

# Public Document Pack

**Date of meeting** Tuesday, 8th October, 2019  
**Time** 7.00 pm  
**Venue** Lancaster Buildings - Lancaster Buildings, Newcastle, Staffs  
**Contact** Geoff Durham



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

Castle House  
Barracks Road  
Newcastle-under-Lyme  
Staffordshire  
ST5 1BL

## Planning Committee

### 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 - 6)  
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - RENFORD HOUSE, 24 HIGH STREET, WOLSTANTON. MR IAN CAMERON. 19/00529/FUL** (Pages 7 - 22)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER BRISTOL STREET GARAGE, LONDON ROAD, NEWCASTLE. ABODE RESIDENCIES. 16/01106/3CN03** (Pages 23 - 28)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO KEELE UNIVERSITY, UNIVERSITY AVENUE, KEELE UNIVERSITY. KEELE HOTEL DEVELOPMENTS LTD AND KEELE UNIVERSITY SCIENCE AND BUSINESS PARK LTD. 19/00688/FUL** (Pages 29 - 36)
- 7 **APPLICATION FOR MINOR DEVELOPMENT - 4 SUTHERLAND DRIVE. MR RAFIQ SHEIKH. 19/00610/FUL** (Pages 37 - 46)
- 8 **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND - 1 ALBERT TERRACE, WOLSTANTON (REF: 19/20003/HBG) AND WALL TO REAR OF FIVE STEPPES, MAIN ROAD, BETLEY (REF: 19/20005/HBG)** (Pages 47 - 48)
- 9 **UPDATE ON 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 49 - 50)

10 UPDATE ON LAND AT DODDLESPool, BETLEY. (Pages 51 - 52)  
17/00186/207C2

11 TREE PRESERVATION ORDER - LAND AT 135 HIGH STREET, (Pages 53 - 56)  
ALSAGERS BANK. TPO 205

12 URGENT BUSINESS

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.

**SUBSTITUTE MEMBER SCHEME** (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:

*If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need go:*

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

**PLANNING COMMITTEE**

Tuesday, 10th September, 2019  
Time of Commencement: 7.00 pm

- Present:-** Councillor Andrew Fear – in the Chair
- Councillors S. Burgess, Mrs J Cooper, D. Jones,  
H. Maxfield, P. Northcott, B. Proctor,  
S Tagg, G Williams and J Williams
- Officers Geoff Durham - Mayor's Secretary /  
Member Support Officer, Rachel Killeen -  
Senior Planning Officer, Elaine Moulton -  
Development Management Team  
Manager, Peter Stepien - Landscape  
Officer, Trevor Vernon -Solicitor and  
Darren Walters- Team Leader  
Environmental Protection
- Apologies Councillor(s) S. Moffat and M. Reddish

**1. APOLOGIES**

Apologies were received from Councillors Moffat and Reddish.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

**Resolved:** That the minutes of the meeting held on 13 August, 2019 be agreed as a correct record.

**4. APPLICATION FOR MAJOR DEVELOPMENT - SEABRIDGE COMMUNITY EDUCATION CENTRE, ROE LANE. STAFFORDSHIRE COUNTY COUNCIL. 19/00515/OUT**

*Moved by Councillor Simon Tagg and seconded by Councillor Jones.*

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

- (i) 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 contrary to policy.
- (ii) The access to the site is inadequate and unable to accommodate the scale of the development proposed and as such would result in issues of highway safety contrary to policy.

That, the applicant be advised that Planning Committee indicated that any further application to develop the site should be a full and detailed application so that issues of residential and visual amenity, and safety of any SUDs feature could be fully assessed.

**5. APPLICATION FOR MINOR DEVELOPMENT - THE BARN, BARTHOMLEY ROAD, AUDLEY. MR & MRS MCCREADY. 19/00448/FUL & 19/00646/DOB**

- Resolved:**
- (i) That application 19/00448/FUL be permitted with no Conditions
  - (ii) That the Head of Planning be given the delegated authority to discharge the S106 agreement, 19/00646/DOB, following the end of the publicity period having taken into consideration any representations received provided such representations do not raise issues that are material to the determination of the application and have not been addressed within the main agenda report. Should representations be received that raise issues that have not been addressed within the main agenda report and are material to the determination of the application the application shall be reported back to Committee.

**6. APPLICATION FOR MINOR DEVELOPMENT - SMITHY COTTAGES, SMITHY CORNER, BAR HILL, MADELEY. MR L CLARKE. 19/00552/FUL**

*Councillor Gary White spoke on this application.*

*Moved by councillor John Williams and seconded by Councillor Simon Tagg.*

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

The proposed construction of a second double garage in addition to the buildings permitted in application reference 16/00226/FUL would result in the proposal representing overdevelopment of the site which would cause harm to the character and appearance of Madeley Conservation Area.

**7. QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED**

- Resolved:** That the information be received.

Committee requested that the target for the next quarter set out within the report in respect of the first case, relating to residential development on the site of the Former Silverdale Colliery, be achieved having noted that it wasn't achieved in the previous quarter despite the last quarterly report setting the same target.

**8. REPORT ON OPEN ENFORCEMENT CASES**

- Resolved:**
- (i) That the report be received.
  - (ii) That a further report be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

9. **LIST OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING AND LISTED BUILDING CONSENT APPLICATIONS**

**Resolved:** That the revisions to the list arising from the consultation process be approved, as set out in Appendix 1 of the main agenda report and within the Addendum to the Appendix attached to this report, so that the revisions can be made, the revised list published on the website and thereafter used in the validation process.

10. **APPEAL DECISION - LAND ADJACENT TO 6 BRASSINGTON TERRACE, DEN LANE, WRINEHILL. 18/00376/OUT**

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

11. **APPEAL DECISION - PLOT 146 MELVILLE COURT, CLAYTON. 18/00451/FUL**

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

12. **APPEAL DECISION - THE BRACKENS, LEYCETT LANE, LEYCETT. 18/00444/FUL**

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

13. **APPEAL DECISION - (FORMER) ROBERT COATES PLANT SALES LTD. CONGLETON ROAD, BUTT LANE. 18/00987/ADV**

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

14. **URGENT BUSINESS**

**PUBLIC SPEAKING AT PLANNING COMMITTEE**

**Resolved:** That the existing scheme be amended to allow public speakers, including ward councillors, to refer to material, excluding "presentations", that has been submitted as part of, or in relation to, the application that is being considered by the Committee; and that this amendment be brought into immediate effect.

**COUNCILLOR ANDREW FEAR  
Chair**

Meeting concluded at 8.34 pm

This page is intentionally left blank

**RENFORD HOUSE, 24 HIGH STREET, WOLSTANTON**  
**MR IAN CAMERON**

**19/00529/FUL**

The application is for full planning permission for the demolition of Renford House, and its replacement with two town houses and a building to accommodate 9 apartments.

Vehicle access for the new apartment building would be off Woodland Avenue and the two town houses would be served off a single point off access off Marsh Avenue.

The application site is located within the Urban Area of Newcastle and the Watlands Park Conservation Area as identified on the Local Development Framework Proposals Map. The site area is approximately 0.14 hectares.

Tree's on the site are covered by Tree Preservation Order no. 11.

**The 13 week period for the determination of this application expires on 28<sup>th</sup> October 2019.**

## **RECOMMENDATION**

### **Refusal on the following grounds:-**

- 1. The proposed development, by virtue of its poor quality design, layout, form and appearance, would harm the character and appearance of the Watlands Park Conservation Area, thereby affecting its significance, and would fail to take the opportunities available for improving the character and quality of the site and visual amenity of the area. Such less than substantial harm from the proposed development would not be outweighed by any public benefits. The proposed development is therefore contrary to saved policies B9, B10, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011, policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the National Planning Policy Framework 2019.**
- 2. The proposed development and disposition of buildings is likely to result in the unacceptable impact to, and potential loss, of visually significant trees within the site that would be harmful to the Watlands Park Conservation Area and is therefore contrary to saved policies N12 and B11 of the Newcastle-under-Lyme Local Plan 2011 policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the National Planning Policy Framework 2019.**
- 3. The application fails to demonstrate that suitable noise mitigation measures can be secured to ensure that appropriate living conditions can be achieved for the occupants of the development in accordance with the National Planning Policy Framework 2019, in particular paragraphs 127 and 170, which would not result in harm to the character and appearance of the Watlands Park Conservation Area.**
- 4. Without an appropriate secured financial contribution relating to public open space the additional demands upon open space arising from the additional dwellinghouses as proposed would not be suitably addressed. As such the development would be contrary to policies on the provision of open space for residential development, contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011, Newcastle under Lyme Borough Council Supplementary Planning Document on Development Contributions (2007), the Newcastle-under-Lyme Open Space Strategy (March 2017), and the aims and objectives of the National Planning Policy Framework 2019.**

### **Reason for Recommendation**

Whilst the principle of new housing development on the site is considered acceptable, due to its highly sustainable location and because it would not result in the loss of good quality employment land, the proposed development is not considered to represent a sustainable form of development by virtue of it being a poor quality design and is likely to result in the loss of visually significant trees thereby harming the character and appearance of the Conservation Area. The less than substantial harm that would arise would not be outweighed by the public benefits of the proposal by virtue of a boost to the supply of houses. Without suitable noise mitigation measures the development is likely to result in the future adverse harm to occupiers of the development. A S106 agreement to secure a financial contribution towards public open space is not currently "on the table", although there is no reason to consider that the applicant would not enter into such obligations.

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



The application is a resubmission and the applicant has been given every opportunity to overcome the numerous concerns with the proposed development and has failed to do so. It therefore represents an unsustainable form of development in conflict with the provisions of the National Planning Policy Framework

### **Key Issues**

This is an application for full planning permission for the demolition of Renford House, an existing building in use as A2 Professional Services and B1 Offices, and its replacement with two town houses and a building to accommodate 9 apartments.

Vehicle access for the new apartment building would be off Woodland Avenue and the two town houses would be served off a single point off access off Marsh Avenue.

The application site is located within the Urban Area of Newcastle and the Watlands Park Conservation Area as identified on the Local Development Framework Proposals Map. The site area is approximately 0.14 hectares.

Tree's on the site are covered by Tree Preservation Order no. 11.

The site is within a High Risk Coal Mining area and there are coal mining features on the site. However, coal mining legacy matters can be addressed by conditions.

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

1. Is the principle of the development acceptable both in terms of the loss of the current use and the location for residential development?
2. Is the design and appearance of the development acceptable and would there be any significant harm to the character and appearance of the Watlands Park Conservation Area?
3. Would there be any adverse impact on trees?
4. Would the proposed development have any material adverse impact upon highway safety?
5. Would there be any material adverse impact on residential amenity?
6. What planning obligations are considered necessary and lawful?
7. Other matters

1. Is the principle of the development acceptable both in terms of the loss of the current use and the location for residential development?

- 1.1 The site is occupied by Renford House, which the applicant describes as a large detached 19<sup>th</sup> Century building that has been in commercial use for 40 years. In recent years the building has been used as A2 financial and professional services and B1 offices.
- 1.2 NLP Policy E11 states 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' business and general industrial land and buildings include the following; Accessibility to and from the primary road network; Size; Topography and configuration; Ground conditions; Its location and relationship to adjoining uses"
- 1.3 The proposal is to demolish the existing building and replace it with a modern apartment building with 9 units. Two town houses are also proposed within the site.
- 1.4 NLP Policy H1 supports new housing in the urban area of Newcastle and Kildsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.
- 1.5 Policy SP1 of the CSS 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. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable

solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

- 1.6 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.
- 1.7 The Council is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. This site is located in the urban area and it is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.
- 1.8 Your officers do not consider that the existing office building can be described as good quality office accommodation. Offices are also a main town centre use and the loss of accommodation in this location is not considered to be harmful or contrary to the guidance and requirements of the NPPF or NLP Policy E11. The site is considered to represent a highly sustainable location and the principle of housing development on the site therefore complies with local and national planning policy guidance.
2. Is the design and appearance of the development acceptable and would there be any significant harm to the character and appearance of the Watlands Park Conservation Area?
  - 2.1 The property is within the Watlands Park Conservation Area and 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.
  - 2.2 Paragraph 193 of the NPPF sets out that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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 to its significance.
  - 2.3 The NPPF at paragraph 195 further states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."
  - 2.4 At paragraph 196 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
  - 2.5 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.
  - 2.6 Policy B11 "Demolition in Conservation Areas" states that, "consent to demolish a building or any part of a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:
    - The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal would benefit the appearance or character of the area,
    - Detailed plans for redevelopment are approved where appropriate,

- An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.
- 2.7 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states in its policy HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-
- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
  - b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
  - c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.
- 2.8 In a more general sense the NPPF sets out at paragraphs 124 & 130 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. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 2.9 The proposed development is for the demolition of the existing building, which occupies a prominent position within the existing street scene and Watlands Park Conservation Area, and its replacement with a three storey apartment building and 2 three storey town houses would also result in a development that is prominent.
- 2.10 Renford House has been heavily modified and visually it has a neutral appearance within the Conservation Area. Views of the building are restricted by mature tree screening on the boundary that fronts both High Street and Woodland Avenue. On this basis, the principle of the demolition of the building can be considered acceptable but only if its removal would benefit the appearance or character of the area by the replacement of the building with a development that would preserve or enhance it.
- 2.11 The character of surrounding streets, in particular Woodland Avenue and Marsh Avenue, is of high quality containing interesting buildings. Therefore, in order for the proposed development to benefit the character of the area the proposed development should be of high quality and add interest to the area. The NPPF, development plan policies and the urban design SPD places great emphasis on achieving high quality design and this is even more important within conservation areas.
- 2.12 The proposed apartment building seeks to achieve a modern design but its appearance is utilitarian and lacks quality for this prominent location. It falls short of an appropriate contemporary design and it is not sympathetic to the Conservation Area, primarily due to the poor quality design, layout, form and appearance. The proposed development also lacks design influence from existing buildings within the locality and Conservation Area. Likewise, the two town houses also seek a modern appearance but the layout and appearance would not benefit the character of the area. The design of the proposed buildings could not be said to represent high quality. Whilst each element of the development is not inappropriate in its scale and massing, the cumulative impact of the development is of concern.
- 2.13 It is noted that the development would result in the existing unsightly and dominant commercial advertising hoardings being removed which would be a benefit. However, elements of the private gardens of the two town houses would be located close to High Street, a busy main road through Wolstanton, and whilst specific boundary treatments could be conditioned the Environmental Health Division (EHD) have raised concerns about the impact of traffic on these garden areas and mitigation measures, for example, an acoustic fence. An acoustic fence is likely to be visually dominant on this boundary and this would result in a further additional harm to the appearance of the development and the Conservation Area.
- 2.14 Watlands Park Conservation Area was designated as being significant for a number of reasons including that it offers a high quality and characterful environment marked by tree-lined avenues and

substantial residential properties of pleasingly varied design. Renford House is considered to have a neutral appearance within the Conservation Area, not being considered to be either high quality or characterful, and its loss will not in itself be harmful. The site is within a prominent position within the Conservation Area, however, and it is important to ensure that any redevelopment is of a high quality and characterful design. The proposed design is considered to be of poor quality and fails to take the opportunities available for improving the character and quality of this site. On this basis, it is considered that the proposed development will lead to less than substantial harm to the significance of a designated heritage asset as it would neither preserve nor enhance the character and appearance of the Conservation Area. There would be some public benefits as the proposal will result in a boost to the Borough's supply of housing it is considered that such benefit would not outweigh such harm. As such this would clearly be contrary to specific policies of the development plan and urban design guidance highlighted above and the guidance and requirements of the NPPF.

3. Would there be any adverse impact on trees?

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

3.2 Saved policy NLP B15 further states that "Trees and landscape features which contribute to the character and appearance and are a part of the setting of a Conservation Area will be retained. Where consent is given to remove protected trees conditions will be imposed to require trees of the appropriate species and size to be planted and replaced if they die within 5 years."

3.3 The site contains a number of mature trees located on the northern boundary, which serves as the High Street frontage and these are visually significant and contribute to the character and appearance of this part of the Conservation Area. The trees that are located adjacent to the Woodland Avenue and High Street junction are covered by a TPO and the application seeks to demonstrate that these can be adequately protected during construction.

3.4 In terms of other trees within the site the Landscape Development Section (LDS) has raised concerns about the loss of a Sycamore (T2) and a Lime tree (T3) on the site frontage. These are classified, within the submitted tree report, as Category A trees - Trees of high quality with an estimated remaining life expectancy of at least 40 years. Whilst these trees are not included in the TPO they are visually significant and should be retained and the application has failed to demonstrate that they can be. Therefore, the development is contrary to policies N12 and B15 of the local plan which are consistent with the guidance and requirements of the NPPF.

3.5 Furthermore, the retention of trees T2 and T3 would prevent footpath widening improvements advised by the Highways Authority - this matter is discussed in the section below.

3.6 The LDS have asked for a landscape strategy plan and this could be secured by condition had the development been considered acceptable.

4. Would the proposed development have any material 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 site is occupied by Renford House, which has been operating as a commercial building for 40 years. In recent years the building has been used as A2 financial and professional services and B1 offices. Renford House would be replaced with 9 apartments and two town houses with vehicle access for the new apartment building being via the existing access off Woodland Avenue and the two town houses would be served off the existing access off access off Marsh Avenue.

- 4.3 Many of the objections received focus on highway safety concerns of the proposed development, in particular increased traffic generation and the level of off street car parking being insufficient which would exacerbate existing on street car parking problems on neighbouring streets.
- 4.4 Paragraph 106 of the NPPF states that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.
- 4.5 Saved policy T16 of the NLP states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Other than in respect of the setting of maximum parking levels this policy is consistent with the NPPF and can be given weight in the decision making.
- 4.6 The development proposes to utilise existing accesses on to both Woodlands Avenue and Marsh Avenue. These are established accesses and the Highways Authority has raised no objections to the proposed development on the basis that the traffic generated by the permitted office use would generate more vehicle trips than the proposed 9 apartments and two dwellings. In addition the site is located in a highly sustainable location in the centre of Wolstanton with access to bus services, amenities, schools and employment opportunities which are all within easy walking and cycling distance.
- 4.7 The apartment building is proposed to have 17 car parking spaces and Policy T16 requires a Maximum of 18 spaces. It is considered that this level of parking spaces is unlikely to exacerbate an on street car parking problem. The proposed 3 off street car parking spaces for the town houses is acceptable and is in full accordance with policy T16.
- 4.8 The HA have raised no objections considering that the existing accesses that are utilised are acceptable having adequate visibility notwithstanding the existence of parked cars adjacent to such accesses, subject to conditions. In particular they have requested the submission and approval of a car park management plan, cycle storage and off site highway works which should include partial footpath widening on High Street which would further encourage future occupiers to access the services and amenities.
- 4.9 Your officers acknowledge that the width of the existing footpath is narrow and the principle of the partial footpath widening on High Street is supported. The applicant has also indicated a willingness to comply with this condition. However, there are potentially significant and harmful implications of these works on two mature and visually significant trees as they may have to be removed to accommodate the works. Whilst your officers acknowledge the benefits of the partial footpath widening to future residents it is not considered that such works are essential to highway safety and these benefits would not outweigh the greater harm caused by the loss of the trees and on this basis a condition requiring partial footpath widening would not be supported in this instance.
- 4.10 Without a landscape strategy and suitable replacements being identified the footpath widening works cannot be considered appropriate.
5. Would there be any material adverse impact on residential 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 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

- 5.3 The proposed apartment building would front High Street and whilst principal windows and balconies are proposed in this elevation and the rear elevation (“entrance elevation”) they would fully comply with the SPG.
- 5.4 The proposed town houses are sited in a manner that they would comply with the separation distances set out in the SPG.
- 5.5 However, EHD has raised objections to the proposed development, as set out at paragraph 2.12 above. They indicate that amenity spaces for the town houses will be subjected to high levels of road traffic noise and any required mitigation to achieve appropriate noise levels within the garden areas could have a significant impact on the appearance of the development and visually significant trees.
- 5.6 It is acknowledged that the application has not been supported by a noise impact assessment that includes possible mitigation measures and your Officer considers that whilst the proposed garden areas meet the SPG, in terms of size, the future occupiers would be adversely affected by road traffic noise without appropriate mitigation and that any required mitigation is likely to be visually unacceptable in this prominent Conservation Area location. On this basis it is considered that elements of the proposed development would be contrary to the guidance and requirements of the NPPF, in particular paragraph 127.
6. What planning obligations are considered necessary and lawful?
- 6.1 The Council’s Landscape Development Section (LDS) has requested a financial contribution of £5,579 per dwelling towards improvements to the play area at Bradwell Lodge, which is approximately 475m away from the application site. This would amount to a total contribution of £61,369.
- 6.2 Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-
- Necessary to make the development acceptable in planning terms
  - Directly related to the development, and
  - Fairly and reasonably related in scale and kind to the development.
- 6.3 The figure requested by LDS is in accordance with the Open Space Strategy and the contributions are ones, which make the development policy compliant and ‘sustainable’. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 6.4 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.
- 6.5 Only one obligation has previously been secured for POS improvements at Bradwell Lodge and on this basis, it is considered that the contribution complies with CIL Regulation 123.
- 6.6 The obligation would need to be secured via a Section 106 agreement but one has not been completed.
7. Other matters
- 7.1 A total of 74 representations have been received raising objections on a number of grounds. Many of these objections relate to the design of the scheme and its impact on the visual amenity of the area and the Conservation Area; and the impact on highways safety, including perceived existing on street car parking problems. These objections have been taken into consideration above when concluding the recommendation.

7.2 Matters such as the additional impact on sewerage system and the impact on exhaust fumes from additional cars have been given limited weight. These matters are covered by other legislation and/ or they are the responsibility of other bodies such as the utilities company. Construction traffic can be addressed and controlled through planning condition. There is no public right of way through the site.

## **APPENDIX**

### **Policies and proposals in the approved development plan relevant to this decision:-**

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP10	Planning Obligations

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
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 B11:	Demolition in Conservation Areas
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy B15:	Trees and Landscape in Conservation Areas
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

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

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

[Relevant Planning History](#)

The existing Renford House building has been in commercial use since the 1980's and has been the subject of various planning applications for extension and alteration.

A recent planning application, reference 18/00024/FUL for the proposed demolition of Renford House, and construction of 12 no. apartment block and two town houses, was withdrawn.



## Views of Consultees

The Council's **Urban Design and Conservation Officer** indicates that the comments provided during the consideration of the previous planning application (which was withdrawn) remain valid. Therefore, whilst there are no objections to the demolition of the building the proposals do not add to the quality of the streetscene and it does not reflect the quality of the adjacent properties or those within the conservation area. The reduction in scale is welcomed and the roof shape is more acceptable. The entrance into the building is poor and extremely understated for such a large building which would be a busy thoroughfare. The design of the new town houses is unlikely to create a good focal point on the corner. The amended proposal does not preserve the special elements of the conservation area or make a positive contribution which is worthy of demolishing the existing building on the site. The quality of the development falls short of what the LPA should be accepting in a conservation area and is contrary to the guidance of the NPPF. The design and layout currently causes substantial harm to the character and appearance of the conservation area and neither preserves or enhances it.

The **Conservation Advisory Working Party (CAWP)** indicates that they are disappointed with the quality of the development, particularly given the critique of the previous submission, although some members felt that the amended roofline was a slight improvement on the last submission. This very ordinary flat design lacks any form of modelling and the front entrance to the apartment block is disproportionately small. The detached houses are unremarkable and the development doesn't complement the rest of the area. More finesse is required for this site. Some members feel the apartment block is inappropriate in terms of its scale and should be 2 or 2.5 storeys. They consider the proposal should be refused on grounds of poor design.

The **Highways Authority** raises no objections following the submission of an amended site plan subject to the following conditions;

- Provision of accesses, parking, turning and servicing areas;
- Submission and approval of a car park management scheme for the apartments;
- Off-site highway works including the partial widening of the footpath on the High Street frontage and surfacing of the existing dropped crossing on Marsh Avenue;
- Pedestrian visibility splays for the accesses to the town houses;
- Submission and approval of surfacing and surface water drainage details for the drives and accesses of the town houses;
- Details of the secure weatherproof cycle parking;
- The accesses on Woodland Avenue and Marsh Avenue shall remain ungated; and
- Submission and approval of a construction management plan.

**Staffordshire County Council Flood Risk Team** indicate that, as the ground floor area of the residential development does not exceed 1000m<sup>2</sup>, and records show the site to be at low risk of flooding.

The **Environmental Health Division (EHD)** objects on the grounds that amenity spaces for the residential dwellings will be subjected to high levels of road traffic noise and that any required mitigation to achieve appropriate noise levels within the garden areas could have a significant impact on the appearance of the development.

The **Landscape Development Section (LDS)** objects on the grounds that the development is likely to result in post development resentment of trees from future occupiers which could lead to their loss. There are also concerns about levels changes within the root protection areas of trees, which are likely to lead to tree loss, and a landscape strategy has not been submitted to improve the design.

The **Waste Management Section** raises concerns about the location of the shared bin store of the apartments and the distance from the kerbside. Similar concerns regarding the distance of town house 1 to the kerbside and bins being left on the highway during collections.

The **Coal Authority** indicates that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. Specifically, records indicate the presence of fissures.

The submitted Coal Mining Risk Assessment identifies the presence of two northwest-southeast trending faults and correctly states that it may be possible that another fault may pass through the application site. The Coal Authority considers that fissures have a very significant potential for ground collapse, which can arise as a direct consequence of a new development. Consequently, The Coal Authority would expect the fissure to be located and both a treatment scheme and any subsequent foundation solution to be conditioned by the LPA. The Coal Authority has no objection to the proposed development subject to the imposition of a condition to secure intrusive site investigations and remediation measures.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objections to the proposals but offer advice on design improvements. The following recommendations are made;

- A covered cycle storage should be provided within the site,
- Visitor parking should be proposed for the apartment building,
- An effective access control system will be required to restrict access to the apartment block to residents only,
- Post arrangements for the apartments will need to be secure,
- Boundary treatments for these rear gardens will need to be sufficiently robust to deter casual intrusion and discourage burglary and theft.

The **Education Authority** states that development falls within the catchments of Ellison Primary School and Wolstanton High School. The development does not meet the threshold for education contributions because two bed apartments are discounted in the education policy. Therefore no education contribution is requested for this application.

The **East Newcastle Locality Action Partnership (LAP)** has been consulted on this application and has not responded by the due date and so it is assumed that they have no comments to make on the application.

### Representations

74 letters of objection have been received raising the following concerns;

- The proposal would exacerbate an existing on street car parking problem on surrounding streets,
- The parking arrangements for the Renford House site remains inadequate and have no disabled or visitor provision,
- The Marsh Avenue access has not been used in many years,
- The proximity of the access to the junction of Woodlands Avenue is unsafe due to existing on street car parking problems,
- The existing access arrangements have poor visibility,
- Construction traffic will be harmful to the area in terms of additional traffic, noise and disturbance,
- The design and access statement is misleading and does not reflect the planning application,
- The proposal would harm the character of the conservation area,
- It represents overdevelopment of the site due to scale and massing of buildings and additional vehicle movements,
- The architectural quality of the scheme is poor,
- The height of the flat block is disproportionate,
- The development would harm the wellbeing of residents,
- Pollution from car exhausts from additional vehicle movements created by the proposed development,
- Concerns about the additional impact on the sewerage system,
- The right of way through Renford House should be protected,
- There are too many flats in the area already,
- The building should be maintained as a commercial building,
- The building is a landmark to residents and should not be demolished, and
- Conversion of the existing building to apartments would be more appropriate.

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/19/00529/FUL>

**Background papers**

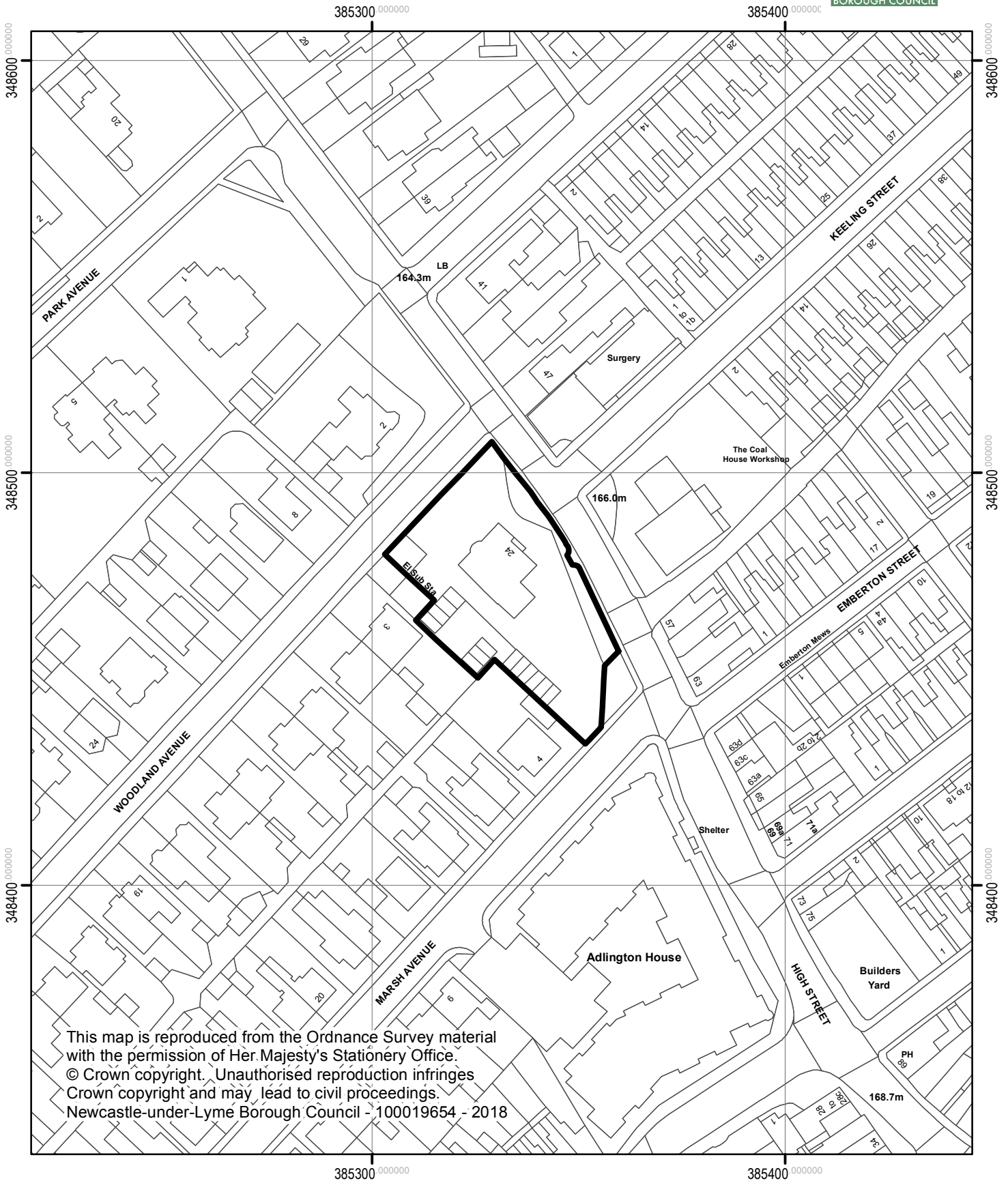
Planning files referred to  
Planning Documents referred to

**Date report prepared**

26<sup>th</sup> September 2019

This page is intentionally left blank

Renford House, 24 High Street, Wolstanton



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.  
Newcastle-under-Lyme Borough Council - 100019654 - 2018

This page is intentionally left blank

**FORMER BRISTOL STREET GARAGE, LONDON ROAD, NEWCASTLE**

**ABODE RESIDENCIES**

**16/01106/3CN03**

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

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

The 8 week period for the determination of this application ends on 25<sup>th</sup> October 2019.

**RECOMMENDATION**

**Approve**

**Reason for Recommendation**

Although no vertical gradation of colour, as suggested by the Committee, is proposed, your Officer accepts the agent's case that such elevational treatment would not be possible. The use of a different colour for each block resulting in a horizontal gradation of colour across the site is considered appropriate and the proposed materials accord with the design policies within the Council's Development Plan and the National Planning Policy Framework.

**Key Issues**

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

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

Earlier this year the Committee refused to grant the required approval under condition 3(a) and 3(c) on the grounds that the colour of the cladding on the south western elevation of Block 1 facing Lyme Valley Parkway was considered by the Local Planning Authority to be inappropriate and to detract from the visual amenity of the Parkway. That application related to just Blocks 1 and 2.

The applicant now seeks approval for the external materials for all blocks as well as approval of boundary treatments.

Blocks 1, 3 and 4 which lie adjacent to the Lyme Valley Parkway, would comprise aluminium cladding panels with elements of cedar cladding for decorative shading areas and framing around some of the windows. Block 2, which fronts London Road, would comprise smooth red bricks along with a polar white rendered central projecting feature and silver aluminium panels at 2nd floor level. Block 5 which lies to the north-west of the site opposite Block 4 and to the rear of the dwellings on London Road would also comprise aluminium cladding panels with elements of cedar cladding. Grey coloured doors and fenestration are proposed. All the blocks are to be 4 storeys in height with the exception of Block 2 which would be 3 storeys high. The cladding on the blocks would be varying shades of grey.

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

In the previous application both Blocks 1 and 2 were to comprise silver aluminium cladding panels. In their discussion of the matter the Committee criticised the 'wall of grey' on Block 1 and reference was made to a preference for some gradation of colour on its south-west facing elevation. The applicant's agent has submitted a Design Statement to accompany this application and the following is a summary of the main points made:

- It is agreed that a variation in cladding colour will enhance the appearance of the site by preventing the blocks from appearing monotonous and the design repetitive.
- The graduated cladding effect preferred by the Committee is generally associated with much larger and taller B8 building types. This typology lends itself to the blending effect as the height allows for more increments of colour and therefore a subtle gradation that often merges with the sky.
- Meticulous thought has been applied to the potential of applying this method to the elevations however, it is deemed that the height of the blocks within this development and the cladding panels approved under the original application will restrict the successful application of this grading technique.
- The cladding panels are floor to ceiling height which means that one panel is to be utilised per floor. As there are only four floors, this means there can only be four changes in colour. The limited variation in colour would result in a stripy effect rather than a gradated effect. It is believed that this would appear jarring and seem somewhat like a vein attempt to blend different shades of cladding together.
- In addition the proportions of the windows and cladding panels make them vertical components. Introducing the horizontal bands of colour to the elevations creates a juxtaposition between the vertical and horizontal elements. These features will compete against each other and result in an appearance that is not harmonious.
- As an alternative approach the use of two colours of cladding arranged half and half has been considered. To blend with the sky, the lightest colour was applied to the top half with the next shade below. Again, the resulting appearance is not synonymous with the desired gradated appearance. Furthermore, it is thought that this proposal is weak as it fails to provide an agreeable transition between the colours and instead creates a façade comprising of large indifferent stripes.
- Generally, when two colours are used to split a façade, the lighter colour is reserved for the top floor only to help minimise the impact of the building's height. In this development, the height of the blocks does not pose a concern and therefore doesn't warrant this form of elevational treatment.
- It was realised that gradation up the building could not be achieved with the desired outcome. Therefore, thought was given to the potential gradation of cladding across the building. However, due to the staggered design of the windows and therefore staggered arrangement of cladding panels, this suggestion would not be possible as the elements do not line through with each other.
- A solution has been sought to successfully introduce additional colours of cladding across the site. To avoid the creation of striped facades and competing elements, it is proposed that each block is assigned a different colour resulting in a horizontal gradation of colour, rather than vertical.
- Blocks 1, 3, 4 and 5 would each be a different shade of grey which enables a horizontal gradation of light to dark. The cladding on block 2 would be Goosewing grey which is slightly silvery. The colours have been chosen as they are of the same tone and provide a consistent step between each other in terms of shade.

Although Block 1 and the other blocks fronting the Lyme Valley Parkway would each comprise just one colour of cladding with no vertical gradation of colour as suggested by the Committee, your Officer accepts the agent's case that such elevational treatment would not be appropriate. In the circumstances the use of a different colour for each block resulting in a horizontal gradation of colour across the site is considered acceptable.



## **APPENDIX**

### **Policies and proposals in the Development Plan relevant to this recommendation**

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

Policy CSP1: Design Quality

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

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

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

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

### **Relevant Planning History**

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

### **Applicants Submission**

- Condition discharge information document
- Design Statement

These documents are available to view on the Council's website via the following link:  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01106/3CN03>

### **Background Papers**

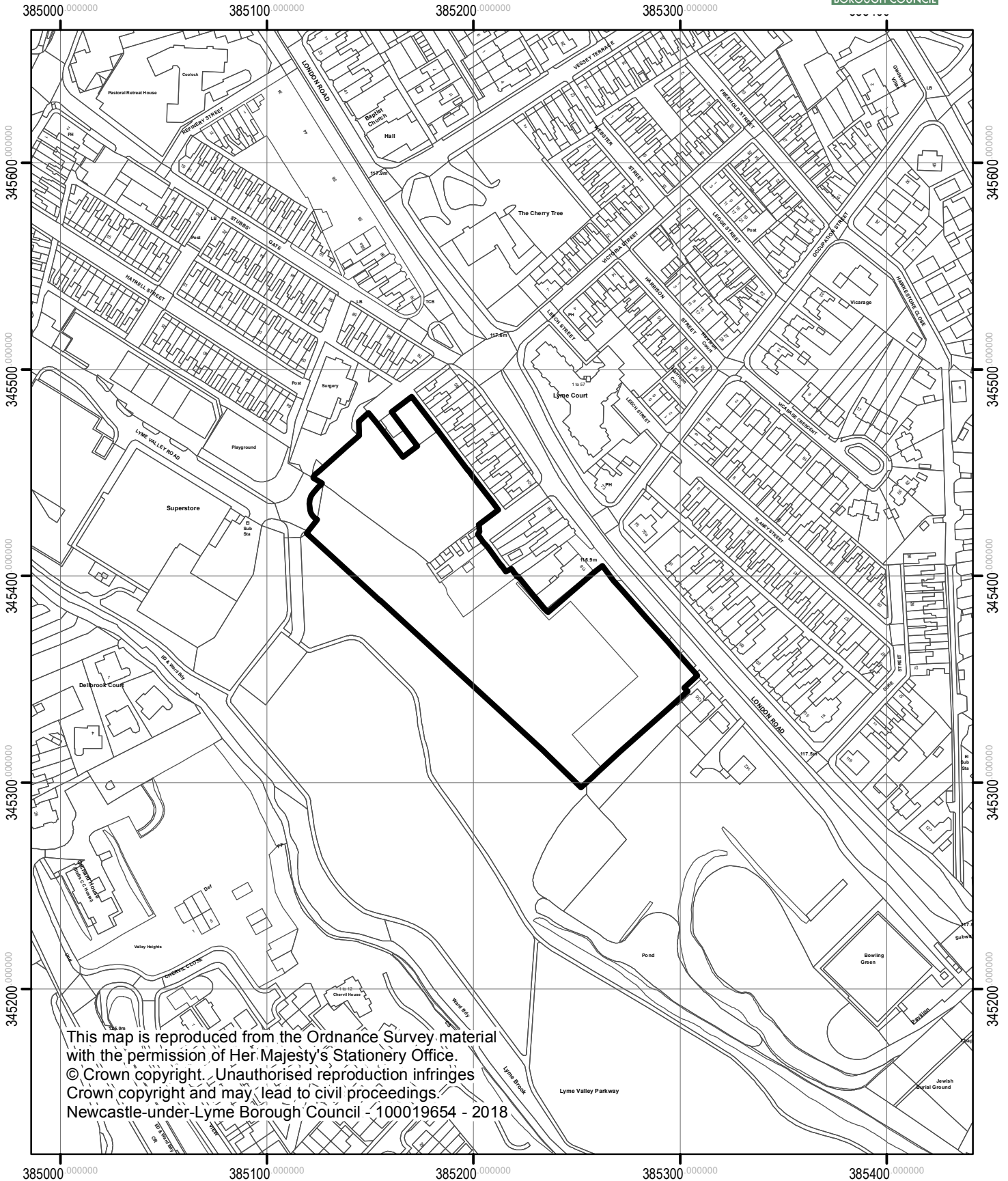
Planning Policy documents referred to  
Planning files referred to

### **Date Report Prepared**

25 September 2019

This page is intentionally left blank

Former Bristol Street Motors Site  
London Road, ST5 1LZ



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.  
Newcastle-under-Lyme Borough Council - 100019654 - 2018

This page is intentionally left blank

**LAND ADJACENT TO KEELE UNIVERSITY, UNIVERSITY AVENUE, KEELE UNIVERSITY  
KEELE HOTEL DEVELOPMENTS LTD AND KEELE UNIVERSITY SCIENCE AND BUSINESS  
PARK LTD** **19/00688/FUL**

The application seeks to vary condition 11 of planning permission 19/00203/REM which approved the reserved matters for the erection of a 150-bedroom hotel, car parking and associated infrastructure following the granting of an outline planning permission for buildings accommodating academic functions; staff and student residences; employment uses directly related to or complementary to the University's core activities; and Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods (Refs. 05/01146/OUT and 17/00934/OUT).

Condition 11 relates to the provision of electric vehicle charging points.

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

**The 13 week period for the determination of this application expires on the 29<sup>th</sup> November 2019.**

**RECOMMENDATION**

**PERMIT the variation of condition 11 of 19/00203/REM so that it reads as follows:**

***11. Prior to the first occupation of the development hereby approved, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point and thereafter maintained unless otherwise agreed by the Local Planning Authority. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).***

**And subject to the imposition of all other conditions attached to reserved matters consent 19/00203/REM that remain relevant at this time.**

**Reason for Recommendation**

The revised condition will ensure an adequate provision of spaces for charging plug-in vehicles in accordance with the aims and objectives of the National Planning Policy Framework 2019.

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

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

**Key Issues**

The application seeks to vary condition 11 of planning permission 19/00203/REM which approved the reserved matters for the erection of a 150-bedroom hotel, car parking and associated infrastructure.

Condition 11 as worded in the decision notice states as follows:

***At least 40 parking spaces, including at least 2 of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point. All other parking spaces shall be provided with passive wiring to allow future charging point connection. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).***

The reason given for the condition within the decision notice was:

*To ensure an adequate provision of spaces for charging plug-in vehicles and to sustain compliance with the adopted Newcastle-under-Lyme Borough Council Air Quality Action Plan 2019 to 2024 as per the objectives within paragraphs 105 and 181 of the National Planning Policy Framework 2019.*

The applicant has requested that the wording is revised as follows:

*Prior to the occupation of the development, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point.*

Their justification for the proposed variation can be summarised as follows:

- At no point during pre-application engagement did the LPA advise that a significant number of car charging points would be sought or that it would be seeking to essentially 'future proof' other matters.
- There are no policies in the adopted development Plan requiring a specific amount of car charging plug in points.
- The applicants were not made aware of the Council's Air Quality Action Plan which is not available on the Council's website.
- The Government has recently published two consultation documents – 'Electric Vehicle Charging in Residential and Non-Residential Buildings' (July 2019) and 'Electric Vehicle Smart Charging' (July 2019) – and it is understood that changes to the building regulations may take effect in the future.
- The applicant's Design & Access Statement clearly set out that it was proposed to deliver 10 car charging points and one additional charging point as a disabled space.
- As the applicants had put forward 11 electric car charging points, and at no point during the determination of the submission was this raised by officers, queried or discussed and neither was it raised by consultees or members of the planning committee, the imposition of condition 11 came as a significant shock.
- The applicants have learnt that it is the LPA's aspiration to apply a 25% electric car charging point requirement across all major schemes but this is not set out in any policy or supplementary planning document that has been independently assessed and scrutinised.
- The approach to the imposition of a mandatory but also arbitrary 25% requirement is untenable and to secure via planning condition and seek to utilise the development management system as the 'blanket' method of delivery to work towards improving carbon emissions and thus air quality is not considered acceptable or appropriate and even Government themselves in their latest consultation reports are suggesting it is a potential matter that may be dealt with through building regulations.
- The decision-making process is considered unbalanced, where significant weight as a material consideration has been given to a document (the Council's air quality assessment) that has not been independently ratified or scrutinised. The approach, it is considered, has led the LPA to issue a condition that does not meet the six tests a condition should and is therefore inherently flawed and should not have been imposed.

Their submission is supported by a detailed technical letter by the applicant's Infrastructure Consultant which sets out the practical and viability implications of Condition 11 as currently imposed. A summary is as follows:

- There is currently power secured to provide for the 11 car charging points, no off-site works are required for this - this is costed at £30,000;
- Increasing this unplanned for supply (as it derives from the University's supply), will decrease the demand they can draw from the network;
- The current local infrastructure does not allow the increase to 40 car charging points; off site works will be required at a cost of £400,000;
- An additional onsite cost of delivery of increasing to 40 car charging points is in the region of £100,000;
- The existing area's electrical distribution is limited;

- The closest location to bring extra power from is Knutton which will require 1.5KM off site excavation and road closures and cable laying over an 18 month period - this in turn could delay the delivery of this much needed hotel;
- To service all car parking spaces would require further cabling to be laid for Knutton which would cost a further £650,000;
- The electrical load required to lay wiring for all the car parking spaces equates to the same amount required to service the hotel;
- To service all car parking spaces would require on site infrastructure costs of £500,000;
- Future evolution of car chargers means that as the technology changes there is not going to be the same demand for overnight chargers.

Given these factors, the applicant concludes that the implementation of Condition 11 as is currently imposed would unreasonably impact on the deliverability of the development and the LPA is asked to approve this variation of the condition.

The Environmental Health Division accepts the argument advanced by the applicant and supports the application subject to a minor variation to wording to read as follows:

*Prior to the occupation of the development, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).*

The Council currently has no adopted policy relating to electric vehicle charging and since the determination of application 19/00203/REM, the Government has published its consultation document 'Electric Vehicle Charging in Residential and Non-Residential Buildings'. For new non-residential buildings with more than 10 parking spaces, it is proposed to introduce a requirement to have at least one chargepoint and cabling routes for one in five spaces. The document goes on to state that the demand for chargepoints and the type of chargepoints needed at non-residential buildings is mixed, and will depend on how the building is used and the wider provision of chargepoints in the local area. It highlights that the Government does not therefore consider it appropriate to set a more prescriptive standard for all non-residential buildings through Building Regulations. The consultation period ends in October.

Based on the recommendations of the Government's consultation document which refers to a chargepoint for one in five spaces, the development which provides a total of 180 car parking spaces, would require the provision of 36 spaces with an electric vehicle charging point. Whilst the 11 spaces proposed does not meet the Government's recommended requirement, it remains a consultation document and as detailed in the technical letter from the applicant's Infrastructure Consultant, the costs of such a provision would be significant and would impact on the deliverability of the development. As stated above the Environmental Health Division has no objections to the proposed variation to Condition 11 and your officer accepts that the provision of 11 spaces with an electric vehicle charging point is reasonable. The applicant has confirmed their agreement to the revised wording recommended by Environmental Health and such wording is considered to be acceptable subject to a minor amendment to tighten up the condition to ensure delivery and retention.

## 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 CSP3: Sustainability and Climate Change

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

None

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

[National Planning Policy](#)

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

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

[Government Consultation – Electric Vehicle Charging in Residential and Non-Residential Buildings](#)

### **Relevant Planning History**

- 05/01146/OUT (A) Full planning permission for engineering operations including plateau formation, earthworks, layout of road network, cyclepaths and footpaths, drainage works and other ancillary works  
(B) Outline planning permission for development for (a) academic function's; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved
- 10/00631/REM The siting, design and external appearance of a conference, training, and leisure hotel (outline permission for which was granted under reference 05/01146/OUT), the means of access to its site from the road network and the internal landscaping of its site - Refused and subsequently allowed on appeal
- 17/00934/OUT Proposed development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure - for the use of students, staffs, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods – Approved
- 19/00203/REM Reserved matters (access arrangements within the site, appearance, landscaping, layout and scale) for the erection of a 150-bedroom hotel, car parking and associated infrastructure pursuant to outline consent 17/00934/OUT – Approved

### **Views of Consultees**

The **Environmental Health Division** supports the application to vary the wording of Condition 11 subject to a minor variation to wording to read as follows:



*Prior to the occupation of the development, 10 parking spaces, and one of the disabled parking spaces, must be provided with a fully dedicated electric vehicle charging point Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, or equivalent, Mode 2 (on a dedicated circuit).*

**Keele Parish Council** makes no comments on the application.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Statement of Case
- Letter of technical evidence

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00688/FUL>

Background papers

Planning files referred to

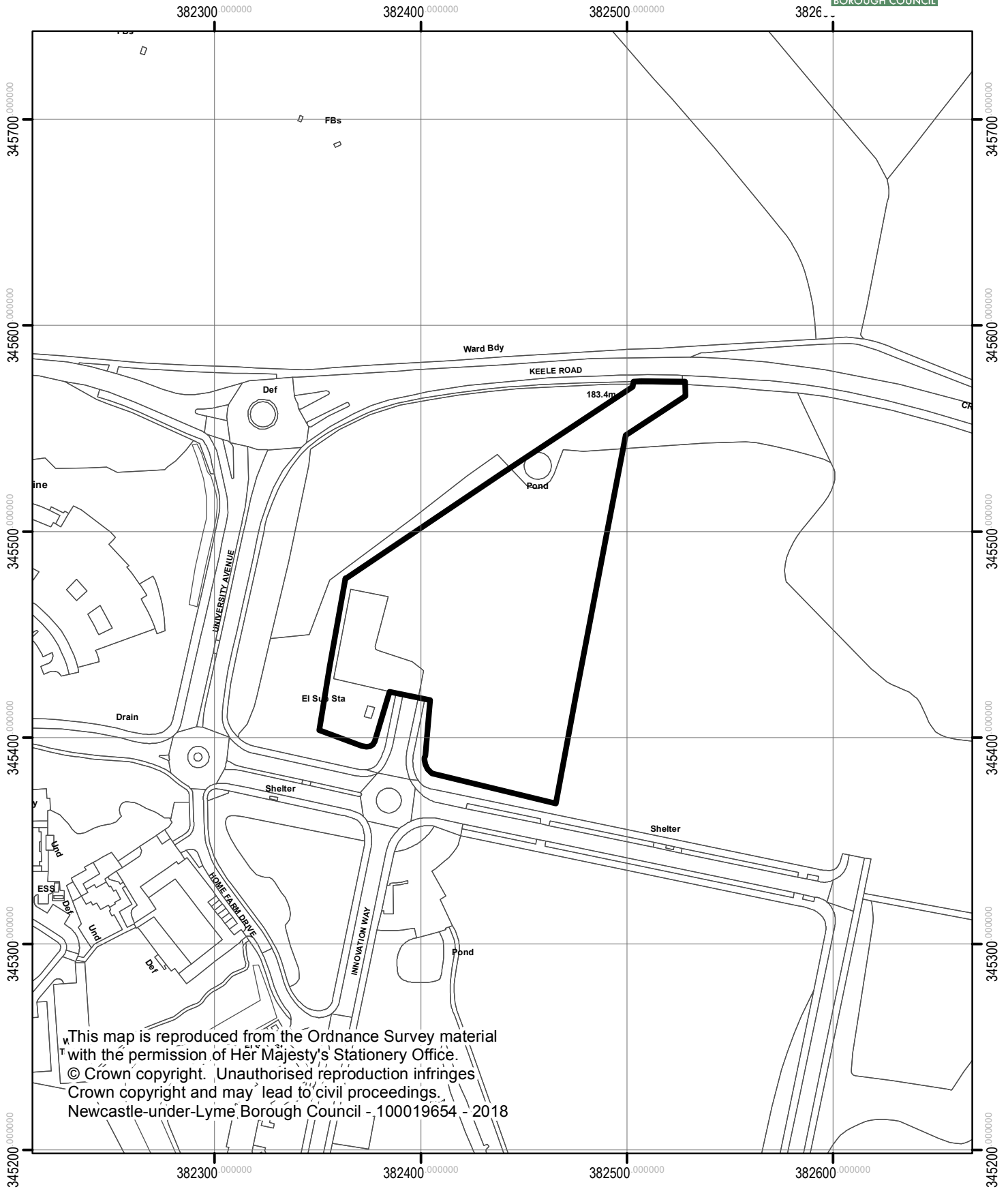
Planning Documents referred to

Date report prepared

23 September 2019

This page is intentionally left blank

Land adjacent Keele University  
Keele Road, Keele,



This page is intentionally left blank

**4 SUTHERLAND DRIVE**  
**MR RAFIQ SHEIKH**

**19/00610/FUL**

The application is for a replacement dwelling at No. 4 Sutherland Drive.

The dwelling is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The application has been called in to the Planning Committee for determination, by two Councillors, due to resident concerns about the scale of the proposed development and its impact on neighbouring properties.

**The statutory 8 week period for the determination of this application expires on the 2<sup>nd</sup> October 2019, however the applicant has agreed an extension of time until the 11<sup>th</sup> October.**

**RECOMMENDATION**

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

- i. Time limit**
- ii. Development to be carried out in accordance with the approved plans**
- iii. Approval of materials, boundary treatments and surfacing materials.**
- iv. Parking, turning and access arrangements to be provided prior to occupation.**
- v. Internal and external noise levels.**
- vi. Hours of construction**
- vii. Electric vehicle charging point**
- viii. Tree protection**

**Reason for Recommendation**

The proposed replacement dwelling is considered to be acceptable in principle. It would represent an appropriate addition within the Sutherland Drive street scene and would not have any adverse impact on the character or appearance of the surrounding area. There would be no adverse impact on trees, no significant detrimental impact on the residential amenity of neighbouring properties and the parking arrangements are acceptable. Therefore it is considered that the development would comply with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2016, Policy T16 of the Newcastle-under-Lyme Local Plan and the provisions of the Council's Space Around Dwellings SPD, together with the guidance and requirements of the National Planning Policy Framework 2019.

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

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

**Key Issues**

Full planning permission is sought for a replacement dwelling at No. 4 Sutherland Drive. The application site is located within the urban area of the Borough, as identified by the Local Development

In principle there are no planning policy objections to a replacement dwelling in this location as proposed. As such the key issues to consider in the determination of the application are as follows;

- Design and the impact upon the character and appearance of the area

- The impact on residential amenity
- The impact on parking and highway safety
- The impact on trees

### **Design and impact upon the character of the area and street scene**

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line". R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Sutherland Drive is host to a large variety of dwelling types, of varying scale and design all of which contributes to the character of the area.

The replacement dwelling would appear significantly different to the existing dwelling in both its scale and overall design. It would feature a double bay frontage with a deep hipped roof with a series of small box dormers across the roof slopes to serve the rooms within the roof space.

Revised drawings have been received during the course of the application following the applicant's consideration of comments from neighbouring properties. This has seen the overall height of the dwelling reduced from 9.7m to 9.4m, and would now sit in line with the roof height of the adjacent dwelling at No. 2 and approximately 0.6m above the neighbouring semi-detached property at No. 6. The depth of the dwelling has also been reduced by 1m in the revised proposals.

The front elevation of the dwelling would maintain the prominent building line along this side of Sutherland Drive, and whilst the height of the dwelling would increase it would not fundamentally disrupt the roofscape between the properties along this side of Sutherland Drive sitting at similar height to the property at No. 2, and slightly higher than the other adjacent neighbour. When read from the street scene, this difference in height is not considered to have a harmful impact on the visual amenities of the area, particularly given the variety of design apparent within the locality.

As discussed, the replacement dwelling is significantly larger than the original and the majority of the additional massing comes from the increased height and depth of the dwelling.

The application site benefits from being a spacious plot, as is the case with other properties within the immediate locality and as a result there would be a distance of 1.6m between the side elevations of the dwelling and the site boundaries towards the front of the property, with a distance of 1.9m to 2.8m towards the rear. Therefore despite the increase in scale it is not considered that the proposal would represent overdevelopment of the site, and would not appear cramped within the confines of the site.

The application documents stipulate that the facing materials would comprise traditional brick and tile, and so subject to a condition to secure the precise specifications, the proposed materials are considered to be acceptable and despite the alterations in overall design, would still associate well with the predominant appearance of the surrounding properties.

As initially submitted the proposal involved the removal all vegetation from the front of the property in favour of parking, with no space allowed for any meaningful landscaping which, as stated by the Landscape Development Section, would be detrimental to the frontage and not in character with the majority of Sutherland Drive. This concern has been addressed through the submission of amended plans which show a reduction from six parking spaces on the site frontage to four and provision of areas where planting can take place

Therefore whilst a deviation from the form and appearance of the existing property, it is not considered that the dwelling would appear out of character with the wider locality and would not have a detrimental impact on the visual amenities of the area to such an extent that would warrant the refusal of the application. The application is therefore considered to accord with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy as well as the provisions of the NPPF.

#### **Impact upon residential amenity:**

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations.

The replacement dwelling would result in additional massing being created that would extend beyond the existing rear building line of the neighbouring dwellings to the east and west of the application site.

The neighbouring dwelling of No. 6 Sutherland Drive comprises a semi-detached dwelling which has two principal windows on the rear elevation serving the kitchen/dining room of the property. It is noted that there is a further window sited on the side elevation of the property however this is obscure glazed and so is not considered to be a principal window in accordance with the Council's Space Around Dwelling SPD. Therefore the primary source of outlook and light to this principal room are the rear facing windows which achieve views out across the garden. When taking a horizontal 45 degree line of sight from the window closest to the boundary with No. 4, the proposed replacement dwelling does not breach this.

The neighbour to the west (No. 2 Sutherland Drive) has a large window serving an open plan kitchen dining area; however this room is also served by large bi-fold doors along the rear of the property. Therefore this window is not the only source of outlook to the kitchen/dining room of No. 2. Again when taking a 45 degree line of sight from this window, there would be no horizontal breach and so in respect of both neighbouring properties there would be no breach of Space Around Dwellings guidance from rear facing principal windows.

Objections have been received noting the overbearing impact of the development and its encroachment on the residential amenity of neighbouring properties. It is noted that a mock-up showing the projection of the replacement dwelling to the rear has been included within the received representations, however it is not known whether this has been drawn to scale and so no comment will be made in relation to this particular sketch.

In considering the representations received from neighbouring properties, the applicant has provided amended proposals, as discussed in the previous section of this report. This has resulted in the height and depth of the dwelling being reduced.

The replacement dwelling would now extend beyond the existing rear building line of No. 6 by 3.6m with a maximum height of 9m, where originally this would have been 4.3m. When viewed from No. 2 Sutherland Drive, there would be 3m of the dwelling projecting beyond the rear building line (previously 3.9m prior to amendments), with a single storey element projecting a further 2.9m.

Whilst it is accepted that the replacement dwelling would extend beyond the established rear building line of the properties, this alone does not amount to a reason for refusal of the application. As outlined above, the dwelling would not be in breach of any of the Council's Space Around Dwellings guidance and the application site together with the neighbouring properties all benefit from spacious rear gardens. Therefore despite the increase in massing towards the rear, given the separation distances between the properties and the spacious private rear garden areas, it is not considered that the proposed development would have a significant overbearing impact on the residential amenity of neighbouring properties to such an extent that would justify a refusal of the application.

Also given the orientation of the properties the development would result in some overshadowing/loss of light to the kitchen windows of the neighbouring properties, with that at No. 6 affected during the later stages of the day, whilst No. 2 would receive some additional overshadowing from early morning through to around mid-morning. However as established above, these rooms are served by more than one principal window, and so the extent of overshadowing from the proposed extension is not considered to have a severe impact on the residential amenity of the occupants to such an extent to warrant refusal of the application. Whilst reference is made within the representations to a right to light, this is not a material planning consideration and is instead a legal consideration between any affected parties.

A representation received also shows a section plan from a side facing window on No. 6 Sutherland Drive and a loss of light as a result of the development. As mentioned earlier this window is obscure gazed, and non-principal and it is not considered that the development would have an adverse impact on the outlook achieved from this window that would justify the refusal of planning permission.

Therefore in light of the above the development is not considered to have a detrimental impact on the residential amenity of neighbouring properties and as such is considered to be acceptable.

#### **Impact on parking and highway safety**

Paragraph 109 of the Framework details that development should only be refused on highways grounds if there would be an unactable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Whilst not entirely consistent with the Framework in that it seeks to apply maximum parking standards, the parking standards identified within Saved Policy T16 of the Local Plan state that for a dwelling of four or more bedrooms, three off street parking spaces should be provided.

Representations have been received from neighbouring properties raising concerns in relation to the number of parking spaces provided and potential increase in vehicles.

As the proposed dwelling would have 5 bedrooms, the maximum parking standards in the Local Plan require 3 parking spaces within the curtilage of the site. It should also be noted that as the existing dwelling has 4 bedrooms, the proposed development would not actually increase the number of parking spaces required to be provided.



The Highway Authority has requested additional information regarding parking and access. In response, a revised plan has been submitted showing the provision of 4 parking spaces and the removal of the proposed gate on the access. The views of the Highway Authority have been sought and will be reported to Members in a supplementary report but it is not anticipated that any objections will be raised. The development would provide a sufficient number of parking spaces and the development is not considered to raise any adverse parking or highway safety issues.

### **The impact on trees**

Saved Policy N12 of the Local Plan indicates that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

There are trees within and adjoining the site and the Landscape Development Section (LDS) has requested an Arboricultural Impact Assessment (AIA). The AIA is to be submitted shortly and it is anticipated that the comments of the LDS will be received prior to the meeting of the Planning Committee. A further report will be given on this aspect.

## **APPENDIX**

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees

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

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

[Planning Practice Guidance](#) (March 2014, as updated)

[Supplementary Planning Guidance/Documents](#)

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

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

[Relevant Planning History](#)

None considered relevant to this application

[View of Consultees](#)

The **Highway Authority** considers that there is insufficient information to determine the proposal from a highway safety perspective. Additional information is required as detailed below:

- Dimensions of the parking spaces
- A swept path analysis for a vehicle to access and egress the proposed 6 parking spaces.
- Details of the proposed gates.
- The form indicates that there are no alterations to the site access proposed however the Site Layout Plan details a widened site access of 6m and alterations to the existing vehicle access crossing.

The **Landscape Development Section** indicates that there are trees growing both within the property and in adjacent properties that could be affected by the proposals. Before they can comment an Arboricultural Impact Assessment should be provided. The proposal to remove all vegetation from the front of the property in favour of parking, with no space allowed for any meaningful landscaping, would be detrimental to the frontage and not in character with the majority of Sutherland Drive.

The **Environmental Health Division** raise no objections to the development subject to conditions to secure appropriate internal and external noise levels, the provision of electric vehicle charge points and a restriction on the hours of construction.

#### Representations

Two representations have been received objecting to the proposed development with their comments summarised as follows;

- Development represents a disproportionate addition and is not subordinate in design to the original dwelling.
- Development appears imposing when viewed from neighbouring properties
- Increase in vehicles would have a significant impact on highway safety
- Loss of sunlight and impedes on neighbours right to light
- Overbearing and detrimental impact on residential amenity

#### Applicant/Agent's submission

All of the application documents submitted for consideration can be viewed using the following link;

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00610/FUL>

#### Background Papers

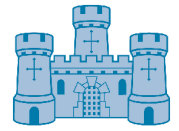
Planning File  
Development Plan

#### Date report prepared

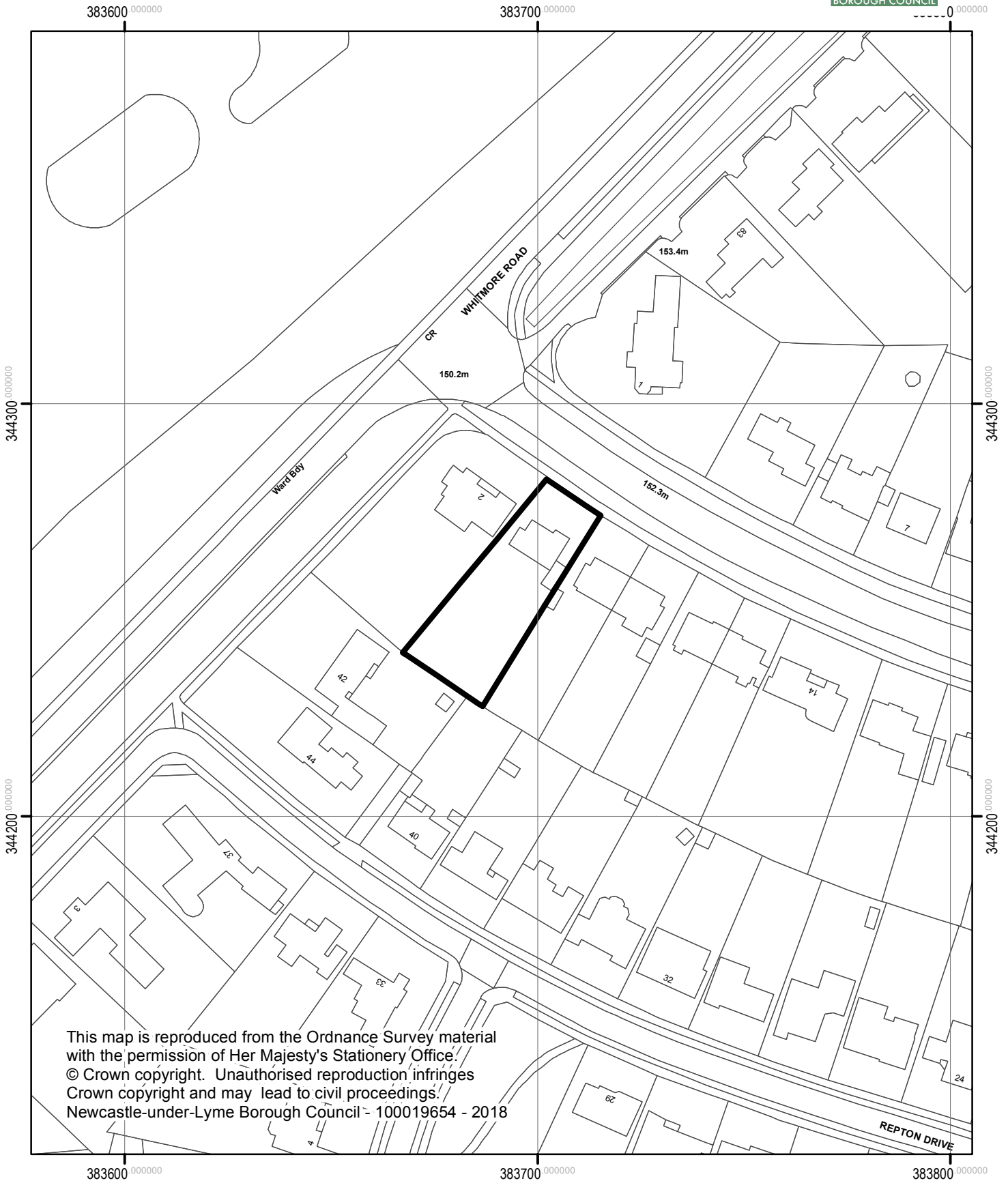
26<sup>th</sup> September 2019

This page is intentionally left blank

4 Sutherland Drive  
Newcastle-under-Lyme, ST5 3NB



NEWCASTLE  
UNDER LYME  
BOROUGH COUNCIL



This page is intentionally left blank

**APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS)  
FROM THE CONSERVATION AND HERITAGE FUND – 1 ALBERT TERRACE,  
WOLSTANTON (REF: 19/20003/HBG) AND WALL TO REAR OF FIVE STEPPES, MAIN  
ROAD, BETLEY (REF: 19/20005/HBG)**

**RECOMMENDATION:**

**That the following grants are approved:-**

- 1. £381 Historic Building Grant be given to carry out sash window repairs to 7 windows at 1 Albert Terrace, Wolstanton, subject to the appropriate standard conditions**
- 2. £1,067 Historic Building Grant be given to rebuild and make safe the former estate wall to the rear garden of Five Steppes, Betley subject to the appropriate standard conditions**

**Purpose of report**

To enable members to consider the applications for financial assistance.

**1. Albert Terrace, Wostanton**

The property is within Watlands Park Conservation Area and located on the corner of Albert Terrace and Silverdale Road. Built in a buff brick this semi-detached pair sits prominently on the corner adorned with decorative red brick window heads with key stones, moulded string course between the first and second floor, dentil course and fine brick faience work over the doorways. It also has original sash windows.

The owner proposes to refurbish the 7 sash windows on the property and has received 2 quotations for the work. Following the work all of the windows repaired will be fully functioning. The cost of the work is estimated at £3,813 including VAT.

**2 Wall to the rear of Five Steppes, Main Road, Betley**

A brick wall has partially collapsed to the rear of a property fronting Main Road. It is part of the former estate walls of Betley New Hall and runs along much of the road on the east side. Part of the same wall behind the telephone exchange collapsed in 2013 and was rebuilt.

This section forms the boundary wall of two properties and the respective owners intend to rebuild the wall to the same design. The remainder of the wall which is still leaning and dangerous will be taken down, new footings formed, reclaiming the bricks, dressing for reuse.

The wall will be rebuilt to the same design and height reusing or sourcing new coping stones. Two quotations have been received for the work and the lowest quotation for the work is £10,668 including VAT. As a structure on the Register of Locally Important Buildings the rebuilding of this historic estate wall is supported.

Historic buildings and structures are entitled to apply for up to a maximum of £5,000 from the Conservation and Heritage Grant Fund. Buildings within Conservation Areas or on the Register of Locally Important Buildings, as in these cases, are eligible to apply for 10% of the cost of such work.

### **Financial Implications**

There is sufficient funding to meet this grant application with £26,000 in the Fund; allowing for commitments.



## **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 13<sup>th</sup> August 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 accordance with the resolution of the Planning Committee at its meeting on 10<sup>th</sup> September a letter has been sent to the Planning Inspectorate on behalf of the Committee expressing concerns about the delay and asking that the matter is expedited. A response to that letter has not been received at the time of writing this report.

As a guide the Inspectorate is currently indicating (as of 9<sup>th</sup> September 2019) 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>	26 weeks within which receipt to validation is 3 weeks	17 weeks	3 weeks	46
<b>HEARINGS</b>	33 weeks within which receipt to validation is 6 weeks	29 weeks	6 weeks	68
<b>INQUIRIES</b>	35 weeks within which receipt to validation is 2 week	31 weeks	9 weeks	75

Other than in respect of Inquiries, 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 36 weeks since that receipt.

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

This page is intentionally left blank

## **LAND AT DODDLESPool, 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

The position remains as it did when the last update was reported at the Planning Committee of the 13<sup>th</sup> August.

Your officers are not aware that works to the track have commenced. However, the site continues to be monitored.

Therefore, at the time of writing there is no breach of the 13 conditions subject to which the track was granted planning permission 18/00299/FUL, which is what the Committee asked to be advised of when it determined that application at its November 2018 meeting.

Date Report Prepared – 17<sup>th</sup> September 2019

This page is intentionally left blank

## **Confirmation of Tree Preservation Order**

**LAND AT 135 HIGH STREET, ALSAGERS BANK.**

### **Tree Preservation Order No. 205 (2019)**

Town & Country Planning Act 1990

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

**The Order** protects trees situated to the rear of 135 High Street, Alsagers Bank and on the lane to the southeast of the property. The Order was made to safeguard the longer term visual amenity that the trees provide after tree work was carried out in relation to a pending planning application for a dwelling to be built on the site.

The Order was made using delegated powers on 22<sup>nd</sup> July 2019. Approval is sought for the Order to be confirmed as made.

**The 6 month period for this Order expires on 22 January 2020**

## **RECOMMENDATION**

That Tree Preservation Order No 205 (2019), land at 135 High Street, Alsagers Bank, 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 nor progressing plans to develop the site, 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, however your officers have met with the owners with regard to tree requirements in relation to making a planning application for the site.

## **Issues**

The trees are situated to the rear of 135 High Street. They are eight individual deciduous trees located to the rear of the plot and in the adjacent lane. They are mature and clearly visible from High Street.

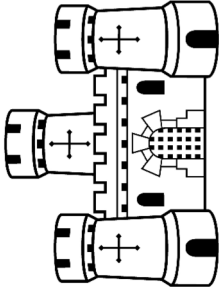
The trees are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

Planning application number 19/00267/FUL was made in April of this year for a single dwelling on the site. Subsequently on 22<sup>nd</sup> July 2019 it was reported to the council that trees on the site had been felled, which gave rise to concern that further trees could be removed.

Your officers inspected all of the trees on the site on 22<sup>nd</sup> July and carried out a TPO assessment, and found the trees 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 and served on 22<sup>nd</sup> July 2019 in order to protect the long term well-being of the trees.

Date report prepared

25<sup>th</sup> September 2019

Signed		 <b>NEWCASTLE UNDER LYME BOROUGH COUNCIL</b> DAVE ADAMS, EXECUTIVE DIRECTOR OPERATIONAL SERVICES CIVIC OFFICES, MERRIAL STREET, NEWCASTLE, STAFFORDSHIRE. ST5 2AG
Date		
Confirmed		TITLE: 135 High Street, Alsagers Bank
Date		DESCRIPTION: Tree Preservation Order Number 205
		DRAWN BY: P.S.
		DATE: July 2019
		SCALE: 1:1000 @ A3
		DRAWING NO. TPO 205



OS DATA REPRODUCED WITH THE PERMISSION OF THE CONTROLLER OF HMSO 2008 LICENCE NO. 100019654

This page is intentionally left blank