost, those that are to be retained and replacement tree planting is secured as well as tree protection measures for the retained trees to avoid further loss.

## 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](#)

Strategic Aim 3 To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride and facilities to promote walking and cycling

Strategic Aim 5 To foster and diversify the employment base of all parts of the plan area, both urban and rural, including development of new types of work and working lifestyles, and supporting the office development sector, new technologies and business capitalising on the inherent advantages of North Staffordshire

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP2: Stoke-on-Trent Inner Urban Core Area Spatial Policy  
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

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

Policy E9: Renewal of Planning Permissions for Employment Development  
Policy E11: Development of Employment Land for Land Other Uses  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N16: Protection of a Green Heritage Network  
Policy N17: Landscape Character – General Considerations  
Policy B9: Prevention of Harm to Conservation Areas

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

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

[Etruria Valley Enterprise Area Supplementary Planning Document](#) (adopted by the City Council March 2013)

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

[Other Relevant Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review](#) December 2015

[Relevant Planning History](#)

None relevant

### Views of Consultees

*Please note that the consultation responses reported below are those relevant to the determination of the part of the proposed development that is located within the Borough. Such responses can be read in full, along with all other consultations responses received by the City Council via the following link:*

<https://planning.stoke.gov.uk/online-applications/PLAN/61768/FUL>

The **Environmental Health Division** conditionally supports the proposal based on full understanding of the 2<sup>nd</sup> July 2018 SWECO Environmental Statement. Their full comments are summarised as follows:

- The concentration changes of NO<sup>2</sup> in Grange Lane and Orford Street (the road that runs parallel to the A500) are negligible, with predicted concentrations being well within the objective values.
- The operational scheme is predicted to have an overall beneficial impact on air quality in respect of Newcastle's Air Quality Management Area (AQMA) number 2 (Newcastle-under-Lyme). In respect of AQMA number 3 (May Bank, Wolstanton and Porthill) it is concluded that whilst the scheme will result in a number of increases at receptors in the AQMA the magnitude of the increase is minimal and pollution concentrations are predicted to remain significantly below the air quality directive levels.
- During the construction programme, which is anticipated to be about 18 months, there is the potential for changes in air quality due to dust emissions from construction activity, emissions from site plant equipment and HGVs and also from changes in traffic flows along the Scheme and in the wider road network with traffic management in place. A Construction Environmental Management Plan would be prepared and implemented to include a range of best practice construction phase dust mitigation measures required in all works undertaken where there is potential for adverse effects on sensitive receptors (e.g. residential properties and schools).
- No detailed assessment of construction phase traffic has been completed as the estimated number of HGVs per day is below the Design Manual for Roads and Bridges (DMRB) criteria. Some works to the existing road network are required and traffic management would be in place to minimise traffic re-routing. It is understood that construction work requiring possession of roads will take place at night time, on Sundays and/or during Bank holidays. Avoiding peak traffic periods in this way will help to avoid potentially significant temporary effects on air quality.
- The interplay between the Highways England A500 improvement works and the development if they take place around the same time doesn't appear to have been discussed. This detail would be crucial to understanding and managing the impacts of congestion on local air quality should the two schemes coincide.
- It would be beneficial to use smart traffic information boards to promote the new route and encourage drivers to take alternatives if congestion or Air Quality becomes an issue.
- The development provides a golden opportunity to improve connectivity to a major employment area for residents of both Newcastle and Stoke and to encourage employment and green transport opportunities between the City and Newcastle through the provision of zero emissions or as a minimum buses conforming to the latest EURO emission class together with appropriately timetable public transport.
- Opportunities should be taken to promote Electric Vehicle Charging Infrastructure at individual employment locations within the wider Enterprise Zone and on street charging if on street parking is allowed.

**Highways England** (HE) recommends that planning permission is not granted for a three month period (commencing 28<sup>th</sup> June 2019). They had previously set out a number of outstanding issues which led to the conclusion that the fundamental principles of safety and Design Manual for Roads and Bridges (DMRB) compliant design had not be clearly demonstrated by the submission. They comment as follows on the further information then submitted by the applicant:

### Drainage

- It appears that the existing A500 slip road drainage system has not been considered within the proposed slip road drainage design. As the slip road will continue to be managed by HE any associated highway drainage will also be managed by them and therefore should be located within the trunk road boundary.
- The proposed slip road surface water run-off intends to be conveyed to a proposed attenuation pond on the old coal yard outside of HE control. No detail has been provided as to who will manage this pond which raises concern.
- The Staffordshire County Council Highway Drainage system is also to discharge to the attenuation pond. The drainage design for the A500 should be kept separate from any other drainage system. Surface water run off should also ideally be discharged to ground if conditions permit.
- As the attenuation pond is located on land within the application boundary it is likely that a DMRB compliant highway surface water drainage system for the A500 trunk road can be achieved and therefore can be considered at detailed design stage by HE as a condition of consent.

#### General Arrangement Plan – Wolstanton

Amended general arrangements drawings have been requested in view of the outstanding matters below:

- There is an issue of continuity between the Highways England Major Projects scheme and the EVLR, particularly in the interim between the delivery of the Highways England scheme (currently on site) and Etruria Valley Link Road mitigation. Suitable temporary measures will need to be provided.
- There is a private means of access shown on the southbound off slip. They understand this will now not be provided, which raises an issue of access to the drainage assets which will require resolution.

#### *Southbound A500 off slip road*

- The submitted plan does not clearly indicate that approach visibility and mainline visibility can be accommodated within the design.
- The segregated left turn lane is still proposed although it was considered a safety concern by the Road Safety Audit Team and was designed out by introducing give way control within both slip roads onto the roundabout traffic in earlier iterations of the plan. This may require an Exemption Note and a Road Safety Audit is being undertaken again to address any changes to the scheme. It is noted that as the previous Road Safety Audit (RSA) problem is no longer being designed out it is likely that the same problem will be raised in a subsequent RSA.
- The realignment of the slip road will require alterations to the existing earthworks and ground alteration works. As this could be accommodated on land under the applicant's control (old coal yard) the details can be agreed by condition

#### *Southbound A500 on slip road*

- The general arrangement plan does not demonstrate that appropriate roundabout exit visibility can be accommodated. This will require the removal of trees and shrubs and the extent of such clearance should be detailed on the plan.

#### *Northbound A500 off slip road*

- Approach visibility to the improved junction and proposed pedestrian/cycle crossing has not been demonstrated in accordance with DMRB. No detail has been provided indicating that the existing vegetation/bund will be removed to permit adequate approach visibility.
- It has been stated that due to the vertical alignment of the slip road the full stopping sight distance cannot be achieved. This needs to either be designed out of the scheme or a departure from the standard applied for. Substandard visibility would be considered a fundamental consideration to the safety of the Highway Improvement scheme.
- The new footway proposed by the applicant along the slip road from the existing A500 Footway is acceptable in principle. It is noted that whilst shown on the general arrangement plan the 'Pedestrian Desire Line and Crossing Provision' report states the footway is potentially going to be provided by the A500 Etruria widening scheme promoted by Highways England. It should be noted that the footway in question is not proposed to be implemented by them.

#### *Pedestrian Desire Line and Crossing Provision*

- The proposed potential cycle/footway connection along the southbound off slip would not be desirable as the A500 footways along the mainline will be removed as part of the Highways



England Major Projects scheme. They also note that the Scheme does not propose to implement footway connections along the southern slip roads from Wolstanton Junction to the existing A500 Slip Road.

*Walking, Cycling, Horse Riding Assessment Review*

- Such a review is still outstanding and the HE holding recommendation will not be lifted without it.

*Stage 1 Road Safety Audit*

- Such an Audit of the proposed alterations to the scheme is required and should be completed before planning consent is granted in accordance with DMRB.

Highways England have been consulted by the Local Planning Authorities on new proposals received on the 5<sup>th</sup> July and their comments if available will be reported.

The **Highway Authority** (Staffordshire County Council) has indicated with respect to the most recently received plans that it has no objections subject to conditions relating to the following:

- Prior to first use of the Etruria Valley Link Road (EVLN) the proposed junction improvement at the junction of A527 Grange Lane and the A500 shall be completed in accordance with the approved plans including any amendments required by the Road Safety Stage 2 and 3 Audit.
- Prior to first use of the EVLN the proposed junction improvement at the junction of A527 Grange Lane and Church shall be completed in accordance with the approved plans including any amendments required by the Road Safety Stage 2 and 3 Audit.
- Prior to the commencement of the development details of the proposed viaduct carrying the EVLN shall be submitted and approved by the LPA and shall thereafter be provided in accordance with the approved details.
- Notwithstanding the details shown on the approved plans, prior to the commencement of the development full details of the pedestrian/cycle crossing facilities to the cycle route provided through the junction between Grange Lane and the EVLN shall be submitted to and approved by the LPA. The facilities shall thereafter be provided and retained in accordance with the approved details prior to first use of the EVLN.
- Prior to first use of the proposed development, details shall be submitted and approved in writing indicating an adequate Traffic Management Arrangement for the future maintenance of the road lighting columns within the underpass beneath the A500 at the A500/Grange Lane junction.

Staffordshire County Council as the **Lead Local Flood Authority** (LLFA) indicate that the main impacts regarding new surface water drainage and flood risk lie within the Stoke LLFA area and therefore they have no comments.

The **Landscape Development Section** advise that the landscaping proposals should be revised to accord with the latest scheme amendments and that it is likely that the addition of the maintenance access to the coal yard site will mean the loss of addition trees within a particular tree group. Tree planting should be increased to mitigate this. They go on to advise that their comments remain as their previous comments which were that there are no objections in principle but that before they can comment in full a plan showing the information as to which trees are to be removed is provided accompanied by an Arboricultural Impact Assessment to BS5837:2012. There are concerns that a significant number of trees within the identified groups will be removed, particularly from Group 10 and Group 12 to accommodate the reshaped embankment and that mitigation for this loss will not be sufficient, leaving large grass areas. There is scope for further tree planting and/or native shrub planting. It is requested that the high quality pine trees that are scheduled to be removed are incorporated into the design and appropriately protected.

The following conditions are also recommended:

- Tree protection
- Details of the proposed waymarking features

The **Conservation Officer** has no objections to the new roundabout & hopes that it might reduce the amount of clutter and poles for signage and lights. The context of the Conservation Area will remain

the same and the Listed Buildings, namely the church and the cottages on Church Lane, will remain the same and their settings unaffected.

The **Conservation Advisory Working Party** has no objections to the scheme subject to rationalisation of signage and railings in the area, which is an historic Conservation Area.

The **Coal Authority** does not wish to raise any specific observations and recommends an informative note is included within the decision notice indicating that any coal mining feature that is encountered during development should be immediately reported to them.

Staffordshire County Council as the **Minerals Planning Authority** has no objection to the application.

The **East Newcastle Locality Action Partnership** has no objections

### Representations

23 representations (from 14 third parties) have been received in total, including representations from **Paul Farrelly MP** and **Cycling UK, North Staffordshire**. The comments, in as far as they are relevant to the determination of this application (i.e. they relate to the part of the development that is within the Borough) are summarised below. Following the receipt of revised proposals and additional information members of the public have been invited to make further comment, and they have until the 2<sup>nd</sup> August to do so. Objections previously raised have included the following points

- The existing pelican crossings are not shown on the proposed plans. They are important to the movement of children between the three schools in the vicinity of the proposed Grange Lane roundabout. The inclusions of these crossings are vital and will contribute to considerable traffic delays in the area during those times despite the installation of the roundabout.
- The link road should be delayed for the consideration of an alternative strategic east west road and public transport links as part of the preparation of the Newcastle-under-Lyme and Stoke Local Plan; for the preparation of the May Bank, Wolstanton and Porthill Air Quality Management Plan; and for the consultation with Staffordshire County Council as Highway Authority for Newcastle, on school traffic plans and traffic management options with public business in Wolstanton and Porthill.
- The existing and predicted traffic flows in the evidence submitted with this application presuppose that the road will reduce the flows on Porthill / Burslem and Etruria routes. However there is already queuing by traffic exiting and entering the A500 via these junctions and accidents are occurring regularly due to the proximity of such junctions. Furthermore the Grange Lane/Church Lane junction is already congested at peak periods and the air quality levels are unacceptable for pedestrians and cars bringing pupils to the two primary schools.
- The Shelton Bar Employment site, between Festival Park and Burslem is one of the options being considered in the Joint Local Plan. An alternative cheaper road proposal, connecting the existing northern access on the A500 to the A34 at Parkhouse, bypassing the Wolstanton and Bradwell residential areas should be considered and funded through Section 106.
- The application proposals cannot be considered separately from the Highway England proposals for the widening of the A500.
- The Environmental Health Division of Newcastle refers to lack of information about the health consequences of pollution in the application. It is Government Policy to require local authorities to introduce and promote measures to reduce pollution caused by motor vehicles. The application does not address how vehicles diverted from the A500 by construction works or accidents won't use High Street/Church Lane or other rat runs and it should not be determined at this time.
- The widths of the proposed shared cycle paths should be in accordance with current national guidance.
- A financial contribution towards the provision of the cycle path along the south side of the whole of Grange Lane is needed to provide a continuous safe cycle route between Wolstanton and Festival Park.
- The removal of the traffic lights and pedestrian crossing lights at the Grange Lane/Church Lane junction may speed up the use of the junction at the expense of the safety of children and other pedestrians whilst improving the appearance of this tree lined area. Lights must be retained opposite the Archer Pub and a safe crossing, preferably a pedestrian bridge, must be provided

across Grange Lane from the Wulstan Grange Housing Estate, Wolstanton community Hall and Wolstanton Retail Park.

- Adequate public transport between the City and Newcastle must be provided.
- A speed limit of 30mph on the how of the new link road would improve safety for on road cyclist and traffic generally.
- A zebra or signalised pedestrian crossing over the new link road at is junction with Festival Way should be provided instead of the refuge currently proposed
- The development will result in the loss of valuable land as it won't be possible to access it.
- The development does not accord with the Etruria Valley SPD which recommends improvement of existing and creation of new pedestrian and cycle links.
- The key business case for the link road appears to be the creation of new jobs and opportunities for future development. However only a brief description of the traffic forecasting is provided within the report. It is unclear if all proposed development that is suggested to be facilitated by the new road is included in the operational assessment.
- It is unclear from the latest information as to whether the signal controlled pedestrian crossings will be removed from the proposed roundabout at Grange Lane/Church Lane.
- The latest plan shows a pedestrian footpath but does not show the existing island on Grange Lane which is the only crossing point and is regularly hit by speeding vehicles.
- There is no reference to public transport routes and bus stops near to employment areas, or about park and ride sites to reduce the number of car movements.
- Without minor amendments the opportunity to remake the city's cycling infrastructure will be lost
- Removal of the traffic lights and replacement roundabout has failed to take account of the garage site which is linked in to the traffic lights and if implemented that site can't be accessed.
- The amount of valuable development land that is taken within Etruria Valley for this project is excessive.

One third party has responded to date to the most recent set of plans/information. In addition to comments previously made he notes that light controlled crossings have been reinstated in the scheme but at a greater distance from the roundabout. This will however not reduce traffic congestion at peak period or the levels of vehicle generated pollution around this junction the EVLR is open. A pedestrian bridge over Grange Lane and travel plans for St Wulstans and St Margarets Primary Schools are needed for the health and safety of the children.

Comments in support (4 representations in total) are as follows:

- The development proposals are fully supported but in order to protect the vitality and accessibility of Wolstanton Retail Park, particularly during busy shopping periods, they owners should be given the opportunity to consider and comment on the construction schedule and traffic management plans

The representations can be reviewed in full in the Planning Section of Stoke City Council's website via the following link <https://planning.stoke.gov.uk/online-applications/PLAN/61768/FUL>. If any further representations are received prior to the guillotine they will be reported.

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

The application is accompanied by the following documents:

- Planning Supporting Statement
- Statement of Community Engagement
- Environmental Statement
- Environmental Statement Non-Technical Summary
- Environmental Statement Addendum
- Flood Risk Assessment and Drainage Strategy
- Flood Risk Report
- Health Impact Assessment Report
- Water Framework Directive Assessment Report
- Arboricultural Survey
- Transport Assessment.

- Stage 1 Road Safety Audit (Strategic road Network)
- Stage 1/2 Road Safety Audit (Local Highway Network)
- Pedestrian Desire Lines and Crossing Provision
- Walking, Cycling and Horse-Riding Assessment Report

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of Stoke City Council's website via the following link <https://planning.stoke.gov.uk/online-applications/PLAN/61768/FUL>

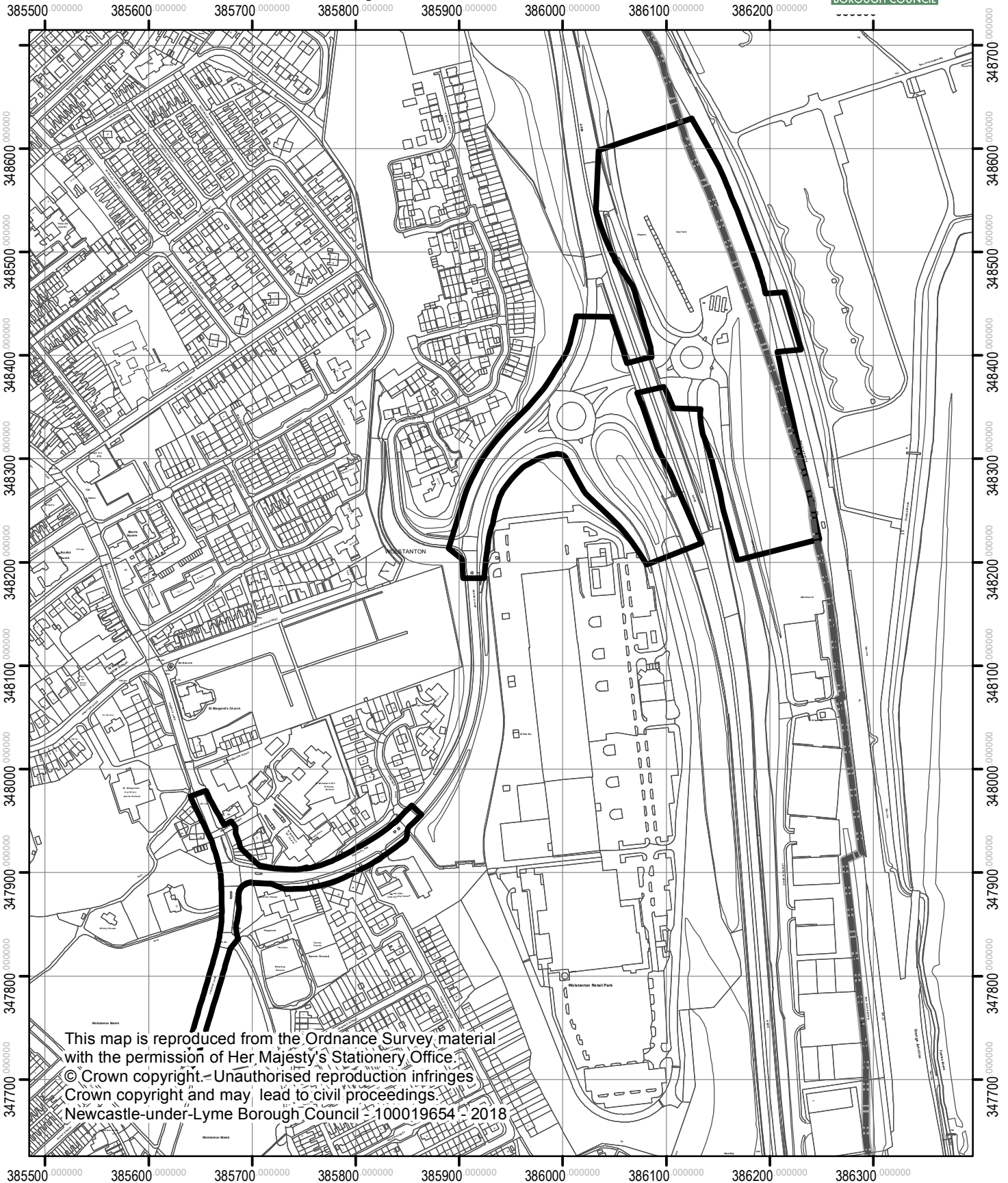
Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

1<sup>st</sup> August 2019

Land To The North Of Shelton Boulevard,  
The South Of Newport Lane  
And In-between Festival Way And The A500



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Newcastle-under-Lyme Borough Council - 100019654 - 2018

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**CROFT FARM, STONE ROAD, HILL CHORLTON**  
**DAVID JAMES DEVELOPMENT LIMITED**

**18/00507/OUT**

The above application was for planning permission for the demolition of existing buildings, 1 replacement farmhouse, erection of 11 bungalows, access, parking and amenity space at Croft Farm, Hill Chorlton. The application was refused by the Planning Authority on 26<sup>th</sup> February 2019 (the decision notice being issued on the 1<sup>st</sup> March ) and an appeal was then lodged against that decision on 21<sup>st</sup> March.

**RECOMMENDATION**

That the decisions of your Officer taken on 5<sup>th</sup> July under the Matters of Urgency provisions, following consultation with the Chair, that:

- the Council should agree to enter into a Section 106 agreement that secures 25% affordable housing on the appeal site, should the appeal be allowed;
- the Council enter into an agreement that secures, in the alternative, one affordable dwelling on site and a payment of £12,000 (for offsite affordable housing provision), should the appeal be allowed, and that its position in such negotiations be that the agreement include a financial reappraisal mechanism in the event of the development not being 'substantially commenced' within 18 months of the grant of the outline planning permission;
- if the appellant refused to include such reappraisal mechanism the Council still be prepared to enter into the agreement; and
- officers had authority in commenting upon any agreements that may be submitted by the appellant to the Planning Inspectorate to put the case to the Inspector for the inclusion of a financial reappraisal mechanism;

be noted.

**Reason for Recommendation**

The matter was urgent, in the light of the deadline imposed by the Planning Inspectorate, and an immediate decision was required which was then taken following consultation with the Chairman. The basis for the decision is explained in the report below.

**KEY ISSUES**

As Members may recall, the Planning Committee refused at its meeting on the 26<sup>th</sup> February 2019 an application (18/00507/OUT) for the demolition of existing buildings, the erection of 1 replacement farmhouse and 11 bungalows, access, parking and amenity space at Croft Farm, Hill Chorlton.

The decision of the Committee was to refuse the application on the following grounds:

1. *The adverse impacts of the development, namely the reliance on the use of private motor vehicles by reason of the site's location, would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2019) taken as a whole and the proposal therefore represents an unsustainable development.*
2. *The proposed development would be detrimental to the character and form of existing linear development at Hill Chorlton and to the wider landscape contrary to Policies CSP1 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026; saved policies N17 and N21 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document, in particular Section 10, and the aims and objectives of the National Planning Policy Framework (2019).*
3. *In the absence of a secured planning obligation, the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the*

*Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2019).*

An appeal was lodged against the decision in March this year and the appellant submitted two draft Section 106 agreements to the Council, asking it to co-operate in the drawing up and completion of such agreements, with the intention of the appellant submitting certified copies of them to the Planning Inspectorate. One draft agreement provided for a policy compliant position (25% affordable housing on site) but the other draft agreement provided for only one affordable unit and a financial contribution of £12,000 towards off-site provision. This is on the basis that the application was accompanied by a viability case and the District Valuer had concluded that the scheme can in financial terms deliver only one affordable unit and a financial contribution of £12,000. The deadline for the appellant's submission of the Section 106(s) to the Planning Inspectorate was 10th July.

The third reason for refusal established that the Local Planning Authority in any subsequent appeal proceedings would seek a contribution that would be in compliance with the Affordable Housing SPD and the SPD on Developer Contributions and to avoid conflict with various policies including CSP6. Whilst an agreement that secures 25% affordable housing on-site is fully in line with the policies referred to, the second alternative agreement that was being proposed cannot be considered to be compliant with the position set out in the Affordable Housing SPD because the contribution being proposed is not of "broadly equivalent value" (but rather takes into account the issue of financial viability (and the advice which the Council obtained from the District Valuer at the time). The SPD on Affordable Housing does allow for the possibility that it may be appropriate in certain situations to allow for a contribution to off-site provision and in this case the LPA's Statement of Case, on the basis of the Gateway Avenue decision, and the subsequent housing needs survey undertaken for the Neighbourhood Plan, had already confirmed that the proposal for some off-site provision is not unacceptable in principle.

The authority, as set out in the Scheme of Delegation, to enter into a Section 106 agreement rests with the Planning Committee (Planning functions part of Appendix 5 to the Constitution). Whilst your Officer had a clear authority from the Committee resolution to enter into the first suggested agreement, he did not for the second given the terms of the Committee resolution.

Appendix 4 of the Council's Constitution in the section headed Matters of urgency in the General Instructions Section indicates that in the event of a matter which is not delegated by the Officer Scheme of Delegation requiring action where there is no scheduled meeting where the matter can be considered by the appropriate Committee (and where the matter does not make or change policy), ...an Executive Director ( having consulted with the Leader or a Cabinet Portfolio holder or the Chair of the appropriate Committee (or in their absence the Vice Chair) shall have delegated authority to take such action, and the action taken be shall be reported to the next available meeting of the.....Committee as appropriate.

As always an appellant has two alternatives – to seek to enter into an Agreement with the LPA securing planning obligations (a Section 106 agreement) and to then submit it to the Planning Inspectorate, or to complete and submit a Unilateral Undertaking (that does not require the agreement of the Local Planning Authority). An Inspector may well be prepared to accept such obligations secured by Unilateral Undertaking. In the case of obligations concerning the provision of on-site affordable housing there is good argument that because of the complexity of their provisions which include the giving to the Council of nomination rights they are more appropriately secured in an agreement rather than an undertaking. Furthermore if the LPA is to persuade the appellant to include a financial reappraisal requirement (should the development not have substantially commenced within a defined period) then the best chance of doing that satisfactorily is via cooperating with them in the drawing up and conclusion of an agreement.

In hindsight officers should upon receipt of the appeal have brought a report to the Committee seeking the required authority to enter into such an agreement, but unfortunately that did not happen. Acting on the basis that it was in the public interest for the Council to enter into such an agreement and to do so very promptly, your Officer consulted with the Chairman on the 4<sup>th</sup> July - the next



Planning Committee then being on the 16<sup>th</sup> July (i.e. after the 10<sup>th</sup> July). Following that consultation your Officer made the decisions listed in the above recommendation section of this report.

The Planning Inspectorate subsequently agreed to extend the period for submission of any completed Section 106 agreement(s) to the 30<sup>th</sup> July. Although that date was after the Committee meeting date of 16<sup>th</sup> July, given the considerable amount of time that it takes to prepare a Section 106 agreement with drafts being exchanged between the parties, leaving a decision until 16<sup>th</sup> July date (as to whether or not the Borough Council would be prepared to be party to such an agreement) would have been unrealistic and moreover potentially viewed by the Planning Inspectorate as 'unreasonable'. The Inspector on the 10<sup>th</sup> July advised that despite agreeing to an extension of time he strongly urged both parties to work together and submit the Section 106 agreement as soon as possible, and he considered it appropriate to remind the parties to the appeal that any unreasonable behaviour that results in one party or the other incurring any unnecessary costs during the appeal process could result in an award of costs against them, and that one example of this could be unnecessarily delaying the development.

Following negotiations with the appellant's solicitor a single agreement was drawn up with two Schedules – the First will apply if the Inspector were in allowing the appeal to conclude that full on-site provision of affordable housing is required and the Second will apply if the Inspector were in allowing the appeal to conclude both that some off-site provision is appropriate and that on viability grounds a less than 'broadly equivalent' contribution is appropriate. The Borough Council signed the agreement on 30<sup>th</sup> July and it was submitted to the Planning Inspectorate on that same date. The agreement is available to view on line via the following link  
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00507/OUT>

Members will note that the Second Schedule includes provision for a reappraisal of the development's viability should the development not be substantially commenced within a certain period of time, which could, potentially, lead to a higher offsite affordable housing contribution

It is important to note that the Council's position in the appeal remains that the development should be refused for the reasons indicated in the original decision of the Committee.

At the time of writing the decision of the Planning Inspectorate is awaited, and when received it will be reported to the Committee in the normal manner.

The action taken (the authorising of the signing of the agreement) is reported to the Planning Committee as required.

APPENDIX

**Policies and Proposals in the approved Development Plan relevant to this decision:-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy IM1: Planning obligations

**Other material considerations include:**

National Planning Policy Framework (on planning obligations)

National Planning Practice Guidance (on planning obligations, and on appeals)

**Supplementary Planning Guidance/Documents**

Developer Contributions SPD (September 2007)

Background Papers

Planning file

Planning documents referred to

Date report prepared

31<sup>st</sup> July 2019

**LAND BORDERING MADELEY POOL, POOLSIDE, MADELEY  
NEWCASTLE BOROUGH COUNCIL**

**19/00514/DEEM4**

The application seeks full planning permission to undertake engineering works to improve the bankside of Madeley Pool to prevent further erosion and to provide a safer bank.

The site lies within the village envelope of Madeley and within Madeley Conservation Area.

**The 8 week period for the determination of this application expires on 26th August 2019.**

**RECOMMENDATION**

**Subject to the consideration of any representations received by 15<sup>th</sup> August and such representations not raising planning issues that have not been addressed within this report and which can't be addressed through the imposition of appropriate conditions , the Head of Planning be given the delegated authority to:**

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

- 1. Time Limit.**
- 2. Approved plans**
- 3. Any additional conditions as he may consider appropriate**

**Reason for Recommendation**

The proposal will not materially change the appearance of the Pool and as such will preserve the character and appearance of the Conservation Area.

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

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

**Key Issues**

The application seeks planning permission to undertake engineering works to reinforce sections of the bankside to the pool to prevent further erosion and to provide a safer bank. The works are to be undertaken on the northern end of the pool and along parts of the east side.

The application is supported by a Preliminary Ecological Appraisal Survey which concludes that there will be no impact arising from the development on protected species and habitats and recommends that no further surveys are required. As such the proposal does not conflict with national and local policies which seek to safeguard protected species and their habitats. The main issue for consideration in the determination of this application, therefore, is the impact of the development on the character of Madeley Conservation Area. Members may wish to note that Madeley Parish Council as part of the ongoing community engagement on the emerging Madeley Neighbourhood Development Plan, is currently undertaking a community consultation on proposed Local Green Space designations within the Madeley Neighbourhood Area and they have identified the Pool as such a space – one of the grounds being that it is demonstrably special to the community and holds particular local significance due to its beauty, wildlife and recreational value in the centre of the village. It is indicated that the community use the pool to enjoy the tranquil setting sitting on benches set around the pool, to feed the local duck population, and for fishing by permit. The Neighbourhood Plan is not yet at an advanced stage but the evidence from the community engagement to date indicates that this is a valued space.

**Impact of the development on the character of Madeley Conservation Area**

Policy CSP1 of the Core Spatial Strategy (CSS) indicates that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape, and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. Amongst other things new development should be based on an understanding and respect for Newcastle and Stoke-on-Trent's built, natural and social heritage and contribute positively to an area's identity and heritage.

Policy CSP2 of the CSS indicates that the Councils will seek to preserve and enhance the character and appearance of the historic heritage of the City and the Borough including buildings, monuments, sites and areas of special archaeological, architectural and historic interest.

Saved policy B9 of the Newcastle Local Plan (NLP) indicates that the Council will resist development that would harm the special architectural or historic character or appearance of a Conservation Area. Saved NLP policy B13 states that applicants should demonstrate how they have taken account of the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals. Saved NLP policy B15 indicates that trees and landscape features which contribute to character and appearance and are part of the setting of a Conservation Area will be retained.

The NPPF at paragraph 192 states that in determining planning applications, the Local Planning Authority 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.

At paragraph 193 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), great weight should be given to the asset's conservation (and 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.

The proposed engineering works to the bankside are as follows:

- Coir roll (coir filled netting) which are secured by stakes and twine. The submission indicates that pre-established plants are within the rolls.
- Rock rolls (rock filled netting) secured behind pre-installed chestnut stakes.

The coir roll is to be installed along six relatively short sections of the eastern bank of the pool. The rock roll is to be installed in five short sections of varying length on the eastern boundary, and one short section on the northern boundary. On the majority of the northern embankment where the Pool is adjacent to Moss Lane it is proposed to install double rock rolls.

The installation of the coir rolls will result in little change to the appearance of the Pool. The rock rolls will, initially, have a visual impact due to the loss of some vegetation on the bankside however this will be minimal. Over time the rolls will collect silt and plants will start to re-establish. They are naturalistic in form compared with more traditional rectangular gabions.

In light of the above, it is considered that the development, as proposed, will not materially change the appearance of the Pool and as such will preserve the character and appearance of the Conservation Area.

## **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 CSP1: Design Quality  
Policy CSP2 Historic Environment  
Policy CSP4 Natural Assets

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

Policy N3 Development and Nature Conservation – Protection and Enhancement Measures  
Policy N8 Protection of Key Habitats  
Policy B9 Prevention of Harm to Conservation Areas  
Policy B13 Design and Development in Conservation Areas  
Policy B15 Trees and Landscape in Conservation Areas

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

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

None

Views of Consultees

**Madeley Parish Council** has no objections.

The views of the **Conservation Advisory Working Party**, the **Conservation Officer, Staffordshire Wildlife Trust** and **United Utilities** have been sought. Any comments received will be reported

Representations

None received to date. The publicity period does not finish until 15<sup>th</sup> August 2019 and any representations received by the due date will be reported

Applicant's/Agent's submission

All of the application documents, including a Preliminary Ecological Appraisal Survey, can be viewed on the Council's website using the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00514/DEEM4>

Background papers

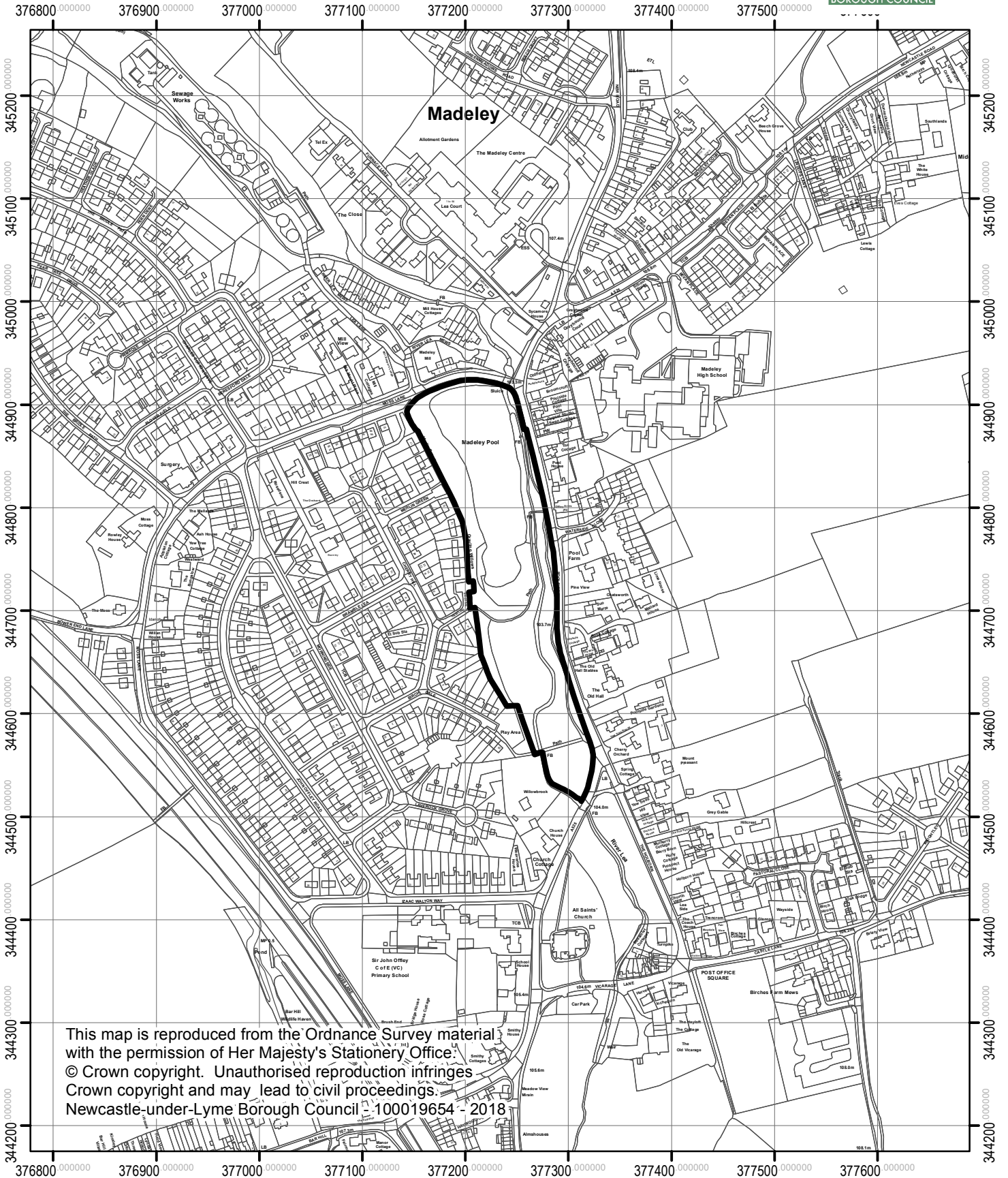
Planning files referred to  
Planning Documents referred to

Date report prepared

25<sup>th</sup> July 2019

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# Land Bordering Madeley Pool Madeley



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 Newcastle-under-Lyme Borough Council 100019654 - 2018

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**12, GRANVILLE AVENUE, MAY BANK**  
**MR THOMAS MILLARD**

**19/00506/FUL**

The application is for full planning permission for the installation of iron gates.

The application site is located within the Urban Area of Newcastle and the Brampton Conservation Area as defined on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expires on 27<sup>th</sup> August 2019.**

## **RECOMMENDATION**

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

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**

## **Reason for Recommendation**

The gates would not have a harmful impact upon the visual appearance of the street scene and would preserve the character and appearance of the Conservation Area.

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

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

## **Key Issues**

This is an application for full planning permission for the installation of iron gates. The application site is located within the Urban Area of Newcastle and the Brampton Conservation Area as defined on the Local Development Framework Proposals Map.

The sole issue in the determination of the application is whether the design of the gates is acceptable with particular regard to the impact upon the character and appearance of the Conservation Area.

The property is within the Brampton 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.

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

The front boundary of the property currently comprises brick piers and wooden fence panels with an open driveway. The walls and fencing are not historic and have no particular merit. The proposal is for the erection of black wrought iron gates across the driveway which would have a curved top with a maximum height of 1.8m. The gates would be 3m wide.

The boundaries of the properties on Granville Avenue and around the head of the cul-de-sac are formed by stone and brick walls which are a significant part of the character of this part of the Conservation Area. The Brampton Conservation Area Townscape Appraisal Map identifies Granville Avenue as having characteristic boundaries.

The existing gates within the area are metal gates of varying styles, painted black. The proposed gates would be no higher than the existing wall and would still allow for views through. The Conservation Officer raises no objections to the proposal and it is not considered that the gates would harm the character or appearance of the Conservation Area.

## **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 CSP1: Design Quality

Policy CSP2: Historic Environment

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

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 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](#)

None

[Views of Consultees](#)

The Council's **Conservation Officer** states that the Brampton Conservation Area appraisal identifies the area along Granville Avenue as having characteristic boundaries. The stone and brick walls, cappings and piers along the avenue and around the cul-de-sac are a significant part of the character of this part of the Conservation Area. The proposal does not affect these features. The walls and fencing are not historic and have no particular merit, indeed neither does the bungalow. The existing gates within the area are metal gates of varying styles, painted black. The proposed gates are black metal gates and no higher than the existing wall and they will still allow for views through. The gates are unlikely to cause any harm to the character or appearance of the Conservation Area and no objections are raised.

The comments of the **Conservation Advisory Working Party** are awaited and will be reported to Members once received.

[Representations](#)

None received to date

[Applicant's/Agent's submission](#)

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00506/FUL>

### **Background papers**

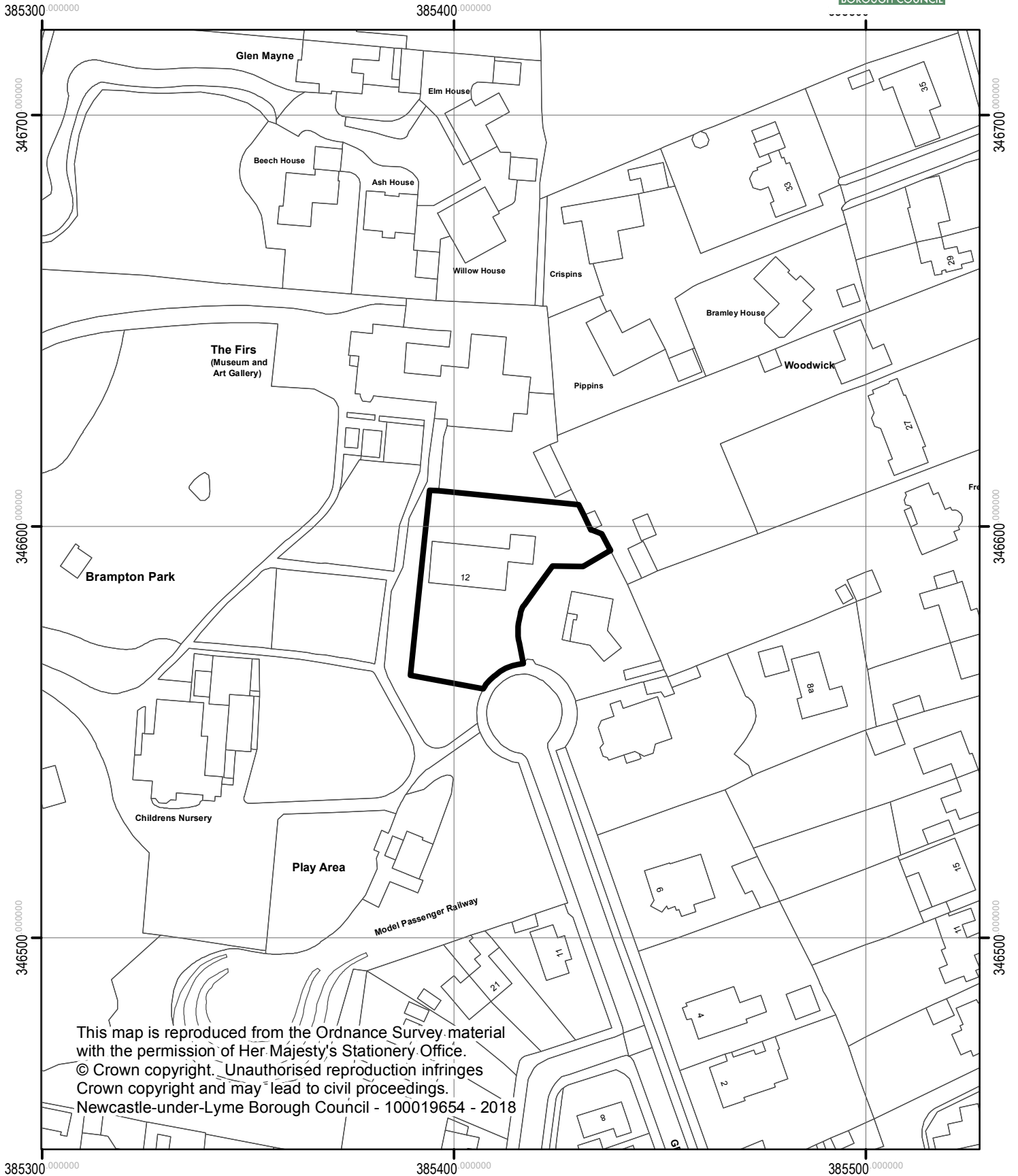
Planning files referred to

Planning Documents referred to

**Date report prepared**

25<sup>th</sup> July 2019

12 Granville Avenue  
Maybank, Newcastle-under-Lyme



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 Newcastle-under-Lyme Borough Council - 100019654 - 2018

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

### Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

### Recommendations

**a) That the report be noted**

**b) 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.**

### Introduction

The Committee, when resolving to permit an application subject to the prior entering into of a planning obligation, usually also agree to authorise the Head of Planning to extend the agreed period of time for an applicant to enter into the Section 106 obligations, if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought. It also does not include those situations where obligations are secured "in time".

This report covers the period between 23<sup>rd</sup> April 2019 (when the Committee last received a similar report) and the date of the preparation of this report (31st July 2019).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or in subsequent agreed extensions, and extensions have been agreed with respect to some 11 applications. In one case (item 2) below the decision was made not to agree to further time and a decision notice of refusal was issued.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Indeed it can be in their interests to delay matters in some cases, particularly where the Council has agreed to accept less than policy compliant contributions on the basis of a viability appraisal. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made "in time" insofar as the speed of determination criterion for designation of poorly performing LPAs is concerned.

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning

Authority have agreed in writing that the application is to be determined within an extended period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

As from the 1<sup>st</sup> June 2018 the Service has signed up to a Staffordshire wide initiative to promote the use of a standardised Section 106 template agreement, with template schedules, which is being publicised so applicants are clear what documentation is required of them to complete the application process – with the aim of reducing delays and costs for applicants and to simplify the planning process.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the engrossment of the final document he retains the right to bring the matter back to the Planning Committee. Milestones are now being set in some cases. Applicants are also requested to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period, provided that agreement is obtained prior to the expiry of the existing statutory period, is defined by the government as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

**(1) Land Bound By Rycroft, Ryebank, Merrial Street 17/00637/FUL**

This application for full planning permission for demolition of existing buildings and construction of a mixed use development of student accommodation, retail and commercial units and associated car parking originally came before the Planning Committee at its meeting on the 7<sup>th</sup> November 2017 (at around week 15). The resolutions of the Committee inter alia required obligations be entered into securing a financial contributions of; at least £542,797 to public realm improvements with the remainder (being at least £250,000) to be spent on the enhancement of public open space at Brampton Park or Queen Elizabeth Gardens, £2,245 towards travel plan monitoring; Real Time Passenger Information system for bus services; improvements to the cycle route from Newcastle town centre to Keele University; Real Time Town Centre Car Parking Capacity Information System; to review and provide/amend traffic regulation and Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems. The resolution included the requirement that the agreement containing these obligations should be completed by the 8<sup>th</sup> January 2018.

However a further report came back to the Planning Committee on the 2nd February 2018 which set out that it is not legally possible for the Council to enter into an agreement with itself. The Planning Committee then resolved that all parties should enter by 8th March 2018 into an Agreement under Section 111 of the Local Government Act 1972, which requires that a draft S106 Agreement (in the terms as per the resolution of Planning Committee on 7th November), annexed to the S111 Agreement, is entered into once the transfer of the site has taken place.

The 8<sup>th</sup> March 2018 date was not achieved and whilst further ongoing delays have occurred your Officer has considered it appropriate to agree further extensions of time within which the Section 111 agreement can be secured, the most recent being on the 6<sup>th</sup> July to the 7<sup>th</sup> October 2019. The delay is currently primarily as a result of the position of the County Council who have to be party to the agreement but documents are being drafted and circulated with the expectation that progress will be made.

Some 101 weeks have now passed since receipt of the application.

**(2) Land at West Avenue, Kidsgrove 18/00239/FUL**



This application for full planning permission for the erection of 63 dwellings came before the Planning Committee at its meeting on the 11<sup>th</sup> September (at around week 20). The resolution of the Committee required an obligation to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if found financially viable, and to require a further viability appraisal to be undertaken if the development as constructed is not 100% affordable housing and the payment of a policy compliant contribution if found financially viable. The resolution included the requirement that the agreement should be completed by the 9<sup>th</sup> November.

The agreement was not completed by the 9<sup>th</sup> November due to delays on behalf of the applicant which continued. Your Officer having agreed various extensions, on the 9<sup>th</sup> May, due to the limited progress having been made and the lack of commitment from the applicant to conclude an agreement, considered it necessary to refuse the planning application on the grounds that in the absence of a secured planning obligation there is not an appropriate mechanism to secure a review of financial viability to allow for the possibility of a financial contribution towards capital development/improvement of offsite open space should the development not proceed promptly or if the development as constructed is not 100% affordable housing, and financial circumstances change and, the potential provision of policy compliant financial contributions towards public open space is not then achieved.

The decision was issued in this case some 55 weeks after receipt of the application – it was 'out of time'.

### **(3) Former Bristol Street Motors, London Road 16/01106/FUL**

This application for full planning permission for 499 studio apartments for student occupation was permitted in October 2017 with a completed S106 agreement, which secured a number of financial contributions. The developer subsequently submitted a request to vary the current terms of the section 106 agreement and a report came before the 3<sup>rd</sup> January 2019 Planning Committee. The resolution of the Committee was to agree to amend the existing Section 106 agreement so that it requires contributions totalling £300,000 (index linked as from October 2017) unless substantial commencement is not achieved by the 3<sup>rd</sup> January 2020 and then a review of the financial position will then be required. The resolution included the requirement that the agreement should be completed by the 3<sup>rd</sup> March.

Whilst a Deed of Variation has been entered into by the developer and the County Council, it does not meet the terms of the resolution of the Planning Committee and is not acceptable to the Borough Council. Whilst the development is proceeding the Borough Council's position in terms of the Section 106 is protected, and the developer is aware of the concerns. Your Officer has recently agreed to extend the period within which the Deed of Variation can be completed to the 14<sup>th</sup> August, being satisfied that the developer wishes to complete and that there has been no material change in planning circumstances in the interim.

### **(4) Sites of Horwood, Lindsay and Barnes Halls, Keele University 18/00698/FUL**

This application for full planning permission for the demolition of 732 student bed-spaces and the erection of twenty new buildings to provide 1,685 student bedrooms (1,706 student bed-spaces) and social hub at Horwood and Lindsay Halls and the provision of car parking at Barnes and Horwood Halls, came before the Planning Committee at its meeting on the 3<sup>rd</sup> January (at around week 17). The resolution of the Planning Committee included a time limit for the securing, by the 14<sup>th</sup> February, of obligations relating to financial contribution towards travel plan monitoring (£2,360), the provision of real-time travel information (£15,000), and a Toucan signal controlled crossing on Cemetery Road (£39,000).

The agreement was not completed by the 14<sup>th</sup> February due to delays primarily on behalf of the Council which meant that your Officer agreed various extensions of time by which the Section 106 should be completed with the last one being to the 19<sup>th</sup> July.

The agreement was eventually completed on the 18<sup>th</sup> July and a decision notice was then issued 'in time' on the 22<sup>nd</sup> July 2019.

The decision was issued in this case some 45 weeks after receipt of the application.

**(5) Chatterley Valley 18/00736/OUT**

This hybrid planning application for full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial) and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses came before the Planning Committee at its meeting on the 29<sup>th</sup> January (at around week 19). The resolution of the Planning Committee included a time limit for the securing, by the 29<sup>th</sup> March, of obligations relating to financial contribution towards a Travel Plan monitoring fee of £11,325 and a payment of £5,000 for amendments to the existing Travel Regulation Order.

The agreement was not completed by the 29<sup>th</sup> March due to delays on behalf of the Council. On this basis, your officer has agreed an extension of time by which the Section 106 should be completed.

The agreement was eventually completed on the 11<sup>th</sup> June 2019 and a decision notice was then issued 'out of time' on the 5<sup>th</sup> July 2019.

The decision was issued in this case some 40 weeks after receipt of the application.

**(6) The Brighton, Silverdale 18/00714/FUL**

This application for full planning permission for the change of use and refurbishment of former care home (C2) into apartments (C3) for over 55s independent living - 16 new one beds and 3 two bed apartments came before the Planning Committee at its meeting on the 26<sup>th</sup> March (at around week 15). The resolution of the Committee required an obligation to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if found financially viable. The resolution included the requirement that the agreement should be completed by the 1<sup>st</sup> May 2019.

The agreement was not completed by the 1<sup>st</sup> May due to a number of delays on behalf of the Council which meant that your officer agreed extensions of time by which the Section 106 should be completed with the latest being to the 6<sup>th</sup> August 2019. An update on this case may need to be provided to the Committee.

Some 33 weeks have now passed since receipt of the application.

**(7) Bursley Primary School 18/00990/FUL**

This application for full planning permission for an extension to the school came before the Planning Committee at its meeting on the 26<sup>th</sup> March (at around week 15). The resolution of the Committee required an obligation to secure a financial contribution of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme to promote and encourage sustainable access to the school. The resolution included the requirement that the agreement should be completed by the 26<sup>th</sup> April 2019.

The agreement was not completed by the 26<sup>th</sup> April due to a number of delays on behalf of the Council. The applicant has decided to proceed with a unilateral undertaking (UU) and your officer has agreed extensions of time by which it should be completed with the latest being to the 9<sup>th</sup> August. Completion of the UU is imminent at the time of writing. An update on this case is expected to be provided to the Committee.

Some 29 weeks have now passed since receipt of the application

**(8) Plot 3 of the Science & Innovation Park, Keele Road 18/01011/FUL**

This application for full planning permission for a new veterinary training school incorporating a specialist veterinary referral hospital came before the Planning Committee at its meeting on the 23<sup>rd</sup> April (at around week 18). The resolution of the Committee required an obligation to secure a financial contribution of £2,360 towards travel plan monitoring. The resolution included the requirement that the obligation should be completed by the 21<sup>st</sup> May.

The agreement was not completed by the 21<sup>st</sup> May due to a number of delays on behalf of both the applicant and the Council, which primarily related to discussions about whether the travel plan monitoring fee could be secured by undertaking rather than by an agreement. The applicant decided to proceed with a unilateral undertaking (UU) and your officer agreed extensions of time by which it should be completed with the latest being to the 5<sup>th</sup> July 2019.

The UU was completed on the 4<sup>th</sup> July and the decision notice was issued 'in time' on the 11<sup>th</sup> July 2019.

The decision was issued in this case some 29 weeks after receipt of the application.

**(9) Land at New Road, Madeley 19/00036/FUL**

This application for full planning permission for the erection of 32 dwellings came before the Planning Committee at its meeting on the 23<sup>rd</sup> April (at around week 14). The resolution of the Committee required an obligation to secure 25% onsite affordable housing and financial contributions towards public open space (£178,528) and secondary school education places (£66,488). The resolution included the requirement that the agreement should be completed by the 31<sup>st</sup> May.

The agreement was not completed by the 31<sup>st</sup> May due to a number of delays on behalf of the Council which meant that your officer agreed extensions of time by which the Section 106 should be completed with the latest being to the 7<sup>th</sup> August 2019. The agreement has now reached engrossment stage and should be completed prior to the committee meeting. An update on this case is likely to be provided to the Committee.

Some 27 weeks have now passed since receipt of the application

**(10) 4 Meadows Road Kidsgrove 18/00889/FUL**

This application for full planning permission for the change of use from warehouse (Class B8) and taxi base (sui generis) to a Working Men's Club (use class D2) came before the Planning Committee at its meeting on the 21<sup>st</sup> May (at around week 27). The resolution of the Committee required an obligation to secure the financing of improved glazing provision to any properties which would be materially impacted by the development. The resolution included the requirement that the agreement should be completed by the 28<sup>th</sup> June.

The agreement was not completed by the 28<sup>th</sup> June due to a number of delays on behalf of the Council which meant that your Officer has recently agreed an extension of time by which the Section 106 should be completed to the 14<sup>th</sup> August 2019.

Some 37 weeks have now passed since receipt of the application

**(11) Kidsgrove WMC Hardingswood Road Kidsgrove 18/00916/FUL**

This application for full planning permission for the demolition of existing buildings and construction of retail store (2,206sqm GEA) (Use Class A1) came before the Planning Committee at its meeting on the 21<sup>st</sup> May (at around week 27). The resolution of the Committee required an obligation to secure a travel plan monitoring fee of £2,407 and a financial contribution of £10,000 for the provision of signal controlled pedestrian crossing

facilities on the A50 Liverpool Road. The resolution included the requirement that the agreement should be completed by the 28th June.

The agreement was not completed by the 28th June due to a number of delays on behalf of the Council which meant that your officer has agreed an extension of time by which the Section 106 should be completed to the 14th August 2019.

Some 37 weeks have now passed since receipt of the application

**(12) Chesterton Community Sports College, Chesterton 18/00949/FUL**

This application for full planning permission for the erection of a new mobile class room came before the Planning Committee at its meeting on 26<sup>th</sup> March (at around week 17). The resolution of the Committee required an obligation to secure by the 26<sup>th</sup> April a financial contribution of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme to promote and encourage sustainable access to the school. The 26<sup>th</sup> April passed without this obligation being secured and your Officer agreed further extensions including one to the 24<sup>th</sup> June.

On the 8<sup>th</sup> July the application was withdrawn

Date Report prepared

31st July 2019

**APPEAL BY MR ANDREW WILSON AGAINST THE DECISION OF THE COUNCIL TO REFUSE TO GRANT OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AT 80, APEDALE ROAD, WOOD LANE**

<b><u>Application Number</u></b>	<b>18/00640/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused under delegated powers</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>25<sup>th</sup> June 2019</b>

## **The Appeal Decision**

The Inspector identified the main issue in the consideration of the appeal to be the effect of the proposed development on highway safety for users of Apedale Road.

In dismissing the appeal the Inspector made the following key comments and observations:-

- The proposal is to erect a detached dwelling on garden land to the rear of 80 Apedale Road with access provided from Apedale Road across a dropped kerb and along a gravel track that runs alongside 76 Apedale Road. The appellant indicates that this track is currently used to provide access to the rear of No 80 and for vehicle parking.
- For drivers turning out of the site onto Apedale Road, the visibility of oncoming road and footway users would be severely restricted in one direction due to the position of the flank wall of No 78 and, in all likelihood, on-street vehicle parking. In the opposite direction, a telegraph pole and the frontage boundary wall of the adjacent property would also hinder views of approaching road users. Given these conditions, motorists exiting the site would need to carefully edge forward into the carriageway to improve their view of oncoming vehicles as well as cyclists and pedestrians. In doing so, the exiting vehicles may create an obstruction to those walking along the footway, which terminates near to the site's entrance. Parked vehicles along Apedale Road would also obstruct views of exiting vehicles especially for westbound drivers.
- These conditions present an obvious and significant danger to other highway users. As such, there is no doubt that the vehicle movements associated with the proposal, even at the modest level anticipated, would be unduly hazardous. Therefore, the Inspector agreed with the Council and Staffordshire County Council, as Highway Authority, that the proposed access arrangements would be unsafe. It was also noted that the Council considers the visibility splays at the entrance to the site off Apedale Road that avoid third party land to be substandard.
- The appellant states that there would be no right of access to the rear of the property of No 80 once the new dwelling was in place and that occupiers of the appeal property would alternatively use the space available for parking on the street or within an existing garage. On that basis, vehicle movements related to the proposal would be offset by those associated with No 80 and so the appellant considers that there would be no intensification in the use of the track. However, one effect of granting planning permission in this instance would be to formalise a far from ideal access arrangement that clearly presents a considerable safety hazard.
- Furthermore, it does not necessarily follow that the current and future use of the access track should be assessed on a like-for-like basis. For instance, visitors and deliveries to No 80, which has a front entrance to Apedale Road, would be likely to use this highway for vehicle parking rather than the less direct and more difficult route offered by the access track. In contrast, visitors and deliveries to the new dwelling would be more likely to use the track as the only access to the site and given the concealed position of the new dwelling away from the road. Food shopping deliveries would be one example. Some of these particular users may be unfamiliar with local highway conditions and thus pose a greater risk to highway safety than drivers using the existing track.
- Given the modest scale of development, the Inspector shared the appellant's view that the residual cumulative impacts on the road network would not be severe.

However, the proposal would have an unacceptable impact on highway safety due to the substandard access arrangements and poor visibility.

- It was concluded that the proposed development would cause significant harm to the highway safety of users of Apedale Road. It therefore conflicts with the Framework, which states that when assessing applications for development it should be ensured that safe and suitable access to the site can be achieved.

### **Recommendation**

That the appeal decision be noted.

**APPEAL BY CARDEN DEVELOPMENTS LIMITED AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT APPROVAL FOR RESERVED MATTERS (INTERNAL ACCESS ARRANGEMENTS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR A RESIDENTIAL DEVELOPMENT OF 60 DWELLINGS AT LAND OFF WATERMILLS ROAD, CHESTERTON, APPLICATION FOR AN AWARD OF COSTS AGAINST THE APPELLANT AND APPLICATION FOR AN AWARD OF COSTS AGAINST THE COUNCIL**

<b><u>Application Number</u></b>	<b>18/00017/REM</b>
<b><u>Recommendation</u></b>	<b>Refusal</b>
<b><u>LPA's Decision</u></b>	<b>Refused by Planning Committee on 14<sup>th</sup> August 2018</b>
<b><u>Appeal Decision</u></b>	<b>Appeal dismissed</b>
<b><u>Costs Decisions</u></b>	<b>An application for an award of costs against the Council was refused and an application for an award of costs against the Appellant was allowed</b>
<b><u>Date of Appeal Decision</u></b>	<b>10<sup>th</sup> July 2019</b>

## **The Appeal Decision**

### *Procedural Matters*

- The appellant submitted a number of revised plans with the appeal asserting that, given the site's brownfield constraints, viability is an important factor and that due to the timing of reserved matters submission, it would not be possible to resubmit a further reserved matters application and that a full application would need to be submitted along with the relevant fee.
- Whilst comments on the revised scheme have been provided by an interested party during the appeal, the Inspector was not persuaded that all those who should have been consulted on the proposed changes have been given the opportunity of such consultation.
- The matters which have been changed are material, in particular the increase in number of dwellings from 60 to 63, the repositioning of dwellings closer to the highway, the removal of the bund and the relocation of the coppice walk. Although the amended scheme is within parameters set by the outline consent and is similar to previous iterations of plans submitted to the Council, there is no substantive evidence that the necessary consultation was conducted on these previous iterations.
- Within this context the Inspector was mindful of the Wheatcroft Principles. It was his view, in the interests of fairness, that this appeal must be determined on the basis of the plans submitted to the Council and upon which it based its decision, which have been subject to consultation and not the suggested amendments. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who would not have been consulted on the amended plans and who may have observations to make.

The Inspector identified the main issues to be;

- The effect of the proposal on the character and appearance of the area; and
- Whether the proposed footpath would result in actual or perceived opportunities for antisocial behaviour.

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

### *Character and appearance*

- The appeal scheme would comprise 60 dwellings, including a mixture of detached, semi-detached and terraced properties, a coppice walk, a village green, and bunds with an acoustic fence on top. The bunds would be located along the frontage of the site along Watermills Road and would be approximately 2m in height with acoustic fencing of approximately 2m in height on top.
- Policy CSP1 of the Core Spatial Strategy (CSS) states that development should contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density and layout, amongst other things. The Design Guidance Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings and advises that development should face outwards wherever possible, to address its surroundings, rather than turning its back on the wider area.
- The NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets, places, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- A number of dwellings would back onto Watermills Road and would therefore fail to relate to its surroundings, contrary to the SPD. Furthermore, the bunds, as a result of their height and prominent location, would create a sense of enclosure, making the development appear and feel separate from the surrounding area. The bunds would appear a dominant feature, particularly to the south of the access road, and would harm the character and appearance of the area.
- Thus, the development would fail to contribute positively towards the area the appeal scheme and would harm the character and appearance of the area, contrary to Policy CSP1 of the CSS, the SPD and the NPPF.

#### *Footpath*

- Policy CSP1 of the CSS states that development should be, amongst other things, safe. The Council points out that its SPD states that promoting good design and layout in new development is one of the most important ways in which the Council can address crime issues. Paragraph 127 of the Framework states that decisions should create places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.
- The proposed coppice walk, which would provide a pedestrianised route from dwellings to the village green, would be located to the rear and side of dwellings and, as a result, would be enclosed by fences and would not be overlooked. This would result in a route which would not appear to be safe and would be unattractive to users being likely to be prone to anti-social behaviour. Consequently, the proposed footpath would result in actual or perceived opportunities for antisocial behaviour, contrary to Policy CSP1 of the CSS, the SPD and the Framework.

#### *Conclusion*

- For these reasons, the appeal should be dismissed.

#### **The decision on the application, by the appellant, for an award of costs against the Council**

In refusing the application for an award of costs against the Council the Inspector made the following comments:

- The applicant states that the Council has refused to extend negotiations on key technical points which were capable of being resolved.
- The PPG sets out that the aim of the costs regime is to: discourage unnecessary appeals by encouraging all parties to consider a revised planning application which meets reasonable local objections. It goes on to advise that a local planning authority's handling of the planning application prior to the appeal may lead to an award of costs if, for example, the Inspector or Secretary of State concludes that



there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether. Such a decision would take into account any unreasonable behaviour on the part of the applicant in causing or adding to the delay.

- The evidence indicates that a process of negotiation commenced following submission of the application, and that the applicant agreed to extend the statutory period for determination a number of times. The Council gave the applicant advanced warning that it intended to determine the application given the length of time that it had been in for, and set out a timetable for final submission of revised plans. Prior to consideration of the application by Planning Committee, but after the deadline for submission of revised plans, the applicant requested that the Council delay or defer its determination so that concerns could be resolved, however, the Council declined to do so.
- The applicant did not seek advice from the Council prior to the submission of the reserved matters and the application was submitted shortly before the period within which it was required to do so by condition. This necessitated negotiation during the period for determination. The National Planning Policy Framework highlights the value of pre-application and front-loading and whilst Councils cannot require that a developer engages with them before submitting an application, it can assist local planning authorities in making timely decisions.
- The PPG sets out that once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. The government's Planning Guarantee is the government's policy that no application should spend more than a year with decision makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks. Although this is not an upper limit and a longer period of time can be agreed, it is not unreasonable for the Council to set out deadlines to ensure that the application is dealt with in a timely manner. The applicant did not adhere to those deadlines and so the Council determined the application on the basis of the plans and representations submitted prior to its deadline of 8 August 2018.
- Given the above, the Council was not unreasonable in determining the application and, on the basis of that scheme, the Council was not unreasonable in coming to its decision. The applicant's costs associated with the appeal were therefore a necessary part of the appeal.
- The Inspector found that unreasonable behaviour by the Council resulting in unnecessary or wasted expense had not been demonstrated.

### **The decision on the application, by the Council, for an award of costs against the Appellant**

In allowing the application for an award of costs against the Appellant the Inspector made the following comments:

- The Council's case is that the appellant has pursued an appeal rather than submit a revised planning application. The Council's letter of notification of the appeal was based on the plans and description submitted with the original application and correctly invited comments to be made to the Planning Inspectorate.
- When the appeal was made, the appellant requested that the Inspector make his decision on the basis of revised plans submitted with the appeal. The amendments comprised an increase in number of dwellings from 60 to 63, the repositioning of dwellings closer to the highway, the removal of the bund and the relocation of the coppice walk.
- Whilst the appellant has engaged with the Council and an interested party following determination of the application, there is no substantive evidence that the necessary consultation was carried out on the proposed changes and that the interests of some parties would not be prejudiced. The Inspector therefore concluded within the appeal decision that the appeal should be determined on the basis of the plans submitted to the Council and upon which it based its decision.

- The appellant has not sought to defend the reasons for refusal but used the appeal process to progress the amended scheme rather than submit a fresh application which would incur a fee. Whilst the concerns raised by the appellant regarding viability are noted, the Procedural Guide), published by the Planning Inspectorate, whilst acknowledging the 'Wheatcroft' principles, advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Whilst amendments to a scheme might be thought to be of little significance, in some cases, even minor changes can materially alter the nature of an application and lead to possible prejudice to other interested parties.
- The appellant's reliance on significant material changes to the appeal documents, contrary to the above advice was unreasonable and directly caused unnecessary expense to the Council. Unreasonable behaviour, resulting in unnecessary expense has occurred and a full award of costs is justified. The application for an award of costs is allowed.

#### Your Officer's comments

Members will note both the appeal decision and the costs decisions. The decision of the Council to express the view to the Inspector that consideration of the revised plans on the ground that it would in this particular case be contrary to the principle of fairness established by the Wheatcroft judgement - was one made by your Officer following appropriate consultation with the Chair, and a decision that was reported to the Committee in June. Subsequent to the submission of the LPA's Statement of Case it became known that Ibstocks had become aware of the revised plans, but it is of interest to note that the Inspector in the absence of wider publicity and consultation considered that he had to determine the appeal on the basis of the original scheme.

When the amount of the costs has been agreed the sum will be reported to the Committee for information.

Subsequent to the appeal decision the appellant's agents have asked for a meeting to discuss a proposed site layout prior to the submission of an application and arrangements have been made for that.

#### **Recommendation**

That the appeal and costs decisions be noted.

## CONFIRMATION OF ARTICLE 4 DIRECTION FOR KEELE CONSERVATION AREA

Report to Planning Committee 13 August 2019

### Purpose of the report

To provide the Committee with the opportunity to consider representations received on the Article 4 Direction for the Maer Conservation Area and to decide whether to confirm the Direction.

### Recommendation

**That the Committee confirms the non-immediate Article 4 Direction for Maer Conservation Area as coming into force on 17 August 2019, as set out in the Direction.**

### Reasons

The consultation period is over and the Council must now decide if the Direction should be confirmed or not.

## 1.0 Background

- 1.1 The Planning Committee, on 18 June 2018 resolved that a non-immediate Article 4 Direction be issued to remove certain permitted development rights with respect to specified properties and land within Maer Conservation Area including rights associated with works to boundary walls and other means of enclosure and the demolition of such walls. The Direction was made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 A non-immediate Direction has been progressed which will come into effect on 17 August 2019 if now confirmed. The Council in deciding whether or not to confirm the Direction is required to take into account any representations received during the consultation period.

## 2.0 Consultation

- 2.1 Representations were invited between 24 June and 16 July 2019. In accordance with legislation, the relevant notifications were undertaken. This took the form of a formal notice (as required) in a newspaper circulating in the locality - the Sentinel -, three site notices posted within the village, information included on the Council's website about the Direction and a letter and leaflet was posted to all individual properties to be affected by the Direction explaining its effect. This information was also sent to the Parish Council, a key landowner in the village and the Church. The Council's Conservation Advisory Working Party supports the making of a Direction for Maer Conservation Area.
- 2.2 During the consultation no representations have been received.

## 3.0 Conclusions

- 3.1 The presence of an Article 4 Direction over the last 10 years in other Conservation Areas such as Basford, Betley and the Brampton has not caused problems for either the

Council or homeowners and a solution is generally found through the application process. In many of the Conservation Areas, residents value the historic features their properties have managed to retain and they are often seen as a positive attribute when people are selling their property.

- 3.2 This Article 4 Direction only means the erection or removal of walls; fences or railings cannot be carried out under permitted development rights on the elevation fronting the public highway and therefore will now require a planning application. This gives a Local Planning Authority the opportunity to consider the proposal in more detail.
- 3.3 It is considered that the Direction, as set out in the previous report, is justified and will hopefully help to retain the special character which contributes to the character of the area. Accordingly it is recommended that the Committee now confirm the Maer Direction.

Background documents – Conservation Area Appraisal and Management Plan for Maer, proposed Article 4 Direction for Maer

Report prepared 22 July 2018

**5 BOGGS COTTAGE, KEELE, reference 14/00036/207C3**

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3<sup>rd</sup> January 2019 (since repeated), of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

**RECOMMENDATION**

**That the information be received.**

As reported in the last update of 18<sup>th</sup> June 2019, the Planning Inspectorate has confirmed that the appeal that has been made against the Enforcement Notice is valid but has not issued a 'start letter' and as such has not set out the appeal timetable and that remains the case on the date that this report was prepared.

In response to a letter from the Council's Chief Executive to the Planning Inspectorate's Chief Executive, the Inspectorate have expressed their sincere apologies for the delay in the starting of this appeal advising that unfortunately they are experiencing a high demand on their limited Enforcement Inspector resource. They indicate that it is a situation that they are working to address through both the recruitment of additional resources and the introduction of new working practices, and that together these should enable them to meet competing demands across the wide range of casework they handle. The Inspectorate in their response dated 8<sup>th</sup> July indicate that they hope to allocate the appeal to an Inspector shortly.

The Inspectorate is currently indicating, as a guide, that an enforcement appeal will take from valid appeal to decision:

	<b>RECEIPT TO START</b>	<b>START TO EVENT</b>	<b>EVENT TO DECISION</b>	<b>TOTAL TIME</b>
<b>WRITTEN REPRESENTATIONS</b>	24 weeks within which receipt to validation is 4 weeks	14 weeks	4 weeks	42
<b>HEARINGS</b>	24 weeks within which receipt to validation is 4 weeks	26 weeks	3 weeks	53
<b>INQUIRIES</b>	51 weeks within which receipt to validation is 12 week	34 weeks	6 weeks	91

These time periods are longer than previously reported.

The appeal was received on 10<sup>th</sup> December and confirmation that the appeal was valid was received on 15<sup>th</sup> January 2019. At the time that this report was written it was almost 32 weeks since that receipt.

Date report prepared: 26<sup>th</sup> July 2019

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## **LAND AT DODDLESPPOOL, BETLEY reference 17/00186/207C2**

The purpose of this report is to provide Members with an update of the progress in relation to this site following a planning application for the retention and completion of a partially constructed agricultural track, reference 18/00299/FUL, which came before the Planning Committee on the 6<sup>th</sup> November 2018.

### **RECOMMENDATION**

**That the information be received.**

### Latest Information

When the last update was given at Planning Committee of 23<sup>rd</sup> April and the 18<sup>th</sup> June it was reported that works to the track were likely to recommence in the near future following the approval of information to satisfy condition 3 of planning permission reference 18/00299/FUL.

A site visit by your Officers has been arranged for the 5<sup>th</sup> August and an update on whether works have recommenced can be given at the committee meeting.

Date Report Prepared – 29<sup>th</sup> July 2019

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## **Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund for Tower, Kidsgrove (Ref: 19/20002/HBG).**

### **RECOMMENDATION:**

**That the following grant is approved:-**

- 1. £1,090 is provided towards masonry repair and vegetation removal at the tower, subject to the appropriate standard conditions**

### **Purpose of report**

To enable members to consider the application for financial assistance.

The tower is a Grade II Listed Building. It is in a ruinous state and is on the Council's Building at Risk Register. The building is thought to be a former late 18th century windmill (although the listing description was amended from Old Windmill to say Tower). The Council acquired the structure from the former owner by gift in 1985.

Following the Buildings at Risk Survey in 2016, the Council's Conservation Officer approached the Facilities Management Section of the Council to see if a survey could be instigated to identify any structural and safety issues the structure may have, to at least consolidate it until more significant repairs, if necessary, could be dealt with. Last year the Council undertook the survey and the Conservation and Heritage Fund contributed £138 towards the cost of the survey at £690 with a Historic Building Grant.

The report did not find any significant issues for the tower and the larger cracks appear historic with no signs of recent movement or deterioration. Some maintenance is required to remove tree growth and rebond loose masonry especially around the perimeter of the tower, and this is proposed to be undertaken shortly. Three competitive quotations by appropriately qualified contractors have been sought and have been presented with the application for grant aid.

The total cost of the initial survey is quoted at £5,451.15 excluding VAT. VAT is recoverable so the grant has not been calculated on this basis. The works are eligible for a grant of up to 20% or up to a maximum of £5,000.

The Conservation Advisory Working Party's views will be reported to the Planning Committee.

### **Financial Implications**

There is sufficient funding to meet the grant applications with £27,324 in the Fund allowing for commitments.

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## **Confirmation of Tree Preservation Order**

### **Trees at Greyhound Gap, Grindlestone Edge House, Cobmoor Road, Kidsgrove**

#### **Tree Preservation Order No 202 (2019)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

#### **The Provisional Order**

The Provisional Tree Preservation Order protects trees at land at and around Grindlestone Edge House, Cobmoor Road, Kidsgrove.

The Order was served using delegated powers on 1/03/2019. The consultation period ended on 29/03/2019.

Approval is sought for the order to be confirmed as made.

**The 6 month period for this Order expires on 31<sup>st</sup> August 2019**

#### **RECOMMENDATION**

That Tree Preservation Order No 202 (2019), Trees at and around Grindlestone Edge House, Cobmoor Road, Kidsgrove be confirmed as made and that the owners of the site be informed accordingly.

#### **Reasons for Recommendation**

##### **Background**

Mature trees on this site make an important contribution to the local landscape being clearly visible from Cobmoor Road, Knowsley Lane; from nearby Public Footpaths and from within wider open landscape setting.

Arboricultural information submitted with a recent planning application revealed an intention to remove trees on this site, including a visually important Oak tree to accommodate the new development.

The affected Oak tree is a mature hedgerow Oak of a notable size, situated in a visually prominent position at the corner of two public footpaths. The tree is of a good shape and form and provides visual screening and softening of buildings at the Kennels from within the wider landscape setting.

There are other mature trees (around the perimeter of this site) that also make a valuable contribution to the local landscape, and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

In order to protect the long term well-being of these trees, they should be protected by a Tree Preservation Order.

## **Representations**

Following the consultation period, no representations were received.

## **Issues**

Since the serving of the tree preservation order, and following communications with the developers architect and arboricultural consultant, an altered proposal was submitted that demonstrated that all protected trees on the site could be retained in accordance with the current British Standard (BS5837:2012, Trees in Relation to Design, Demolition and Construction- Recommendations). This application (ref 18/00893/FUL) received planning approval, subject to planning conditions, on 27<sup>th</sup> June 2019.

The placing of the new TPO will not prevent future development on the site nor tree management; however, it will allow the Borough Council the opportunity to prevent any unwarranted tree loss or pruning that is not in accordance with good arboricultural practice.

In order to protect the long-term wellbeing of the trees on this site, they should be protected by a confirmed Tree Preservation Order.

## **Date report prepared**

28<sup>th</sup> June 2019

T2 (Ash)

T3 (Oak)

T1 (Oak)



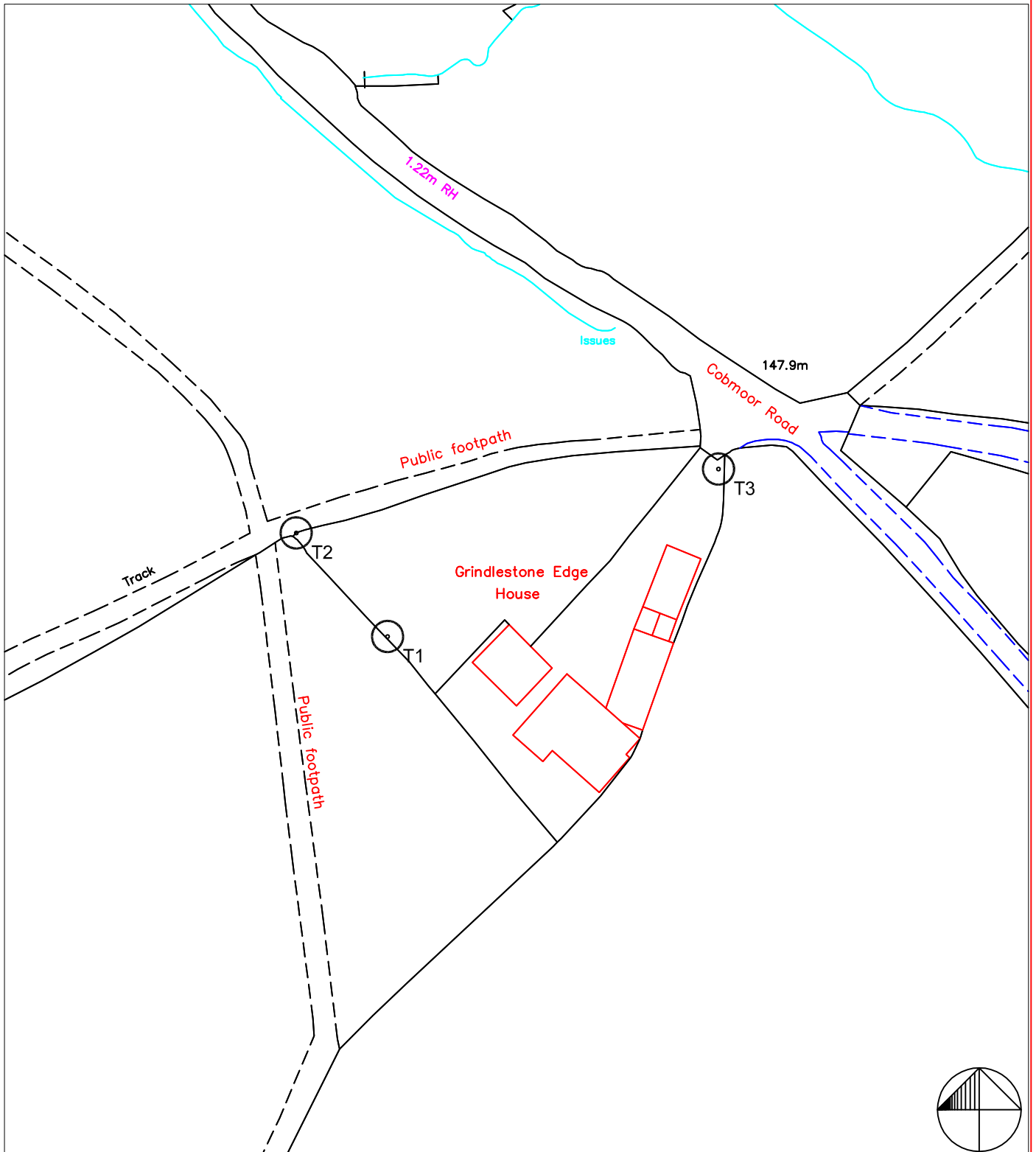
T1 (Oak)

T2 (Ash)



SIGNED: .....

DATED: ....1st March 2019



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DAVE ADAMS  
EXECUTIVE DIRECTOR –  
OPERATIONAL SERVICES  
CIVIC OFFICES, MERRIAL  
STREET  
NEWCASTLE, STAFFORDSHIRE.  
ST5 2AG

TITLE:

Land at and adjacent to Grindlestone Edge House,  
Cobmoor Road, Kidsgrove

DESCRIPTION:

TREE PRESERVATION ORDER  
NUMBER 202 (2019)

SCALE:  
1:1000

DATE:  
Feb 2019

DRAWN BY:

Page 71

DRAWING NO.  
TPO 202

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## **Confirmation of Tree Preservation Order**

**LAND AT THE OLD VICARAGE, 1 CONGLETON ROAD, MOW COP**

### **Tree Preservation Order No 204 (2019)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Order** protects three beech trees and a small woodland situated in and adjacent to the Old Vicarage. The Order was made to safeguard the longer term visual amenity that the trees provide after a tree status enquiry was received which gave rise to concern that the trees might be felled or inappropriately pruned.

The Order was made using delegated powers on 14<sup>th</sup> June 2019. Approval is sought for the Order to be confirmed as made.

**The 6 month period for the Provisional Order expires on 18<sup>TH</sup> December 2019**

## **RECOMMENDATION**

That Tree Preservation Order No 204 (2019), The Old Vicarage, 1 Congleton Road, Mow Cop be confirmed as made and that the owners of the site be informed accordingly.

## **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

## **Representations**

No representations have been received.

## **Issues**

The trees are situated in the garden of and adjacent to The Old Vicarage, 1 Congleton Road, Mow Cop, ST7 3PJ. They are three individual single stemmed beeches to the front of the property and a small woodland immediately to the north and east. They are fully mature and clearly visible from adjacent roads and approaches, not only from Congleton Road but from Tower Hill Road and public footpaths to the east.

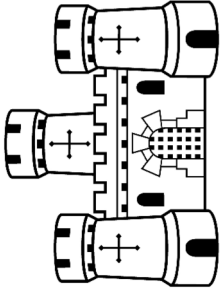
The trees are a good example of the species, are a significant feature to the locality, and provide an important contribution to the village setting. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality and wider area.

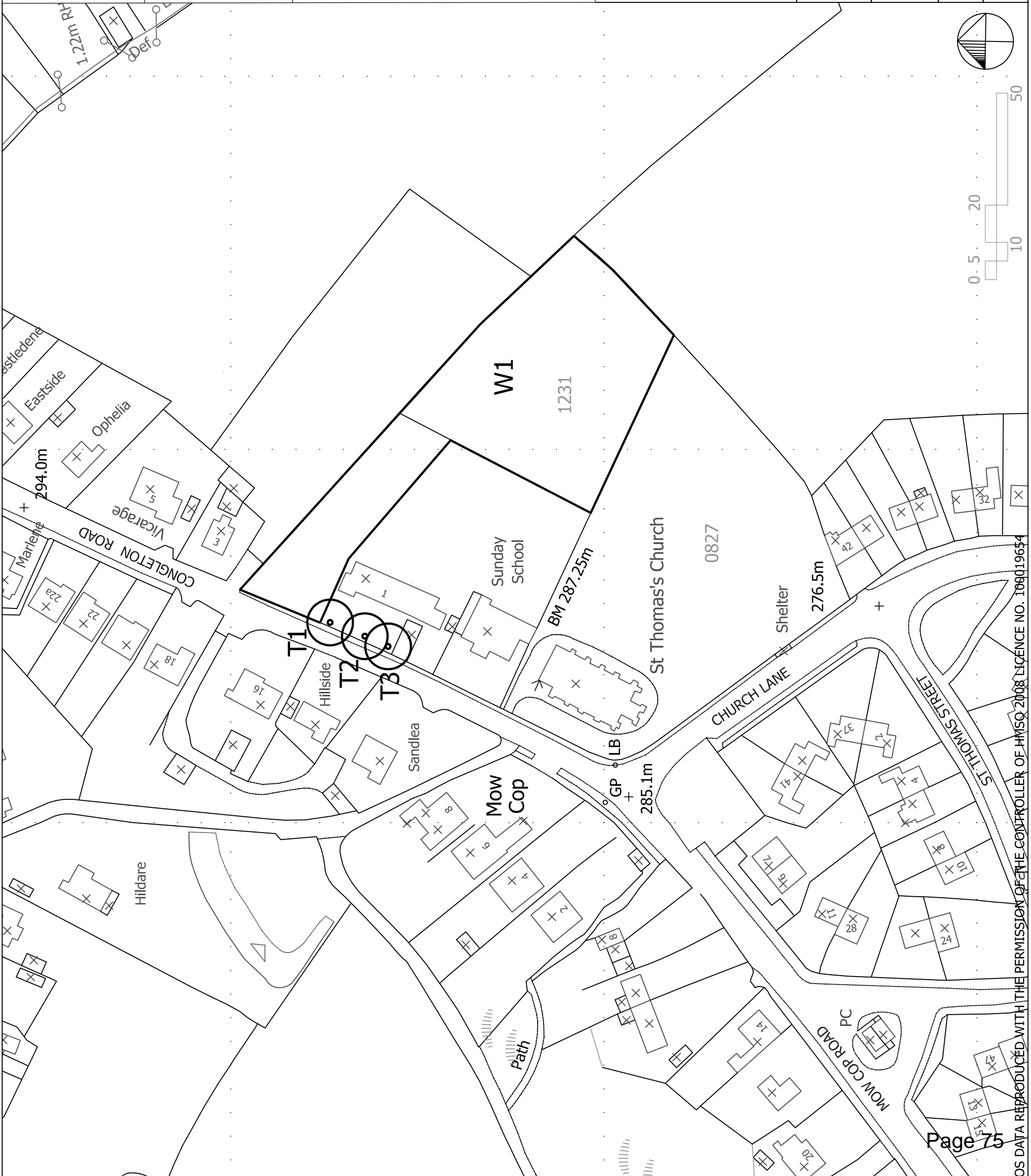
A tree status enquiry was received in May 2019 which, along with issues relating to land registry subdivision of the property in recent years and the imminent likely change of ownership, gave rise to concerns that trees might be pruned or felled as an obstacle to development. In order to protect the trees in the longer term it was considered prudent to make a TPO.

Your officers inspected the trees on 6<sup>th</sup> June 2019 and carried out a TPO assessment, and found them worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made on 14<sup>th</sup> June 2019 and served on 18<sup>th</sup> June in order to protect the long term well-being of the trees.

Date report prepared

25 July 2019

Signed			 <p>DAVE ADAMS, EXECUTIVE DIRECTOR OPERATIONAL SERVICES CIVIC OFFICES, MERRIAL STREET, NEWCASTLE, STAFFORDSHIRE. ST5 2AG</p>
Date			
Confirmed			
Date			
TITLE: The Old Vicarage, 1 Congleton Road, Mow Cop			DESCRIPTION: Tree Preservation Order Number 204
DRAWN BY: P.S.			SCALE: 1:1000 @ A3
DATE: June 2019			DRAWING NO. TPO 204



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