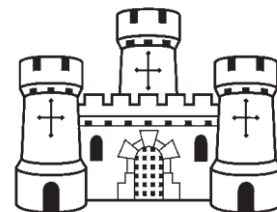


# Public Document Pack

**Date of meeting** Tuesday, 3rd December, 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 5 - 10)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - HAMPTON'S  
SCRAP YARD AND ADJACENT FIELD, KEELE ROAD.  
PERSIMMON (NORTH WEST) LTD. 19/00623/REM** (Pages 11 - 22)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - FORMER  
MAXIMS, STANIER STREET, NEWCASTLE. BELONG LTD.  
19/00754/FUL** (Pages 23 - 28)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - PLOT 4 VALLEY  
PARK, WATERMILLS ROAD, CHESTERTON. PARDOLYNN LTD.  
19/00755/FUL** (Pages 29 - 36)
- 7 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF  
DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON  
HOMES (NORTH WEST). 19/00772/FUL** (Pages 37 - 42)
- 8 APPLICATION FOR MAJOR DEVELOPMENT - COMPOUND C  
AND COMPOUND E, LYMEDALE CROSS. CAISSON IM  
PROPERTIES. 18/00997/FUL** (Pages 43 - 52)
- 9 APPLICATION FOR MINOR DEVELOPMENT - 20 SIDMOUTH  
AVENUE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL.  
19/00708/DEEM4** (Pages 53 - 62)
- 10 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 63 - 64)

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| 11 | LAND AT DODDLESPool, BETLEY. 17/00186/207C2  | (Pages 65 - 66) |
| 12 | APPEAL DECISION - 61 OAKDENE AVENUE, WOLSTANTON, NEWCASTLE. 19/00136/FUL   | (Pages 67 - 68) |
| 13 | APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - TEMPLAR WINDOW, ST JOHN'S CHURCH, KEELE (Ref: 19/20006/HBG) AND CHURCHYARD WALL, ST JAMES' CHURCH AUDLEY (Ref: 19/20007/HBG) | (Pages 69 - 70) |
| 14 | MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020   | (Pages 71 - 78) |
| 15 | 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: | S. Dymond<br>M. Holland<br>K.Owen<br>B. Panter | K. Robinson<br>S. Sweeney<br>G White<br>I. Wilkes |
|---------------------|--|---|

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

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

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

**NOTE:** THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

**PLANNING COMMITTEE**

Tuesday, 5th November, 2019  
Time of Commencement: 7.00 pm

**Present:** Councillor Andrew Fear (Chair)

|              |              |             |            |
|--------------|--------------|-------------|------------|
| Councillors: | S. Burgess   | H. Maxfield | S Tagg     |
|              | Mrs J Cooper | S. Moffat   | G Williams |
|              | M. Holland   | K.Owen      | J Williams |
|              | D. Jones     | M. Reddish  |            |

|           |                |                            |
|-----------|----------------|----------------------------|
| Officers: | Nick Bromley   | Senior Planning Officer    |
|           | Geoff Durham   | Mayor's Secretary / Member |
|           |                | Support Officer            |
|           | Simeon Manley  | Interim Head of Planning   |
|           | Elaine Moulton | Development Management     |
|           |                | Team Manager               |
|           | Peter Stepien  | Landscape Officer          |
|           | Trevor Vernon  | Solicitor                  |
|           | Darren Walters | Team Leader Environmental  |
|           |                | Protection                 |

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillors' Northcott and Proctor.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

**Resolved:** That, subject to item 7 being moved to item 3 – due to its being considered first, the minutes of the meeting held on 8 October, 2019 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - ASHFIELDS GRANGE, HALL STREET, NEWCASTLE. ASPIRE HOUSING. 19/00614/FUL**

**Resolved:** (A) That, subject to the applicant first entering into a Section 106 agreement by the 30<sup>th</sup> January 2020 to secure a travel plan monitoring fee of £2,407 (index linked) and a review mechanism of the scheme's ability to make a policy compliant financial contribution of £85,799 (index linked) towards public open space at Wilson Street or the Mineral Line and, if the development is not substantially commenced within 18 months from the date of the grant of the planning permission, and the payment of such contribution if then found financially viable,

The application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
  - (ii) Approved Plans
  - (iii) Prior approval of a scheme for the provision of 5 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.
  - (iv) Facing and roofing materials
  - (v) Boundary treatments
  - (vi) Detailed design of waste bin storage compound
  - (vii) Full landscaping scheme to include specimen replacement trees (larger and longer term type species)
  - (viii) Tree and landscaping management plan
  - (ix) Tree protection and retention proposals plan
  - (x) Schedule of works to retained trees
  - (xi) Provision of access, parking, turning and servicing areas
  - (xii) Surfacing materials, means of surface water drainage and delineation of the parking bays
  - (xiii) Car park management scheme
  - (xiv) Construction of a turning head including a Traffic Regulation Order for double yellow lines
  - (xv) Off-site footpath widening works
  - (xvi) The access shall remain un-gated
  - (xvii) Secure weatherproof cycle parking facility
  - (xviii) Implementation of the agreed Travel Plan Framework
  - (xix) Highway & Environmental Construction and Demolition Management Plan (CMP)
  - (xx) Surface water drainage scheme
  - (xxi) Prior approval of external lighting,
  - (xxii) Electric vehicle charging provision,
  - (xxiii) Design measures to restrict impact on noise levels,
  - (xxiv) Prior approval of noise impacts from building plant and machinery,
  - (xxv) Prior approval of overheating and cooling assessment,
  - (xxvi) Assessment of emissions from combustion plant,
  - (xxvii) Land contamination investigations and mitigation measures
  - (xxviii) Construction and demolition hours
- (B) That, failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Development Management either refuse the application on the grounds that without the obligation being secured, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for off-site open space should financial circumstances then permit; or,

if he considers it appropriate, to extend the period of time within which the obligation can be secured.

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

Members were advised that this application had been withdrawn.

**6. APPLICATION FOR MINOR DEVELOPMENT - 4 SUTHERLAND DRIVE. MR RAFIQ SHEIKH. 19/00610/FUL**

*A site visit took place on this site on Saturday 2 November, 2019. Councillors' Burgess, Mrs J Cooper, Fear, Owen, Reddish, S Tagg, G Williams and J Williams were in attendance.*

*Councillors' Holland, Jones, Maxfield and Moffat were unable to attend and therefore took no part in the discussion and resolution on this item.*

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

- (i) Time limit
- (ii) Development to be carried out in accordance with the approved plans
- (iii) Approval of materials (brick and tile only no render), boundary treatments and surfacing materials.
- (iv) Parking, turning and access arrangements to be provided prior to occupation.
- (v) Access, surfacing materials and drainage
- (vi) Access to remain ungated
- (vii) Construction Management Plan
- (viii) Internal and external noise levels.
- (ix) Hours of construction
- (x) Electric vehicle charging point
- (xi) Tree protection
- (xii) Landscaping Scheme
- (xiii) Removal of Permitted Development Rights for Class A – Extensions
- (xiv) Obscure glazing to windows on side elevations

- A note be sent to the developer requesting that consideration is given to the inclusion of dummy windows or other design detail to break up large areas of brickwork in the side elevations.

**7. APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE MUSEUM AND ART GALLERY. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 19/00687/DEEM3**

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

- (i) Time limit condition
- (ii) Approved plans
- (iii) Materials
- (iv) Hours of construction
- (v) Arboricultural Method Statement
- (vi) Details of special engineering within root protection areas
- (vii) Construction Phase Tree Protection Plan

**8. REVIEW AND UPDATE OF RESPONSIBILITIES OF THE COUNCIL, ITS COMMITTEES AND SUB COMMITTEES**

**Resolved:** That the proposed changes to the current Terms of Reference as set out at paragraph 3.1 of the agenda report be noted.

**9. DELEGATED AUTHORITY TO DETERMINE APPLICATIONS PURSUANT TO SCHEDULE 17 OF THE HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL (ACT FOLLOWING ITS ASSENT)**

**Resolved:** That the Scheme of Delegation be amended to insert the following application type within the list of delegated application types set out in Appendix 4 item 10 of the Constitution:

“To determine all applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Bill (Act following its assent)

And that this is exercised by the Planning Committee

**10. DELEGATED AUTHORITY TO DETERMINE APPLICATIONS PURSUANT TO SCHEDULE 18 OF THE HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL (ACT FOLLOWING ITS ASSENT)**

**Resolved:** That the Scheme of Delegation be amended to insert the following application type within the list of delegated application types set out in Appendix 4 item 10 of the Constitution:

“To determine all applications pursuant to Clause 21 Schedule 18 of the High Speed Rail (West Midlands-Crewe) Bill (Act following its assent)

And that this is exercised by the Planning Committee.

**11. APPEAL DECISION - 28A HALFWAY PLACE, SILVERDALE. 18/01001/FUL**

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

**12. APPEAL DECISION - LAND ADJ TO FARCROFT, MANOR ROAD, BALDWINS GATE. 18/00674/OUT**

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

**13. APPEAL DECISION - 149 HIGH STREET, SILVERDALE. 18/00618FUL**

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

14. **APPEAL DECISION - LAND OFF LIVERPOOL ROAD EAST, KIDSGROVE.  
18/00912/FUL**

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

15. **URGENT BUSINESS**

Former Bristol Street Garage, London Road, Newcastle

**Resolved:** That the application be approved.

**Chair**

Meeting concluded at 8.32 pm

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**HAMPTON'S SCRAP YARD AND ADJACENT FIELD, KEELE ROAD**  
**PERSIMMON (NORTH WEST) LTD**

**19/00623/REM**

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 133 dwellings.

This application follows the granting of an outline planning permission at appeal in September 2016 for a residential development of up to 138 dwellings (14/00948/OUT). The access from the highway network was approved as part of the outline consent.

The site measures 4.99 hectares and is located to the south-east of Walley's Quarry landfill site. The site is within the Newcastle Neighbourhood as designated on the Local Development Framework Proposals Map and is within the urban area. Trees within the site are protected by Tree Preservation Orders Nos. 2 and 85.

**The 13 week determination period for this application expired on the 11<sup>th</sup> November 2019 and an agreement to extend the determination period will now be sought from the applicant.**

**RECOMMENDATION**

**Subject to confirmation from the Environmental Health Division that they have no objections, PERMIT subject to the following conditions;**

- 1. Link to outline planning permission and conditions**
- 2. Approved plans/documents**
- 3. Prior to commencement of the construction of the dwellings details of the house types and location of the affordable housing units at the level stipulated within the relevant S106 Agreement shall be agreed by the Local Planning Authority (LPA).**
- 4. Submission and approval of all external facing materials and hard surfacing materials.**
- 5. Boundary treatments as submitted**
- 6. Soft landscaping scheme as submitted**
- 7. Provision of access, internal roads, private drives and parking areas prior to occupation.**
- 8. Provision of visibility splays prior to occupation.**
- 9. Prior approval of surfacing material and means of surface water drainage for the private drives, parking and turning areas.**
- 10. Provision of a 3m wide footway/cycleway linking the internal site roads to the bus stop on Keele Road in accordance with details to be agreed.**
- 11. Private drives to have a minimum length of 6m between the highway boundary and the garage door.**
- 12. Garages to be retained for the parking of motor vehicles and cycle.**
- 13. Construction Management Plan.**
- 14. Amendments to play area.**
- 15. Approval of an Arboricultural Monitoring Schedule.**
- 16. Trees shown to be retained shall be retained and protected throughout the construction phase in accordance with the Arboricultural Impact Assessment.**
- 17. Approval of alignment of utilities.**
- 18. Provision of measures to secure parking courts.**
- 19. Construction work to be completed in accordance with BS5837:2012 and the Arboricultural Method Statement provided.**
- 20. Implementation of Landscape Management Plan**
- 21. Waste storage and collection arrangements.**

**Reason for Recommendation**

The principle of residential development has been established with the granting of the outline planning permission. Subject to the comments of the Environmental Health Division, the design and layout of

the proposal is considered acceptable and in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Further information has been sought from the applicant and this further information has been received.

**Key Issues**

1.1 The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 133 dwellings. The principle of residential development on the site has been established by the granting of outline planning permission at appeal, 14/00948/OUT, for up to 138 dwellings. Details of the access to the site, which is from the access road serving the former scrapyards and the adjoining residential development, were approved as part of the outline consent.

1.2 The development, as proposed, must accord with the outline planning permission which includes conditions relating to contaminated land and the need to undertake an assessment and mitigation of any risk to the development from the generation and migration of landfill gas, mine gas and ground gas.

1.3 This application follows an earlier application for the approval of reserved matters, reference 18/00656/REM, which was to be determined at Planning Committee on 16<sup>th</sup> July but the application was withdrawn before the meeting. That application was recommended for refusal due to concerns regarding:

- Failure to demonstrate that the site was safe and stable in the absence of an appropriate assessment of the risks to the development posed by past coal mining activity.
- Loss of visually significant and protected trees.
- Failure to demonstrate that the site layout enables appropriate servicing of the proposed development and therefore did not result in issues of highway safety and residential amenity.

1.4 Whilst the proposed layout includes an access that could extend into the strip of land behind the scrap yard adjacent to Gadwell Croft the application does not, and could not, include proposals to develop that strip of land.

1.5 The key issues to be addressed, taking into consideration the above, are:-

- Coal mining legacy
- Design and impact on the form and character of the area, including impact on trees within and adjoining the site
- Residential amenity
- Highway safety
- Affordable housing

2.0 Coal mining legacy

2.1 In recognition that the site is within the defined Development High Risk Area and that the Coal Authority records indicated there are coal mining features and hazards within the application site and surrounding area a condition (5) was imposed on the outline planning permission requiring that a scheme of investigations be undertaken prior to the submission of reserved matters. In addition the condition specifies that the reserved matters application should be supported by a report outlining the findings of the investigation, and that a scheme of treatment for the mine entry and a layout plan

which identifies appropriate zones of influence for the entry and fissures and defined 'no-build' zones should be included.

2.2 The previously withdrawn reserved matters application was not supported by a Coal Mining Report which demonstrated that the layout, as proposed in that application, took account of a recorded mine entry within the site and the Apedale Fault which crosses it. Further site investigations were subsequently carried out on behalf of the applicant and the findings resulted in the need to revise the layout of the site to the extent that it could not be accepted as part of that application and the application was subsequently withdrawn.

2.3 The Coal Authority in response to the current application initially stated that a plan referenced in the submitted Geological Fault and Mine Entry Investigation Report that shows the fault location was not included in the submission and in its absence they could not comment upon whether the proposal accords with the requirements of condition 5 of the outline planning permission. That plan has now been received and the Coal Authority has confirmed that they have no objections.

### 3.0 Design and impact on the form and character of the area, including impact on trees within and adjoining the site

3.1 Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

3.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

3.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

3.4 R12 of the SPD says that residential development should be designed to contribute towards improving the character and quality of the area. It goes on to say that proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

3.5 R14 of the SPD indicates that developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/or eaves lines, rhythms, materials, or any combination of them.

3.6 The proposed layout comprises 60 detached dwellings (47 three bed + study and 13 three bed); 34 semi-detached dwellings (all three bed); and 39 dwellings in blocks of 3 (33 three bed and 6 two bed). The dwellings are predominantly two storeys, with 31 of the proposed dwellings having accommodation in the roof space (2.5 storeys). All the dwellings are of traditional design with pitched roofs and are mainly constructed in brick with a limited number of rendered properties. Design features include projecting porches, door canopies, integral garage's, and projecting gables. The 2.5 storey dwellings have dormer windows in the roof.

3.7 Overall it is considered that the house types and design, as proposed, are acceptable.

3.8 A significant number of dwellings front onto the internal looped access route through the site, however there are also a number dwellings served off long private drives. Many of the dwellings have

parking spaces located at the front of the houses however there remains opportunity for landscaping to break up the appearance. An equipped play area is proposed within the development. In addition there are areas of incidental open space including an area containing a landscaped bund which is sited between the proposed dwellings and the boundary with the Walley's Quarry landfill site and an area adjoining the Keele roundabout. The bund, which has a fence on top, is a requirement of a condition of the outline planning permission and is, in footprint, largely as shown on the indicative plan forming part of the outline application. Whilst some parts of the bund are very steep, particularly where it faces into the development, the submission indicates that it can all be planted and as such will be a green feature of the site. It is considered to be acceptable in appearance.

3.9 There are a number of protected trees that are located within and adjoining the site and the layout in the previously withdrawn application did not appropriately take these trees into account resulting in a number of them needing to be felled. The layout as currently proposed addresses this issue and the advice now received from the Landscape Development Section (LDS) is that all trees where appropriate and necessary can be retained and properly incorporated into the development.

3.10 It is now accepted that, subject to the conditions recommended by the LDS, the proposal will not have an adverse impact on trees to the detriment of the appearance of the wider area.

3.11 Overall the design of the proposed scheme is acceptable and would accord with the design principles set out in the Council's Urban Design Guidance SPD and the NPPF.

#### 4.0 Residential amenity

4.1 The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

4.2 Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

4.3 The layout and orientation of the proposed development is sufficiently distant from existing properties to avoid any adverse impact on living conditions. In addition the layout achieves appropriate separation distances between the proposed properties and sufficient private amenity space, in accordance with the Council's SPG.

4.4 A condition (13) of the outline planning permission requires design measures, supported by an appropriate noise assessment, which achieves specified noise levels and that such measures shall include details of an acoustic barrier/bund adjacent to the adjoining landfill operations. Such a condition is in recognition that noise from the adjoining highway could adversely affect amenity as well as noise from Walley's Quarry.

4.5 The application is supported by Noise Mitigation Scheme and the advice received from the Environmental Health Division (EHD) is that further information is required given the recommendation is to keep windows shut in areas of the development to achieve appropriate internal noise levels in habitable areas in light of current guidance which requires an assessment of overheating. The required assessment is being prepared by the applicant and it is anticipated that further information in this regard will be reported prior to the meeting.

4.6 The proposal includes an equipped play area which, the LDS advises, is generally acceptable subject to adjustments that can be achieved through the use of conditions. The adjustments relate to the position of the playground equipment; protection of users from the road; inclusion of a minimum of six play experiences; provision of a bin and signage; and incorporation of replacement tree planting. The maintenance of all areas of public open space has been secured through the planning obligation that was entered into when planning permission was granted on appeal.

4.7 In conclusion, subject to confirmation from EHD that issues of noise and overheating have been suitably addressed, it is considered the layout achieves living conditions for its occupants in accordance with the guidance and requirements of the NPPF.

## 5.0 Highway Safety

5.1 At least two parking spaces are proposed for each dwelling, with the larger dwellings having more spaces. The proposed level of parking is considered to be acceptable.

5.2 To improve accessibility to and from the development by modes of transport other than the private car it is important that a foot/cycle path link is provided directly onto Keele Road close to the bus stops. The layout does provide such a link and subject to it being widened to 3m so that it is suitable for pedestrians and cyclists, which could be secured by the imposition of a condition, it is acceptable.

5.3 Further information was been requested during the application process and in response to such information the Highway Authority is now satisfied that it has been demonstrated that a refuse lorry can manoeuvre safely within the development.

5.4 The Waste Management Section has also raised concerns about the long private drives which results in the need to provide collection points. Whilst this is not ideal, it is not considered that there are planning grounds to justify objection to the private drives, subject to the inclusion of waste bin collection points. Such collection points can be accommodated and are shown on the layout plan, although no details showing their appearance have been provided and this would need to be agreed through condition.

5.5 The concerns about the levels difference between the site and the Keele roundabout are noted, however as residential development of this site has been accepted in principle and in the absence of objection from the Highway Authority on the grounds of highway safety it is considered that this does not justify the refusal of this application.

5.6 In consideration of issues of crime and disorder and highway safety it is appropriate to ensure that rear parking courts are secure. This can be dealt with by condition.

## 6.0 Affordable housing provision/layout

6.1 When the application was determined it was demonstrated that the development would not be viable if the policy compliant level of affordable housing of 25% provision was secured. As such, the planning obligation entered into when outline planning permission was granted on appeal requires 20% provision of affordable housing within this development if substantial commencement has taken place within 18 months from the date of the consent.

6.2 As the consent was granted on 14<sup>th</sup> September 2016, more than 18 months ago, and substantial commencement has not taken place the planning obligation requires a reappraisal of the developments viability to establish whether provision of affordable housing remains at 20% or whether such provision could be increased up to a maximum of 25%. As the reappraisal has not, as yet, been undertaken the precise level of affordable housing units is not known and as such it will be necessary to include a condition which requires approval of the affordable housing units within the development.

6.3 The Local Planning Authority is not involved in the process of Government housing subsidies and as such the assurances sought in representations cannot be provided through this planning application process.

## 7.0 Matters raised in representations not addressed above

7.1 A response to issues and concerns raised by representations, which have not been addressed above, is provided as follows:

- There is no planning policy basis upon which the Council could secure details of the contribution this development is making to the reduction in CO<sub>2</sub> emissions.
- The Lead Local Flood Authority (LLFA) has confirmed that the proposed drainage layout includes space for attenuation storage and has no objections subject to a condition requiring submission, approval and implementation of a detailed surface water drainage scheme for the site. A condition was imposed on the outline planning permission requiring the details of a

satisfactory surface water drainage design to be submitted, approved and implemented and as such it is not necessary to impose such a condition at this stage. The developer should, however, be advised of the details that the LLFA indicate are to be included in such a surface water drainage scheme.

## APPENDIX

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

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

Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets  
Policy CSP5: Open Space/Sport/Recreation  
Policy CSP6: Affordable Housing

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

Policy T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy C4: Open Space in New Housing Areas

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

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

[Affordable Housing SPD](#) (2009)

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

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

#### Relevant Planning History

|              |  |
|--------------|--|
| 18/00656/REM | Reserved Matters application (appearance, landscaping, layout and scale) for residential development comprising 138 dwellings, public open space and associated works pursuant to outline consent 14/00948/OUT - Withdrawn |
| 15/01085/OUT | Residential development of up to 138 dwellings with details of access and proposed landscape bund (resubmission of planning application 14/00948/OUT) – Refused.   |
| 14/00948/OUT | Residential development of up to 138 dwellings – Refused but subsequently allowed on appeal  |

#### Views of Consultees

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

- Provision of access, internal roads, private drives and parking areas prior to occupation.
- Provision of visibility splays prior to occupation.
- Prior approval of surfacing material and means of surface water drainage for the private drives, parking and turning areas.
- Provision of a 3m wide footway/cycleway linking the internal site roads to the bus stop on Keele Road in accordance with details to be agreed.

- Private drives to have a minimum length of 6m between the highway boundary and the garage door.
- Garages to be retained for the parking of motor vehicles and cycle.
- Construction Management Plan.

The **Coal Authority** initially requested further information to enable them to comment fully on the current application in light of the requirements of condition 5 of the outline consent but have now confirmed that they have no objections to the application.

The **Environmental Health Division** has requested further information concerning the requirement identified in the submitted noise assessment to keep windows shut in areas of the development to achieve appropriate internal noise levels in habitable areas in light of current guidance which requires an assessment of overheating.

The **Crime Prevention Design Advisor** is pleased to note that the applicant has sought to address crime prevention within the design layout of the proposal and list a number of elements that have crime prevention relevance and accord with Secured by Design guidance and principles. Some aspects of the layout warrant some reconsideration or amendment as follows:

- Rear parking courts are generally considered undesirable as they can be poorly overlooked, subject to misuse, provide criminal opportunity and can prove inconvenient for residents.
- Some of the rear access paths are not gated at the front of the building line.
- Consideration should be given to use of external defensive planting/hedging to supplement certain rear/side garden boundaries.

The **Landscape Development Section** states that additional information provided and alterations to the proposed layout as now proposed means that the protected trees on this site have now been fully considered. A number of protected trees are now shown to be retained and protected and sufficient justification has been submitted which demonstrates that the trees to be lost either cannot be safely retained or has been reclassified as category C. A native hedgerow with hedgerow trees is now to be planted along the Keele Road boundary as a part of the landscaping proposals for the site which is welcomed.

Adjustments to the proposed play area are suggested which can be secured by condition. Other conditions that are recommended relate to the following:

- Approval of an Arboricultural Monitoring Schedule
- Trees shown to be retained shall be retained and protected throughout the construction phase in accordance with the Arboricultural Impact Assessment.
- Approval of alignment of utilities
- Construction work to be completed in accordance with BS5837:2012 and the Arboricultural Method Statement provided
- All landscape management to be completed in accordance with management plan provided.

Further to the revised planting plans they consider that it now appears that additional replacement tree planting for felled trees affected by the Tree Preservation Order has been provided.

The **Waste Management Section** has raised the following concerns:

- As waste vehicles will not drive onto the surface marked 'private drive block paving' certain of the plots will not get collections from the front of the property and containers will need to be brought to the nearest point on the adopted highway. Such arrangements are difficult to maintain and can lead to containers being left out causing nuisance, blocking pavements, affecting visibility at junctions etc.
- They will not drive over unadopted highway and it is unclear whether other sections of the roads will be adopted and whether the problems referred to above will arise for these properties also.



The County Council's **School Organisation Team** advise that a Section 106 Agreement was signed when outline planning permission was granted, and the education contribution amount and terms will need to be calculated in line with this.

The County Council as **Mineral and Waste Planning Authority** has no comments.

The **County Archaeologist** indicates that the Historic Environment Record has identified that there is likely to be only limited archaeological potential in this area and no historic environment concerns are raised regarding the proposed development.

The **Lead Local Flood Authority** has no objection subject to a condition requiring submission, approval and implementation of a detailed surface water drainage scheme for the site.

The **Environment Agency** has no objections.

No comments have been received from the **Housing Strategy Section, Policy Section, Newcastle South LAP** or **Silverdale Parish Council** by the due date and therefore it must be assumed that they have no observations.

### Representations

2 representations have been received from the Thistleberry Residents Association. The concerns/comments raised are summarised as follows:

- It is unclear how many houses are being applied for, 133 or 138. It also needs to be clear that the application does not include the strip of land behind the scrap yard, adjacent to Gadwell Croft.
- The dwellings will be, presumably, gas centrally heated which will mean that these houses would be out of date as soon as they are completed. The contribution this development is making to the reduction in CO<sub>2</sub> emissions should be known and should have been addressed at outline planning permission stage.
- The differential height between the site and Cemetery Road hasn't been appropriately dealt with and due to the inadequate safety barrier there is a likelihood that cars will fly through the barrier into gardens is high.
- The Coal Authority still objects.
- The SUDS implemented on the adjoining development failed to address the issue of flooding from the Burgess Brook and more development on this site will exacerbate this situation if the SUDS have not been properly installed in the first instance. The application should be refused.
- The Planting Plan and Management Plan of the open spaces appear impressive of paper but there is concern that if the plan is implemented it will either be very costly for residents or it won't be implemented at all. This issue needs to be resolved at this stage.
- The Apedale Fault remains an issue and surely is a risk. Unless there is a guarantee against subsidence/slippage the application should be refused.
- The issue of land contamination needs to be appropriately addressed.
- All prospective residents should be assured of their safety given the proximity to the adjoining landfill site and should be made well aware of its location. The development is unacceptable in terms of nuisance and hygiene.
- The width of the roads would preclude easy passage for buses as parking is already an issue on the current estate.
- The application raises very important questions regarding flaws and issues, some of them fundamental, which should have been resolved at the outline planning stage. The adjudication of this application is the last chance for this Council to fulfil its Due Diligence and Duty of Care obligations to all concerned.
- If Newcastle Borough Council owns the land then it is questionable as to whether they should be determining the application.
- Assurances are required that any national government subsidies intended to make some of these houses affordable are passed on to the purchasers.

- The application is not in line with the outline permission, which included an attenuation pond. Without this, or other suitable drainage demonstrating that the impact regarding flooding is negligible, the application should be refused.
- Due to the former scrapyard site being subject to significant ground engineering work, the application should not be determined until sufficient and up to date information on the ground conditions at the site have been submitted.

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

The application is accompanied by:

- Noise Mitigation Scheme
- Aboricultural Impact Assessment and Method Statement
- Geological Fault and Mineshaft Investigation Report
- Landscape Management Plan

All of the application documents are available for inspection at Castle House and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00623/REM>

#### **Background papers**

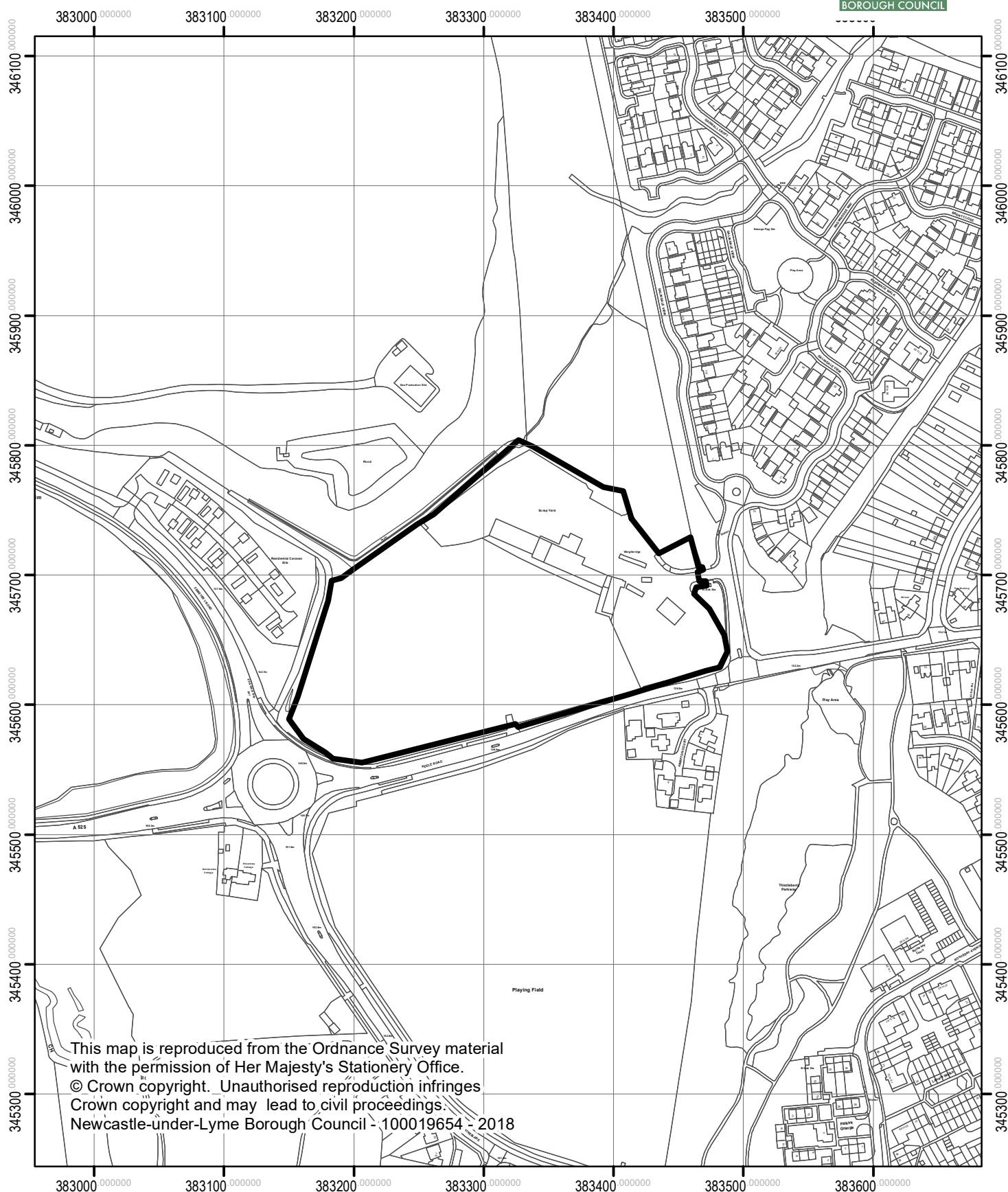
Planning files referred to

Planning Documents referred to

#### **Date report prepared**

20<sup>th</sup> November 2019

# Hamptons Metal Merchant, Keele Road Newcastle, ST5 5AA



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**FORMER MAXIMS, STANIER STREET, NEWCASTLE**  
**BELONG LTD**

**19/00754/FUL**

This application seeks consent to vary condition 8 of planning permission 15/00498/FUL for the erection of a care village development for elderly people, to incorporate a 'no left turn' sign at the development exit onto Stanier Street.

The site lies beyond the boundary of the Newcastle Town Centre Conservation Area. Maxims is a Grade II Listed Building. It lies opposite the Grade II\* St. Giles Church and the Grade II Unitarian Meeting House.

**The statutory 13 week determination period for the planning application expires on 23<sup>rd</sup> December 2019.**

**RECOMMENDATIONS**

**PERMIT** the variation of Condition 8 of 15/00498/FUL so that it reads as follows:

*The signing/road markings shall be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development.*

**and subject to the imposition of all other conditions attached to planning permission 15/00498/FUL that remain relevant at this time.**

**Reason for Recommendation**

The application raises no issues of highway safety or impact on the setting of the Listed Building.

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

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

**Key Issues**

Consent is sought to vary condition 8 of planning permission 15/00498/FUL for the erection of a care village development for elderly people, to incorporate a 'no left turn' sign at the development exit onto Stanier Street, which is a one way street.

Condition 8 states as follows:

*Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:*

- *Provision of signing / road markings on the private access drive to advise drivers that Stanier Street is a one way street and the requirement to turn right on egress from the site.*
- *The signing / road markings shall thereafter be carried out in accordance with the approved details and be completed prior to first use and shall thereafter retained as such for the lifetime of the development.*

Details were submitted and approved in 2016 indicating white road markings comprising an arrow and the words "TURN RIGHT". This application proposes the addition of a 'No left turn' sign to seek to reduce the number of vehicles leaving the site in the incorrect direction. The sign would measure 600mm in diameter and would be sited on a metal post with the lower edge of the sign at a height of 2300mm above ground level. The Highway Authority raises no objection from a highway safety

perspective and the Council's Conservation Officer has no comments to make. The addition of the sign is considered acceptable.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission where they remain relevant.

## APPENDIX

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

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

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B5: Control of development affecting the setting of a Listed Building

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

National Planning Policy Framework (NPPF) (2019)

Planning Practice Guidance (PPG) (2018)

#### Relevant Planning History

- 15/00498/FUL Erection of a care village development (Use Class C2) for elderly people comprising a new three and four storey building with a 74 bed care home and 28 care apartments, linked to the conversion of the former Maxims nightclub building for ancillary uses (offices, tea rooms, a hair salon, community heritage gallery and training space) including access, car parking, amenity areas, landscaping and associated works - Approved
- 15/00499/LBC Repair, alteration and selective demolition (of rear extensions only) comprising internal and external works to the Listed Building, associated with the erection of a care village development, (Planning application reference 15/00498/FUL)- Approved
- 16/00876/LBC Selective demolition of a rear building outrigger only and the reconstruction of this element to match existing – Approved
- 17/00796/ADV Installation of advertisement signs – Approved
- 17/00799/LBC Installation of two advertisement signs on Maxims building associated with 15/00499/LBC – Approved
- 18/00141/FUL Proposed standby generator and timber enclosure within the grounds of the Belong Care Village – Approved
- 18/00311/ADV Brushed Stainless Steel individual lettered signage. Wall mounted, non-illuminated sign located at high level to gable end of apartment block, of recently completed Belong Village – Approved

#### Views of Consultees

The Council's **Conservation Officer** has no comments to make.

The **Highway Authority** has no objections.

#### Representations

None received

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

The application is accompanied by a Heritage Statement.

The submitted document and plans are available for inspection on the Council's website by searching under the application reference number 19/00754/FUL on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00754/FUL>

Background papers

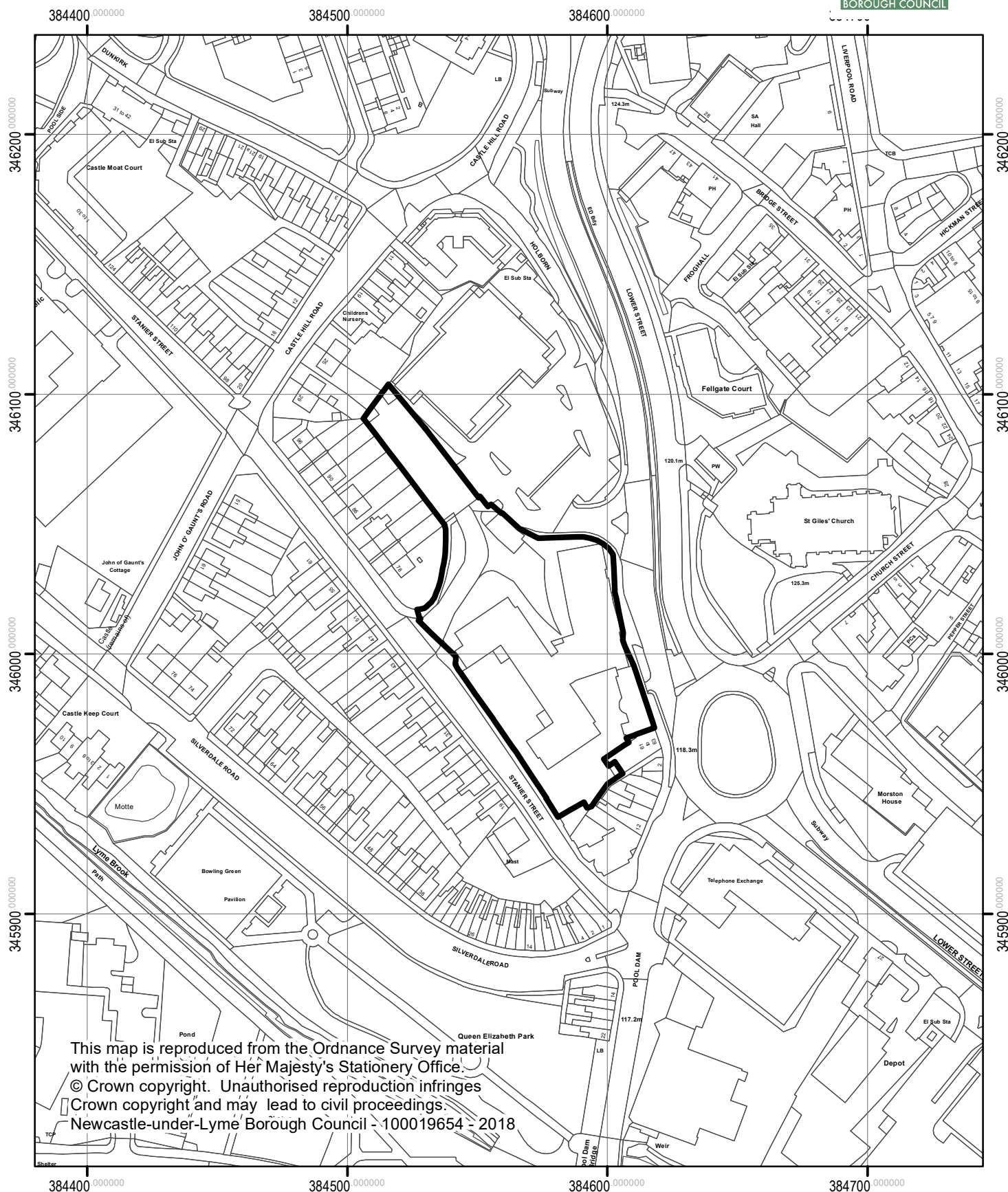
Planning and Listed Building consent files referred to  
Planning Documents referred to

Date report prepared

13 November 2019



# Former Maxims, Stanier Street Newcastle-under-Lyme, ST5 5RS



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**PLOT 4 VALLEY PARK, WATERMILLS ROAD, CHESTERTON  
PARDOLYNN LTD**

**19/00755/FUL**

The application seeks full planning permission for a steel portal frame unit for employment use to be divided internally into four individual units providing a total floorspace of 1,057m<sup>2</sup>.

The application site lies within the Urban Area of Newcastle-under-Lyme and the area is covered by saved Local Plan Policy E9 (relating to employment uses), as identified on the Local Development Framework Proposals Map.

The site is accessed off Watermills Road.

**The 13 week period for the determination of this application expires on the 25<sup>th</sup> December 2019.**

**RECOMMENDATION**

**PERMIT subject to the following conditions:**

- (i) Time limit**
- (ii) Approved plans**
- (iii) External facing materials**
- (iv) Noise assessment and mitigation**
- (v) Speakers/alarms/bells**
- (vi) Electric vehicle charging provision for onsite staff parking**
- (vii) Submission and approval of Surface Water Drainage Strategy**
- (viii) Tree protection plan**
- (ix) Landscaping Scheme**
- (x) Approval and implementation of a remediation strategy if contamination found**

**Reason for Recommendation**

The principle of the development is established through policy and the planning history of the site and is considered acceptable. Subject to conditions it is not considered that there would be any significant adverse impact on highway safety or the amenity of the area.

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

This is considered to represent a sustainable form of development that meets the requirements of the National Planning Policy Framework 2019.

**Key Issues**

1.1 The site lies within the urban area and is previously developed land. The immediate area is intended for industrial development, being an extension of the Rowhurst Close industrial estate. The Council's policy on this land is set out in saved Policy E9 of the Local Plan which indicates that any permission already granted for employment development is to be renewed during the plan period, broadly in the same terms as currently given, unless new factors or other material considerations indicate otherwise. In the context of that policy planning permission was granted for the development of the site for B1, B2 and B8 uses within 18 units of varying sizes. Units 1-4 and 15-18 of the 2007 permission (07/00499/FUL) amounting to 1,652 square metres of floor space have been constructed pursuant to the planning permission. A further permission was granted in 2014 for 2 steel portal frame industrial units (14/00205/FUL) which provided an additional floor area of 902m<sup>2</sup>. One of the two buildings, providing 276m<sup>2</sup>, was constructed and as the permission was lawfully implemented it remains extant.

1.2 In light of the planning history and the policy context it is considered that the principle of the

development remains acceptable. In addition, whilst the objection of the Local Lead Flood Authority regarding the absence of a flood risk assessment and adequate drainage strategy is noted given the planning history it is considered that this could be addressed through a planning condition.

1.3 Therefore the main issues now to be considered are;

- The design of the building and its visual impact on the surrounding area.
- The impact of the development on residential amenity.
- Parking and access
- Other matters

## 2.0 Design and visual impact on surrounding area

2.1 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

2.2 CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

2.3 The Urban Design Supplementary Planning Document indicates at Policy E3 that business development should be designed to contribute towards improving the character and quality of the area. Policy E6 further advises that boundary treatments should form an integral part of the design of proposals for business development.

2.4 The proposal seeks planning permission for a building, measuring 1,057m<sup>2</sup>, subdivided into 4 units. The building is split level to address the levels difference across the site. It has a minimum height, to ridge, of 7.08m and a maximum height of approximately 7.8m. The proposed building is steel portal framed with a simple gently sloping gabled roof to be constructed in part brickwork and part cladding.

2.5 The proposed building will be seen in the context of the existing three buildings on the site and the wider industrial estate. The scale and design of the building reflects that which has been previously permitted and constructed. The proposed building will be constructed using facing brick work on the lower section and composite cladding on the upper part of the building which will be goosewing grey - this would match the adjacent buildings.

2.6 The Landscape Development Section (LDS) has requested tree protection measures and the submission and approval of a soft landscaping scheme to further mitigate the visual impact of the development on the landscape. These can be secured by condition and are considered justified.

2.7 Overall, the proposed development would have an acceptable design that would not harm the visual amenity of the area or the wider landscape, subject to a condition which secures the facing and roofing materials. It is therefore considered to comply with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

## 3.0 Residential amenity

3.1 There are no existing residential properties in close proximity to the site but the Environmental Health Division has recommended conditions which seek to minimise the environmental impact of the proposal. Such conditions were also imposed on planning permissions 07/00499/FUL and 14/00205/FUL.

3.2 However, it should also be noted that planning permission has been granted for a residential

development on a separate parcel of land off Watermills Road and whilst that permission has lapsed it is anticipated that a further application for residential development could be submitted and approved. On this basis the conditions advised by EHD are considered justified in order to further minimise the impact of the proposed development.

3.3 Given that the contaminated land conditions attached to the previous permission were satisfied they are not justified or required at this time.

#### 4.0 Access and parking

4.1 The NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. At paragraph 106 the Framework states that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

4.2 Saved policy T16 of the NLP states that development which provides significantly less parking than the maximum specified levels it refers to will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

4.3 The site is served by two accesses and it has previously been agreed that they are suitable to serve a development of a similar overall scale as is proposed and already constructed. The proposal includes an additional 27 parking spaces to the 68 spaces already provided. The parking arrangements are therefore acceptable and in accordance with policy T16 and the guidance and requirements of the NPPF.

#### 5.0 Other matters

5.1 EHD have requested that at least 10% of staff parking spaces must be provided with fully operational dedicated electric vehicle charging point(s) and an additional 10% of remaining parking spaces shall be provided with passive wiring to allow future charging point connection.

5.2 The NPPF does encourage adequate provision for electric vehicle charging points and the level requested by EHD is considered acceptable.

## APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy E9: Renewal of Planning Permissions for Employment Development  
Policy T16: Development – General Parking Requirements  
Policy T18: Development – Servicing Requirements

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

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

In 2007 planning permission for the erection of 18 industrial units for uses falling within Class B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) was permitted (reference 07/00499/FUL). The permission has been partially implemented by the construction of 8 of the units within 2 of the blocks providing 1,652m<sup>2</sup> of the 4,748m<sup>2</sup> permitted.

In 2014, 2 steel portal frame industrial units were permitted under reference 14/00205/FUL on part of the site given permission under 07/00499/FUL. The buildings provided a total of 902m<sup>2</sup>. One of the two buildings, providing 276m<sup>2</sup> was constructed.

In 2018 a new vehicular entrance to the existing site was permitted, reference 18/00710/FUL.

#### Views of Consultees

The **Landscape Development Section** advise that the trees to the rear of the site form an important buffer to the adjacent agricultural land and should not be compromised by the development. Permission should be subject to the submission of a Tree Protection Plan to BS5837:2012. In addition a landscaping scheme is required.

The **Environmental Health Division** indicate that issues relating to land contamination were addressed as part of a previous action, and no further actions were, or are now, considered to be necessary. It has no objections subject to conditions relating to:

- A lighting scheme
- Noise assessment and mitigation
- Speakers/alarms/bells
- Electric vehicle charging provision for onsite staff parking

**The Environment Agency** recommend that a planning condition is included on the grant of any planning permission to ensure any significant contamination discovered during development is dealt with appropriately.

The **Lead Local Flood Authority** recommend, in the absence of a flood risk assessment and adequate drainage strategy, that planning permission should not be granted.

The County Council as **Minerals and Waste Planning Authority** makes no comment.

The views of the **Highway** Authority have been sought, but as they haven't responded by the due date it is assumed that they have no comments on the proposal.

#### Representations

None received

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

All of the application documents are available for inspection at Castle House 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/19/00755/FUL>

#### Background Papers

Planning Policy documents referred to  
Planning files referred to

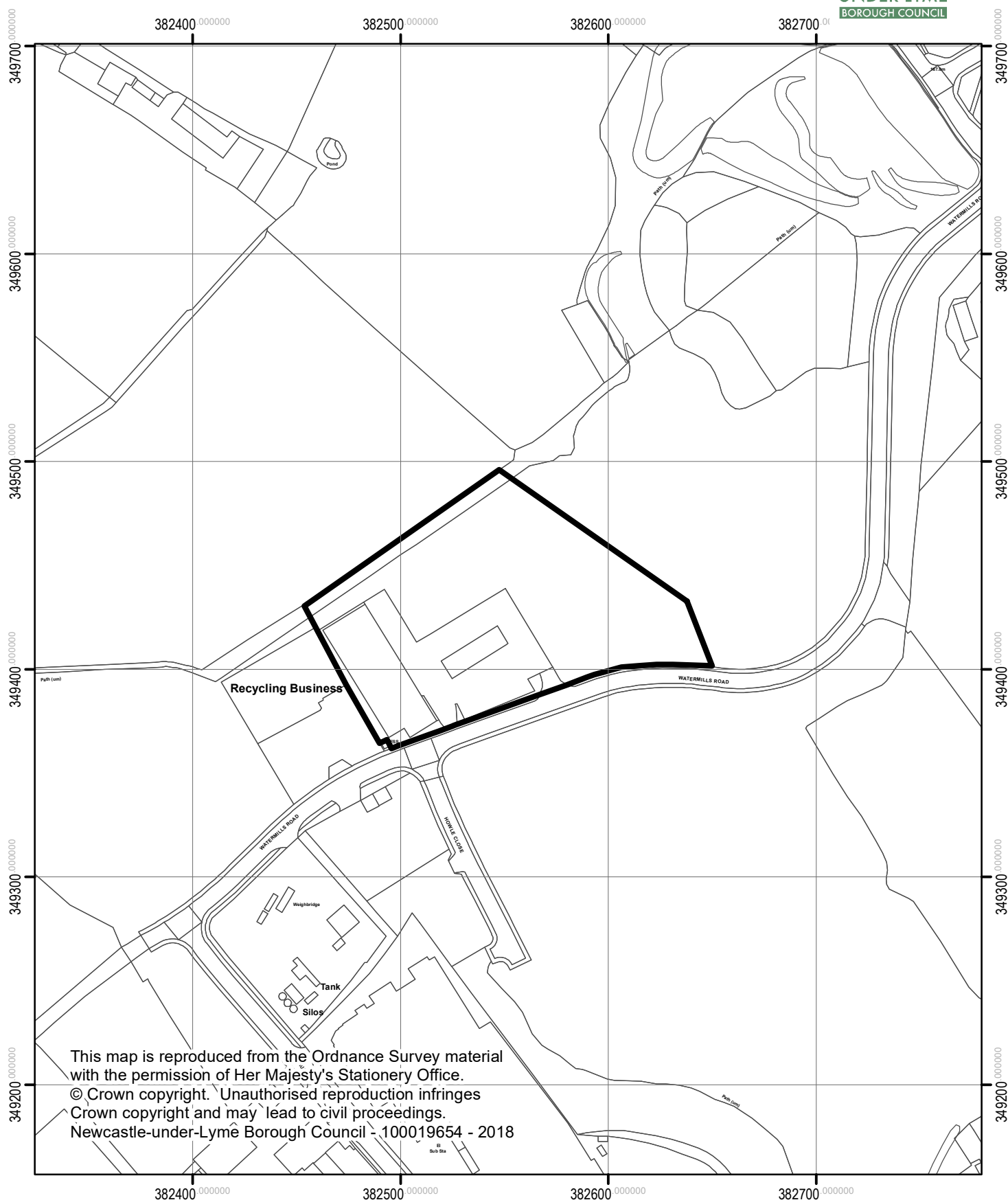
#### Date report prepared

19<sup>th</sup> November 2019

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# Plot 4 Valley Park, Watermills Road Chesterton, ST5 6AT



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**LAND OFF DEANS LANE AND MOSS GROVE, RED STREET**  
**PERSIMMON HOMES (NORTH WEST)**

**19/00772/FUL**

The application seeks a variation of condition 12 of planning permission 19/00375/FUL (residential development comprising 50 dwellings and associated works) to allow the provision of a public footpath link at a later phase of the development.

The application site lies on the edge but within the Newcastle urban area as indicated on the Local Development Framework Proposals Map. The site extends to approximately 1.47 hectares.

**The 13 week period for the determination of this application expires on the 1<sup>st</sup> January 2020.**

**RECOMMENDATION**

**REFUSE** for the following reason:

1. The delay to the provision of the footpath link from the development site to the public footpath (Newcastle 21) until the occupation of the 46<sup>th</sup> dwelling house, would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives. It would therefore be contrary to the core principles and sustainable development objectives set out in the National Planning Policy Framework 2019.

**Reason for Recommendation**

The proposed variation of condition application and the requested delay in providing a footpath link would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives. It would therefore be contrary to the core principles and sustainable development objectives set out in 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**

Officers sought a compromise with the applicant prior to the application being submitted and further discussions were held during the consideration of the application. However, a compromise has not been possible and the fundamental concerns of the LPA have not been overcome.

**Key Issues**

The application seeks a variation of condition 12 of planning permission 19/00375/FUL (residential development comprising 50 dwellings and associated works) to allow the provision of a public footpath link at a later phase of the development.

The planning permission was granted in association with an outline planning permission for a residential development of up to 50 dwellings (16/00902/DEEM4).

The reserved matters consent (18/00854/REM) approved details relating to internal access arrangements, layout, scale, appearance and landscaping. Condition 2 of this reserved matters approval was varied under planning permission 19/00375/FUL to allow changes to the disposition of plots 1-8 only.

Condition 12 of the latest permission states that;

*12. Prior to the first occupation of any of the dwelling houses hereby approved the footpath link on the eastern boundary of the site, which links to the existing public footpath (Newcastle 21), shall be completed and made available for use. The footpath link shall thereafter be retained for the life of the development.*

The reason for the condition was to provide pedestrian access to the wider area and the primary school, in the interests of sustainable development in accordance with the guidance of the National Planning Policy Framework 2019.

This application now seeks to vary this condition so that the footpath link from the development site to the public footpath can be provided at a later phase of the development.

The approved development is for 50 dwellinghouses and the applicant has suggested that the footpath link should not be provided until the occupation of the 46<sup>th</sup> dwellinghouse. The reason for the suggested variation, as advised by the applicant, is on the grounds of health and safety during the construction of the houses. The delay would also allow the developer to prepare a suitable phasing programme for the development.

The location of the approved footpath link is to be in the south eastern corner of the site and would provide a direct connection between the development and public footpath Newcastle 21 with a pedestrian access gate to the primary school on the other side of the footpath.

A construction phasing plan has been submitted to support the application which shows a construction compound in the south eastern corner of the site which will be used for staff parking and storage of plant and materials whilst the development is being constructed. The plan also indicates that the houses to be constructed in this part of the site will be built as part of phase 7 of the development, this being the last and final stage.

The proposed construction plan differs from previous construction management plans (CMP) submitted to satisfy conditions of the outline planning permission. The previous CMP showed the construction compound in the south western corner of the site i.e. away from the approved footpath link.

In essence the implications of the proposed delay in providing the footpath link would be that 45 future households would not have direct access to the primary school and the wider areas of public open space for at least 18-24 months whilst construction is completed. This would have significant implications on future residents and would require them to take much longer alternative routes to access the primary school and public transport links on Liverpool Road. This would discourage future residents from walking to the school in particular and using public transport.

Your officers are not satisfied that the construction compound cannot be located elsewhere within the site so that the footpath link can be provided much sooner. A suitable compromise has been discussed with the applicant but discussions have not been successful.

The delay to the provision of the footpath link to the occupation of the 46<sup>th</sup> dwelling would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives. On this basis the application should be refused.

## APPENDIX

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

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

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

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

Nil

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

[National Planning Policy](#)

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

[Planning Practice Guidance](#)

[Supplementary Planning Guidance/Documents](#)

[Affordable Housing SPD](#) (2009)

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

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

### **Relevant Planning History**

19/00375/FUL Application to vary condition no. 2 of application ref. no. 18/00854/REM (residential development comprising 50 dwellings) - minor changes to the planning layout to plots 1 - 8, with changes to the private drive and plots that front on to Deans Lane Permitted

18/00854/REM Reserved Matters application (appearance, landscaping, layout and scale) for residential development comprising 50 dwellings associated works pursuant to outline consent  
16/00902/DEEM4 Permitted

16/00902/DEEM4 Outline Planning Consent for the development of up to 50 dwellings (Resubmission of 16/00634/DEEM4) Permitted

16/00634/DEEM4 Outline planning consent for the development of up to 50 dwellings Withdrawn

### **Views of Consultees**

None required

### **Representations**

None received.

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

The application is accompanied by a covering letter which sets out the reason for the application and a justification for the delay in providing the footpath link.

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00772/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

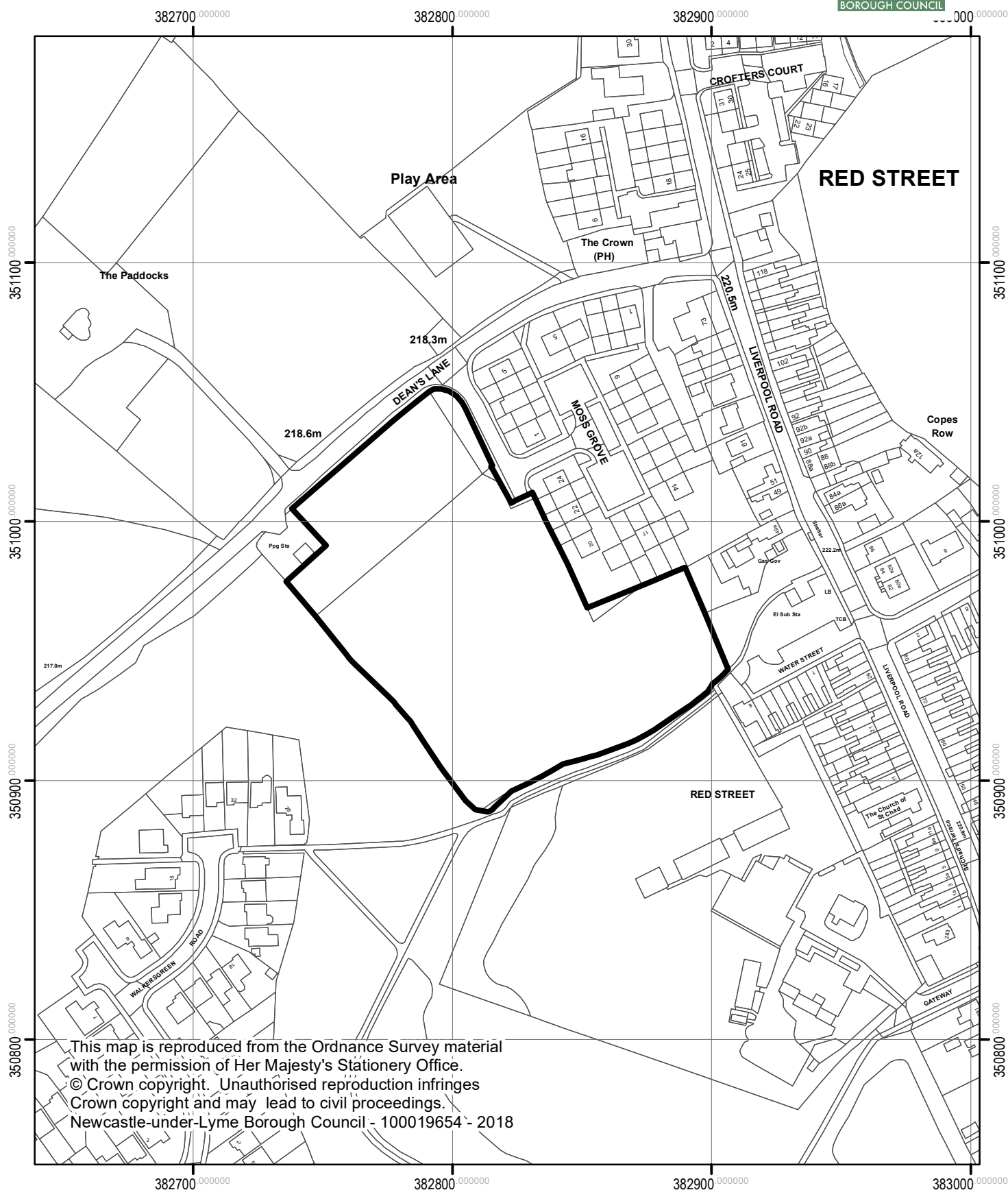
Date report prepared

15<sup>th</sup> November 2019

# Land at Deans Lane, Red Street Talke, ST5 6BG



**NEWCASTLE  
UNDER LYME**  
BOROUGH COUNCIL



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## **COMPOUND C AND COMPOUND E, LYMEDALE CROSS CAISSON IM PROPERTIES**

**18/00997/FUL**

The application seeks full planning permission for a warehouse unit and 7 no. business starter units (Use Classes B1, B2 & B8), with a combined gross internal floor area of 4,192 square metres, split over two sites – Site A and Site B.

The sites are located on the Lymedale Cross Industrial/Business Park in the urban area of Cross Heath, Newcastle, as indicated on the Local Development Framework Proposals Map.

The application sites measure 1.1 hectares in size combined.

Vehicle access to the two sites will be via the existing industrial estate access onto Lower Milehouse Lane.

**The 13 week period for the determination of this application expired on the 30<sup>th</sup> July but the applicant has agreed a series of extensions of time to the statutory determination period, the latest being to the 13<sup>th</sup> December 2019 .**

### **RECOMMENDATIONS**

**A. Subject to the applicant first entering into a Section 106 obligation by the 8<sup>th</sup> February 2020 to secure a contribution sum of £2,407 towards Travel Plan monitoring, PERMIT the application subject to conditions relating to the following matters:-**

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Facing and roofing materials – including colour**
- 4. Boundary treatments for Site A**
- 5. Revised Travel Plan Framework**
- 6. Provision of access, parking, turning and servicing areas**
- 7. Details and provision of access, layout and signage of the Overspill Parking Area**
- 8. Cycle storage provision**
- 9. Submission and approval of a Construction Management Plan (CMP)**
- 10. Provision of replacement 65 space car park adjacent to Site B**
- 11. Prior approval of external lighting**
- 12. Electric vehicle charging provision**
- 13. Prior approval of noise impacts from plant and machinery**
- 14. Prior approval of noise impacts from HGV loading and unloading areas**
- 15. Land contamination investigations and mitigation measures**
- 16. Construction and demolition hours**
- 17. Submission and approval of Surface Water Drainage Strategy**

**B. Should the matters referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

### **Reason for Recommendation**

Policies of the Core Spatial Strategy support proposals for employment provision. The design of the proposed buildings would be acceptable in the context of the existing surroundings and any impact would not be adverse within the context of the site, the surrounding business park and the visual amenity of the area. Measures to mitigate against the appearance of the proposed buildings, their impact on highways safety and the impact on neighbouring residential properties are required. Subject to conditions the application has demonstrated that the proposal represents a sustainable

form of development which would comply with the guidance and requirements of the National Planning Policy Framework and should be approved.

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

Officers have requested further information to be submitted during the consideration of the planning application to address concerns. Adequate information has now been submitted and the proposed development is considered to be a highly sustainable form of development in accordance with the National Planning Policy Framework.

**Key Issues**

1.1 The application seeks full planning permission for a warehouse unit and 7 no. business starter units (Use Classes B1, B2 & B8). The combined gross internal floor area of the proposed buildings is 4,192m<sup>2</sup>.

1.2 The application is split over two sites – Site A and Site B, which have a combined size of 1.1 hectares on the Lymedale Cross Industrial/Business Park in Cross Heath, Newcastle.

1.3 Vehicle access to the site will be via the existing industrial estate access off Lower Milehouse Lane.

1.4 The key issues in the determination of this planning application are considered to be;

- Principle of the proposed development,
- Design and appearance,
- Impact on the amenity of the area and neighbouring residential properties, and
- Car parking and the impact on highway safety.

**2.0 Principle of the proposed development**

2.1 Paragraph 80 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

2.2 At paragraph 82 it indicates that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

2.3 Policy SP1 of the Core Spatial Strategy indicates 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. It also states that employment provision will be focused towards sites accessible to and within the North Staffordshire Regeneration Zone. Policy SP2 of the CSS also indicates that economic development should capitalise on North Staffordshire's potentially strong geographical position, its people and its productive asset base.

2.4 The application site is spread over two sites, Site A and Site B, within the existing and established Lymedale Cross Industrial/Business Park which is accessed off Lower Milehouse Lane.

2.5 Site A is a vacant, hard surfaced area of land situated between existing portal frame warehouse/manufacturing units adjacent to the southern boundary of the industrial estate. The proposal is to provide a new B1, B2, or B8 portal frame unit with ancillary offices on a mezzanine level.

2.6 Site B is a hard surfaced car parking area and the proposal is to provide 7 starter units on the land. The existing car parking spaces will be repositioned within the site. The proposed starter units will be promoted for flexible uses that will increase opportunities for business start-ups.

2.7 The proposed development would provide further business and employment opportunities on an established industrial estate in a sustainable location. It would also promote sustainable economic growth in accordance with policy SP1 of the CSS and the guidance of the NPPF. The principle of this application should therefore be supported.

### 3.0 Design and appearance

3.1 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

3.2 CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

3.3 The Urban Design Supplementary Planning Document indicates at Policy E3 that business development should be designed to contribute towards improving the character and quality of the area. Policy E6 further advises that boundary treatments should form an integral part of the design of proposals for business development.

3.4 As discussed the application site comprises two areas of land within the industrial/business park. Site A is adjacent to the southern boundary and the proposed building would have a floor area of 2,766 square metres and a height of 12.6 metres. It would therefore be clearly visible in views from the south. However, it would have a modern industrial portal frame appearance, with profiled metal cladding on its elevations and it would be seen within the context of other buildings of a similar colour and appearance within the industrial/ business park.

3.5 The proposed starter units building is located further into the industrial/business park and would have a footprint of 1,547 square metres and an overall height of 8.4 metres. It would have a modern industrial portal frame appearance, with profiled metal cladding on its elevations and it would be seen within the context of other buildings of a similar colour and appearance within the industrial/business park. It would be visible in views from the east but it would have a backdrop of existing larger buildings.

3.6 The proposed buildings and their associated car parking and servicing areas would be visible from the surrounding landscape but their location on an established industrial/business park is an appropriate location for these types of development. They would have a functional appearance that would be similar to other buildings within the industrial/business park and any associated harm caused by the design would not be significant. However, it has to be acknowledged that due to the position of Site A on the edge of the site, close to residential properties on the southern boundary, the colour of facing materials could help to mitigate the impact of this building.

3.7 The existing industrial/business park has a range of style, size and age of industrial buildings. The more modern buildings are more visually significant and their external finish, with vast areas of metal profiled sheeting, have been broken up with colour and patterns. No such details have been proposed in this instance but the applicant has been advised that the approach taken on the more modern buildings within the estate is supported by your officers and the applicant has been advised to submit further details for consideration prior to a decision being made.

3.8 As discussed, the proposed building on Site A would be large and visible in views from the south. There is no opportunity for soft landscaping on the southern boundary of this site but there was

a small landscape buffer that was incorporated into the design of the neighbouring residential development for 276 dwellings on Land off Wilmot Drive. An acoustic fence of at least 3 metres in height is likely to be required on this boundary but no significant concerns are raised in this respect.

3.9 Overall, the proposed development would have an acceptable design, subject to details being submitted for its colour and finish and it would not result in significant harm to the visual amenity of the area. It is therefore considered to comply with Policy CSP1 of the CSS and the guidance and requirements of the NPPF.

#### 4.0 Impact on the amenity of the area and neighbouring residential properties

4.1 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.

4.2 The NPPF further states at paragraph 180 that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The aim is to mitigate and reduce the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

4.3 The proposed development is located on an existing and established industrial/business park. However, Site A is adjacent to a residential development of 276 dwellings on Land off Wilmot Drive which was granted planning permission in May 2018 and is currently under construction (reference 17/00281/FUL). This is beyond the southern boundary of the site and the proposed building would be in close proximity to dwellings approved under that development. Site B is in close proximity to a very small number of existing properties on Meadow Lane.

4.4 The proposed building on Site A has its loading docks and servicing yard adjacent to the southern boundary and adverse noise from HGV movements, loading and unloading of HGV's will create noise and disturbance throughout the day and night. This has resulted in the Environmental Health Division (EHD) raising concerns about the potential noise impact of the proposed development on neighbouring residential properties and is confirmed by the applicant's noise assessment. Therefore, mitigation measures will be required to minimise the impact of the proposed development on neighbouring occupiers. EHD are satisfied that mitigation measures can be secured by condition but they are likely to include an acoustic fence along the southern boundary between Site A and the Wilmot Drive development. The height will need to be confirmed by a specific assessment of activities associated with the HGV loading/unloading dock. No significant concerns have been raised in relation to the proposed building on Site B.

4.5 Subject to the recommended noise conditions advised by EHD, as well as a condition to secure external lighting, it is considered that mitigation measures can be secured to ensure that no significant harm is caused to neighbouring residential amenity levels and their quality of life. The proposed development would therefore be in accordance with the guidance and requirements of the NPPF.

#### 5.0 Is the proposal acceptable in terms of highway safety?

5.1 The NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. At paragraph 106 the Framework states that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

5.2 Saved Policy T16 of the NLP states that development which provides significantly less parking than the maximum specified levels it refers to will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

5.3 Vehicle access to the industrial/business park is via a single point of access off Lower Milehouse Lane and the two proposed buildings would also be served off this access.

5.4 The proposed buildings would create an additional 4,192 square metres of B1, B2, or B8 floor space within the industrial/business park.

5.5 A Transport Statement (TS) has been submitted to support the application, which sets out that additional vehicle trips on the performance of the local highway network will not be significant. It also sets out that 21 parking spaces are proposed for Site A and 21 spaces for Site B. Appropriate servicing areas will also be provided.

5.6 A Travel Plan also accompanies the application, which seeks to encourage non-car use and car sharing for future employees of the proposed buildings.

5.7 The Highways Authority (HA) has raised no objections subject to conditions. In particular they have requested a revised Travel Plan which seeks greater detail and a timetable for its implementation. A Travel Plan monitoring fee of £2,407 is also requested. A condition to secure details of the access, layout and signage of an overspill parking area which shall be retained for the life of the development has also been requested.

5.8 In consideration of the applicant's submitted TS and the views of the HA it is accepted that the proposed development is unlikely to lead to significant highway safety concerns. It is accepted that the additional trip generation of the scheme would not be significant and the location of the application sites within a sustainable urban area would encourage walking, cycling and the use of public transport. A travel plan, which will be secured via a S106 obligation and a Grampian condition, would also encourage future employees to use non-car modes of travel to further minimise the impact of the development on the highway network, as well as car parking demand within the estate/business park.

## 6. Other matters

6.1 The Environmental Health Division (EHD) has advised a number of conditions, additional to the ones set out in paragraph 4.5, which set out the need for contaminated land conditions and electric vehicle charging provision.

6.2 EHD have requested that at least 10% of staff parking spaces must be provided with fully operational dedicated electric vehicle charging point(s) and an additional 10% of remaining parking spaces shall be provided with passive wiring to allow future charging point connection.

6.3 The NPPF does encourage adequate provision for electric vehicle charging points and the level requested by EHD is considered acceptable.

6.4 The application is supported by a Flood Risk Assessment (FRA) and the Lead Local Flood Authority (LLFA) has raised no objections to the application but standing advice should be considered. The standing advice and the submitted FRA recommend a drainage strategy in line with SuDS best practice and Staffordshire County Council's SuDS handbook. This can be secured by condition.

## 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 SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

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

Policy T16: Development – General Parking Requirements

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

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

|               |   |
|---------------|---|
| 06/00906/FUL  | Erection of eight industrial units, 2 office units, car parking, modified access and signage feature - Permitted  |
| 06/00906/EXTN | Extension to the time limit to implement planning permission (06/00906/FUL) for erection of eight industrial units, 2 office units, gatehouse, car parking, modified access and signage feature - Permitted |

#### Views of Consultees

The **Highways Authority** raises no objections subject to conditions which secure the following matters;

- Access, parking, servicing and turning provided prior to occupation of the development,
- Details and provision of access, layout and signage of the Overspill Parking Area,
- Cycle storage provision,
- Submission and approval of a revised Travel Plan, and subsequent implementation,
- Submission and approval of a Construction Management Plan (CMP), and
- Provision of replacement 65 space car park adjacent to Site B.

They have also requested a S106 obligation for a travel plan monitoring fee of £2,407.

The **Environmental Health Division** raises no objections subject a series of conditions that secure matters relating to the following;

- Construction hours restriction
- Prior approval of external lighting,
- Electric vehicle charging provision,
- Prior approval noise impacts from building plant and machinery,

- Prior approval noise impacts from HGV loading/unloading dock,
- Land contamination investigations and mitigation measures

Staffordshire County Council as the **Lead Local Flood Authority** raises no objections.

The **Environment Agency** raises no objections.

The Council's **Waste Management Section** advise that the site users/managers will need to arrange for suitable containers, licensed waste carriers and appropriate collection frequencies.

The Council's **Economic Regeneration Section** indicate that they support the application as it brings new investment and 60 plus new jobs into an area of need, on a site which has been prepared for this purpose including the provision of small business units, which potentially allows for the creation of new businesses.

Comments were also invited from **Greater Chesterton LAP** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

None received.

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

The application is accompanied by a Planning Statement, Transport Statement, Travel Plan Framework, Noise Assessment, Flood Risk Assessment and Phase 1 Environmental Report.

All of the application documents are available for inspection at Castle House and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00997/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

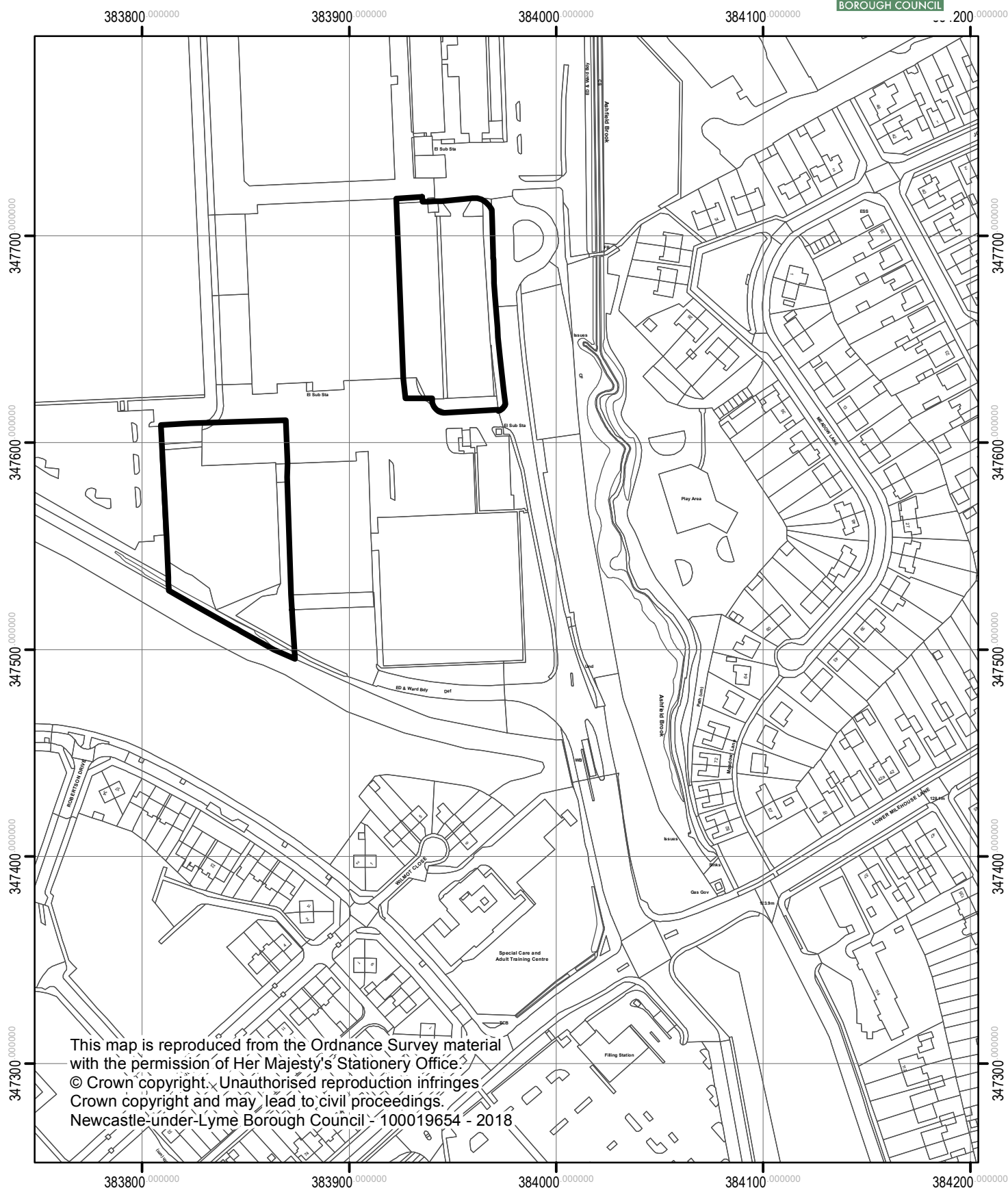
#### Date report prepared

14<sup>th</sup> November 2019

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# Compound C and Compound E Lymedale Cross, Lower Milehouse Lane, ST5 9BT



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**20 SIDMOUTH AVENUE**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**19/00708/DEEM4**

The application is for the partial demolition, external alterations and change of use of the existing property from a former Registry Office into a single dwelling. Three new detached dwelling within the grounds of 20 Sidmouth Avenue are also proposed.

The application site lies within the Brampton Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on 6 November 2019, however the applicant has agreed an extension of time until the 9<sup>th</sup> December 2019.**

**RECOMMENDATION**

**Subject to further consideration of the impact of the parking spaces for unit 1 on the root protection area of visually significant trees, PERMIT subject to conditions relating to:**

- 1. Standard time limit**
- 2. Approved plans**
- 3. Approval of external facing materials to the dwellings, hard surfaces and details of the window reveals**
- 4. Approval of levels**
- 5. All boundary treatments, to include boundary walls to the plot boundaries adjoining the highway (as shown on the plans) and retention of the boundary wall to 19 Sidmouth Avenue**
- 6. Approval of measures to secure the existing building following demolition of the extension**
- 7. Landscaping**
- 8. Retention and protection of all trees shown to be retained**
- 9. Demolition/construction activity to be limited to reasonable hours**
- 10. Noise assessment indicating any mitigation measures required**
- 11. Electric Vehicle Charging**
- 12. Importation of soil or soil forming material**
- 13. Provision of access and parking prior to occupation**

**Reason for Recommendation**

It is considered, overall, that this is an acceptable form of development and subject to further consideration of the position of parking to unit one and its impact on the root protection area of visually significant trees, the development will enhance the character and appearance of the Conservation Area.

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

Initial concerns have been addressed through the submission of amended plans. Subject to appropriately worded conditions the proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

1.1 The proposal involves the conversion of the former Registry Office to a four bedroom dwelling involving partial demolition and alteration to the building. In addition three detached

dwellingings are also proposed. The application is made under Regulation 3 of the Town and Country Planning General Regulations 1992 to for planning permission to develop land in the ownership of the Borough Council.

1.2 The site lies within the Brampton Conservation Area.

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

- Principle of residential development in this location
- Impact on the character and appearance of the Conservation Area
- Impact on trees
- Residential amenity
- Highway safety

## 2.0 Principle of residential development in this location

2.1 Local Plan (NLP) Policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellingings in the urban area of Newcastle-under-Lyme by 2026.

2.2 Policy SP1 of the Core Spatial Strategy (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.

2.3 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.

2.4 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.

2.5 The site is a brownfield site in a highly sustainable location and the principle of housing development on the site therefore complies with local and national planning policy guidance.

## 3.0 Impact on the character and appearance of the Conservation Area

3.1 The property is within the Brampton Conservation Area and as such 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 its planning functions.

3.2 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.

3.3 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.”

3.4 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.

3.5 At paragraphs 124 and 130 the NPPF indicates 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.

3.6 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.

3.7 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.

3.8 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.

3.9 As stated by the Council’s Conservation Officer, Sidmouth Avenue is characterful and occupied in the main by large historic villas, both detached and semi-detached. The existing property was used as the Registry Office and has been added to over the years through the construction of large extensions that have no merit and do not make a positive contribution to the character and appearance of the Conservation Area.

3.10 There are no objections to the proposed demolition of the extensions, the making good of the gable of the original building and its use as a dwelling (unit 1). What would remain of the building has visual merit and is beneficial to the character and appearance of the Conservation Area given its prominent position at the corner of Sidmouth Avenue with Brampton Road. Subject to a carefully worded condition that ensures that the elevation

exposed following demolition is appropriately secured should the demolition take place in advance of, and separately to, the conversion works required for the intended use as a dwelling, no harm to the heritage asset, the Conservation Area, would arise.

3.11 During the application process the plans for the new proposed dwellings have been amended. The latest version of the plans show a pair of detached dwellings (units 3 and 4), adjacent to 19 Sidmouth Avenue. These dwellings are of the same design, albeit handed and are to be constructed in facing brickwork and plain clay tile. They will feature a gable that is 3 storeys in height containing a large element of glazing extending from ground floor to ridge. The gable will contain an off-set brick projection that partially frames the glazing at ground and first floor. The dwellings also have a lower, single storey element which contains a garage and front and rear dormer windows.

3.12 The handed design of the dwellings and their siting close to each other on the common boundary gives the impression that they are a pair of dwellings and whilst not semi-detached, which is the preference of the Conservation Advisory Working Party (CAWP), they do, to some extent, reflect the pair of semi-detached dwellings that adjoin the site.

3.13 The third new dwelling (unit 2) is to be sited between the pair of dwellings referred to above and the retained/converted building. Its design and appearance differs from the pair, with a lower overall height and as such is subservient in design to the new pair and the existing building to be retained. As such this dwelling seeks to provide an appropriate transition between the new and the old.

3.14 Its design, to some extent, is a modern interpretation of the arts and crafts style of architecture. It is also to be constructed in facing brickwork and plain clay tiles and will incorporate box bay windows.

3.15 The existing low stone boundary wall, which extends along Brampton Road and on part of the Sidmouth Avenue frontage, will be retained. The latest plans show a low brick wall with brick piers proposed along the front boundary of the new dwelling similar to the brick wall to the front of 19 Sidmouth Avenue. The boundary walls partially screen the proposed frontage bin stores which as a result would not be visually harmful. Notwithstanding the concerns of the CAWP, the inclusion of frontage parking is not unacceptable in this location.

3.16 Overall, subject to consideration of the impact of the development on trees and the approval of the details it is considered that the removal of the extensions to 20 Sidmouth Avenue and their replacement with the proposed development will enhance the heritage asset, the Conservation Area.

#### 4.0 Impact on trees

4.1 Trees on and around this site are very visually important to the character and setting of the Brampton Conservation Area, and are particularly prominent when viewed from Station Walks and Queen Street.

4.2 The Landscape Development Section (LDS) have expressed concern that the small size of the rear gardens and the proximity of the trees within Station Walks would be likely to lead to subsequent pressure for felling or pruning. This concern is acknowledged, however the same concern would arise to a lesser extent if it were proposed to construct one new build dwelling or to convert the existing extensions to a dwelling and if given significant weight in the determination of the application would render the site difficult to develop. Given that the residents on the north side of Sidmouth Avenue already live in close proximity to trees within Brampton Park it would be difficult to argue that the Council would have no choice but to succumb to any pressure for tree removal. It is therefore considered that such a concern does not in itself justify refusal of planning permission.

4.3 There are no objections to the loss of the 9 pollarded trees within the site along the side boundary with 19 Sidmouth Avenue and, notwithstanding the views of the LDS, it is considered that the replacement of these trees within the site is not required.

4.4 It is appropriate to site the parking to unit 1, which is the existing building, to the rear where it would have less of a visual impact on the street scene. The comments of the LDS that this would encroach into the root protection area of trees within Station Walks are, however, noted and further consideration is being given to this concern.

#### 5.0 Residential amenity

5.1 Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on the assessment of proposals for new dwellings in respect of matters such as light, privacy and outlook. The proposal is in accordance with this guidance as regards garden length and area and the relationship between the existing dwellings and the proposed given that there are no side facing principal windows in the existing adjoining dwelling.

5.2 Environmental Health Division have advised that a noise assessment should be undertaken to identify any mitigation measures needed to ensure future residents will not be adversely impacted upon by road traffic noise. Such provision is appropriate.

5.3 The intention is to retain the existing boundary wall with 19 Sidmouth Avenue and subject to the approval of the finished levels of the proposed dwellings it considered that acceptable living conditions can be secured for both surrounding residents and future occupiers of the development.

#### 6.0 Highway safety

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

6.2 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.

6.3 The Highway Authority objects to the application on the basis of the plans initially submitted. The latest version of the plans shows the provision of one parking space on a driveway of approximately 5.5m in length for each of the three new build dwellings. All of these dwellings have an integral garage but given the limited size of these garages, particularly the garage to the individually designed dwelling, this could not be counted as a parking space. Two parking spaces are provided for the dwelling to be provided within the existing building, but given the length of the driveway considerably more than 2 vehicles could be parked on this plot.

6.4 Whilst the level of parking for the new build dwellings are very limited in number for the size of the dwellings (4/5 beds) it is considered acceptable given the highly sustainable location of the site.

6.5 Overall it is considered that there is no significant detriment to highway safety arising from the development.

## 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 T18 | Development servicing requirements   |
| Policy C4  | Open Space in New Housing Areas  |
| 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 Conservation Areas |
| Policy B12 | 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 IM1 | Provision of Essential Supporting Infrastructure and Community Facilities                |

### **Other Material Considerations**

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

#### Planning Practice Guidance (March 2014)

#### Supplementary Planning Documents/Guidance

#### Affordable Housing SPD (2009)

#### 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 that is of relevance to this application.

#### Views of Consultees

The **Highway Authority** considers that the application should be refused due to insufficient information to determine the proposal from a highway safety perspective. They request information regarding the internal dimensions of the garage and the length of the driveway between the highway boundary to plots 3 and 4.

The **Conservation Advisory Working Party (CAWP)**, commenting on the initial plans, does not object to the conversion of the main building back to a single dwelling house but feels that



the streetscene character of Sidmouth Avenue, particularly on this side of the road is for large semi-detached villas and the development would be improved by introducing this into the proposal. CAWP felt that the roofs of the proposed dwellings were too high and the relationship with the three storey gable needed consideration. They object to the frontage car parking which should be relocated to the rear and consideration given to rear garaging or parking.

In response to amended plans received on 22<sup>nd</sup> October the Working Party commented that the changes are not that significant and still dislike the large roof and garages at the front, and would prefer bins located to the rear or to be concealed more. They would still like a pair of semi-detached houses and front wall with landscaping to discourage parking. It objects to Unit 2 and would like a more bespoke design, possibly even a more modern approach.

The Council's **Urban Design and Conservation Officer**, commenting on the initial plans, indicates that the development at Sidmouth Avenue, falls within Brampton Conservation Area. This site is at the front of the Avenue which is characterful and occupied by in the main, large historic villas, both detached and semi-detached.

The site was occupied by the registry office and has lain vacant for some time. The main house was used by the registry office and has large extensions which have no merit. No objections are raised to the demolition of these extensions and the making good of the gable elevation to the original house – buff brick, window surround detailing to match. A carefully worded condition is required to ensure that this elevation is not left following the demolition for any length of time.

There are a number of issues regarding front parking, possible rear vehicular access and design changes to the dwellings including lowering of the roof that have been discussed with the architects.

The **Environmental Health Division** has no objections subject to conditions relating to:-

1. Hours of construction and demolition
2. Prior approval of a noise assessment with any mitigation measures needed to achieve appropriate internal and external noise levels.
3. Electric vehicle charging points
4. Importation of soil or soil forming material.

The **Landscape Development Section** considers that the proposed dwellings have a poor relationship with the existing trees to the rear of the site and as such objects to the proposal. The rear gardens are small and the proximity of these trees would be likely to lead to post development resentment of the trees by occupants of the dwellings due to concerns such as shading, damage to property during strong winds and leaves blocking gullies. This would be likely to lead to subsequent pressure for the felling or pruning of the trees.

Trees on and around this site are very visually important to the character and the setting of the Brampton Conservation Area, and are particularly prominent when viewed from Station Walks and Queen Street.

Parking for unit 1 within the root protection area of retained trees is not supported. In addition there are concerns that there is very little space for meaningful landscaping along the frontage of this site and no suitable position for replacement of any of the 9 pollarded trees lost as a result of this development.

### Representations

One representation has been received raising the following points:

- Is it the intention to retain the existing boundary wall and fence?
- The plans state that level access is provided to all new dwellings with ground floor facilities and the proposed street scene plan suggest that the new build houses will

be built at street level. This implies that a substantial amount of ground work will be required to raise the ground level, especially adjacent to number 19 Sidmouth Avenue. This would mean that the rear of the new property would be approximately 2m above the existing ground level resulting in a tall structure approximately 3.7m from kitchen and bedroom windows of 19 Sidmouth Avenue.

#### **Applicant/agent's submission**

Application forms and plans have been submitted along with a Heritage Statement, Design and Access Statement and Arboricultural Report. All of the application documents are available for inspection at Castle House and can be viewed via the following link  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00708/DEEM4>

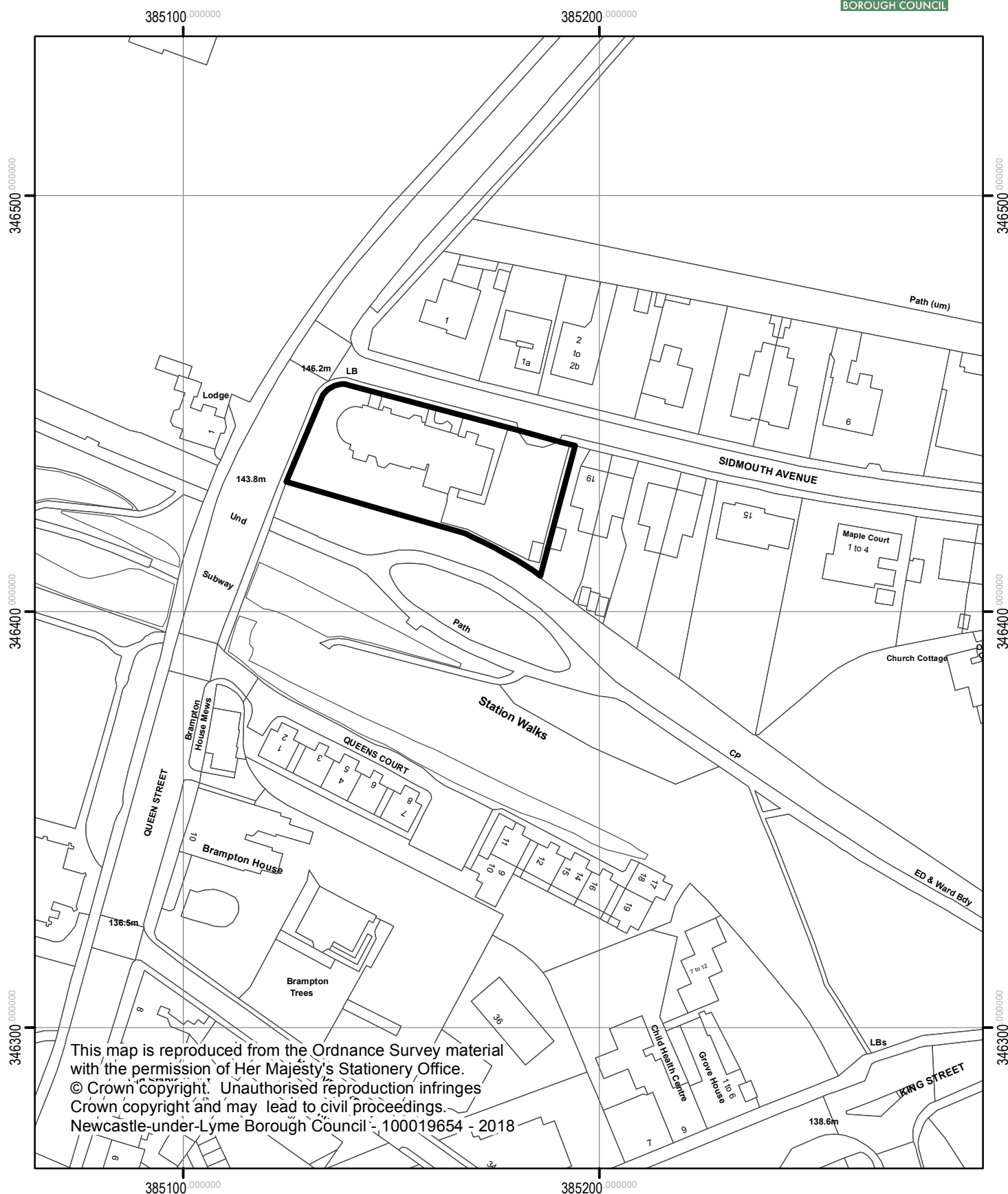
#### **Background Papers**

Planning File  
Planning Documents referred to

#### **Date Report Prepared**

15 November 2019

20 Sidmouth Avenue  
Newcastle-under-Lyme, ST5 0QN



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## **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 previous reports, the Planning Inspectorate has confirmed that the appeal that has been made against the Enforcement Notice is valid. It remains that a 'start letter' has not been issued and as such the appeal timetable has not been set out.

As a [guide](#) the Inspectorate is currently indicating (as of 11<sup>th</sup> November 2019) that an enforcement appeal will take from valid appeal to decision:

|                                | <b>VALID APPEAL TO DECISION</b> |
|--------------------------------|---------------------------------|
| <b>WRITTEN REPRESENTATIONS</b> | 41 weeks                        |
| <b>HEARINGS</b>                | 66 weeks                        |
| <b>INQUIRIES</b>               | 80 weeks                        |

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 44 weeks since that receipt.

Date report prepared: 16<sup>th</sup> November 2019

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## **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 8<sup>th</sup> October.

The land owner has been cooperating with your officers and he has indicated that works to the track are unlikely to re-commence in the near future for a number of reasons.

Your officers have also been in regular dialogue with the Environment Agency who have also indicated that they are unlikely to grant a further U1 Exemption licence which would allow the owner to re-commence the works.

No recent complaints have been received in relation to this site but the situation 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 – 14<sup>th</sup> November 2019

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**APPEAL BY MR BEN SPRINGETT AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A TWO STOREY SIDE EXTENSION, PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSIONS**

|                                       |                                       |
|---------------------------------------|---------------------------------------|
| <b><u>Application Number</u></b>      | <b>19/00136/FUL</b>                   |
| <b><u>LPA's Decision</u></b>          | <b>Refused under delegated powers</b> |
| <b><u>Appeal Decision</u></b>         | <b>Dismissed</b>                      |
| <b><u>Date of Appeal Decision</u></b> | <b>9<sup>th</sup> October 2019</b>    |

The Inspector identified the main issue to be the effect of the proposed development upon the character and appearance of the host dwelling and the area

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

- The appeal site is within a predominantly residential area characterised by semi-detached houses. The property forms a pair of semi-detached dwellings of similar appearance in width, characterised with identical features including hipped roofs. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
- The width of the proposed two storey extension to the side would be excessive as it would be almost the same with as the existing dwelling itself, even though it would be set back slightly from the front of the property and sit below the main roof of the house. The length would also project some considerable distance to the rear and wrap around creating a further imposing large two storey addition on the rear elevation. The sheer scale of the side and rear elevations would not appear subservient to the host dwelling. This would result in a detrimental impact to its character and appearance.
- The location of the property along the road would result in the side extension being clearly visible in the street scene, particularly due to the open aspect of the frontage with the driveway. When this is combined with its overall scale, substantial width, minimal setback and excessive length of the roof ridge across the host property it would create an unbalanced and negative appearance to these symmetrical properties. This would detract from the character and appearance of both properties and the street scene
- There is sufficient distance between the proposed development and boundary of No. 59 and as such there would be no terracing effect, but this does not outweigh the other harm identified.
- The proposed development would be harmful to the character and appearance of the host property and the area. Therefore it would be contrary to Policy H18 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and would also be at odds with the guidance R23 in the Supplementary Planning Document, Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance.
- The appeal should be dismissed.

**Recommendation**

That the appeal decision be noted.

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**Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Templar window, St Johns Church, Keele (Ref: 19/20006/HBG) and Churchyard wall, St James Church, Audley (Ref: 19/20007/HBG)**

## **RECOMMENDATION:**

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

- 1. £1,584 Historic Building Grant be given towards the restoration of the stained glass window at St Johns Church, Keele, subject to the appropriate standard conditions and a condition to ensure that any glass protection systems are in line with current research.**
- 2. £5,000 Historic Building Grant be given to repoint a stone section and rebuild sections of the churchyard wall at St James Church, Audley subject to the appropriate standard conditions**

## **Purpose of report**

To enable members to consider the applications for financial assistance.

### **1. Stained glass window, St John the Baptist Church, Keele**

The medieval glass within the church is limited to one panel on the west elevation at the foot of the tower. This glass is both painted and stained and is subject to a detailed historical study by Dr Robin Studd: 'Keele's Templar Window and the Templars Jacques de Molay and Thomas Totty'.

The glass is considered to be in good condition considering its age but there is some corrosion evident to elements of the window. Some glass is broken and this is causing bowing to the lead and a small section appears to have suffered from an impact. Some painted areas of the glass have suffered loss and some panels have been reversed, so the paint is on the outside. It is also suggested that to arrest this loss a protective glazing system is put in place. A full specification and method statement, including careful removal and replacement has been received from a specialist glass conservator.

Two competitive quotations have been received by specialist contractors and an application to the Diocese has been made for approval to carry out the work. The cost of the work is estimated at £7,920 including VAT. St John the Baptist Church is a Grade II\* Listed Church, and the work is eligible for 20% grant towards the cost of the works.

### **2 Boundary wall to churchyard, St James Church, Church Street, Audley**

The Church is a Grade II\* Listed Building. The church and churchyard lie within the centre of the ancient village of Audley which is designated as a Conservation Area. The perimeter boundary wall to the church, also listed, has been identified as dangerous and is currently shored up. Partly built from stone the boundary wall is contemporary with the church with some later additions. Sections of the wall are later brickwork and a mixture of styles and textures. The Council is responsible for the wall and has received permission, both from the Diocese and the Local Planning Authority to take down and rebuild the most dangerous sections of wall and repoint the stone sections. An appropriate brick match

has been chosen and the wall has been archaeologically recorded prior to the works being undertaken.

Three tenders have been received for the work and the lowest quotation for the work is £79,977 plus fees of £5,417.43. Total cost £85,394.43. The work is eligible for 20% of the cost of the works including professional fees which is £17,078.89. However the maximum grant the scheme can offer is £5,000.

The Conservation Advisory Working Party considered these grant applications at its meeting on 19<sup>th</sup> November and is fully supportive of the giving of these grants. They wish to ensure that the method of protecting the stained glass window is undertaken in accordance with the latest research to safeguard the glass. It is proposed that the offer letter adds a condition to ensure that this is taken into consideration.

#### Financial Implications

Historic buildings and structures are entitled to apply for up to a maximum of £5,000 from the Conservation and Heritage Grant Fund. The intervention rate is 20% of the cost of the work for Listed Buildings. Buildings within Conservation Areas or on the Register of Locally Important Buildings are eligible to apply for 10% of the cost of such work.

There is sufficient funding to meet this grant application with £24,786 in the Fund; allowing for commitments.

## REPORT TO PLANNING COMMITTEE

### MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020

#### **Purpose of the report**

To provide members with a mid-year report on the performance recorded for Development Management between 1<sup>st</sup> April 2019 and 30<sup>th</sup> September 2019. Figures for 2017/18 and 2018/19 are also provided for comparison as are targets set within the relevant Planning Service Plan.

#### **Recommendations**

(a) That the report be received.

(b) That the Head of Planning and Development Manager seeks to maintain and improve performance of the Development Management team (including the technical support team) to meet the targets set out in the Planning Service Plan for 2019/20.

(c) That the next 'Development Management Performance Report' be submitted to Committee around June 2020 reporting on performance for the complete year 2019/20.

#### **Reasons for recommendations**

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good customer service to all who use the Planning Service.

#### **1. Background:**

An extensive set of indicators is collected to monitor the performance of the Development Management service. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area. The range of indicators included reflects the objective of providing a fast and efficient development management service including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development.

#### **2. Matters for consideration:**

There is an Appendix attached to this report:-

**APPENDIX 1: PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT, 2017/18, 2018/19 and 2019/20:** Contains quarterly and annual figures for the Performance Indicators applicable during 2019/20 (comparative figures for 2017/18 and 2018/19 are also shown).

This report is a commentary on the local performance indicators that the Council has as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 17<sup>th</sup> July 2018 which reported on the performance achieved in 2017/18, and discussed appropriate targets.

The Council's Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including those which relate to whether Major and Non-Major planning applications are being determined "in time", and any indicators failing to meet the set targets are reported by exception.

### 3. The performance achieved:

#### National Performance Indicators

The Government has a system of designation of poorly performing planning authorities – two of the four current criteria for designation under ‘Special Measures’ are thresholds relating to the speed of determination of Major and Non-major applications, performance below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council.

The most recent assessment period is for a two year period from October 2017 to September 2019. The period referred to in this report – between April 2019 and September 2019 therefore falls within this reporting period.

The threshold for designation as an underperforming authority at the end of that reporting period for ‘Major’ applications is where the Council has failed to determine a minimum of 60% of its applications within a 13 week period or such longer period of time as might have been agreed with the applicant.

For ‘Non-major’ applications (All ‘Minor’ applications plus ‘Changes of use’ and ‘Householder’ applications) the threshold is where the Council has failed to determine a minimum of 70% of its applications within an 8 week period or such longer period of time as might have been agreed with the applicant.

The other designation criteria measure the quality of decision making as demonstrated by appeal performance (again for Majors and Non-Majors). Whilst this is normally reported in the Annual Appeals Performance Report, given that these figures are normally considered together and the fact the last reporting period was up to and including September 2019 it is thought appropriate to mention them here.

The threshold for designation with regard to both ‘Major’ and ‘Non-major’ in terms of quality of decisions is where the authority loses 10% or more of it’s a decisions are allowed at appeal. Therefore, in this instance the upper limit is 10%.

The Council's performance with regard to the 4 national indicators are as follows:

#### Special Measures

|  | <b>Special Measures Designation threshold</b> | <b>Result Qtr. 1 2019-20*</b> | <b>Result Qtr. 2 2019-20*</b> | <b>Result Qtr. 3 2019-20*</b> | <b>Result Qtr. 4 2019-20*</b> |
|--|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>Speed of major development applications</b>       | Less than 60%                                 | 72.4%                         | 74.6%                         |                               |                               |
| <b>Quality of major development applications</b>     | Over 10%                                      | 1.6%                          | 1.5%                          |                               |                               |
| <b>Speed of non-major development applications</b>   | Less than 70%                                 | 80.5%                         | 82.9%                         |                               |                               |
| <b>Quality of non-major development applications</b> | Over 10%                                      | 0.8%                          | 1%                            |                               |                               |

\*figure provided is the rolling total for the two year assessment period (October 2017 – Sept 2019)

As can be seen above, the Council is clearly above the threshold for designation in terms of ‘speed of decisions’ for both ‘Major’ and ‘Non-major’ applications and well below the upper thresholds of 10% in respect of ‘Quality of Decision’.

It is also important to note that, in respect of three of the four figures the Council is moving further away from the threat of designation. In relation to the Quality of decisions for 'Non-majors' the increase is actually very small at 0.2% and at 1% remains significantly below the 10% threshold.

These figures are drawn from nationally published 'Live Planning Tables' by the MHCLG. Even with the improved performance, in terms of the Council's placing within these tables, it remains within the bottom quartile of Local Planning Authorities within England with regard to 'Speed of Decision' for both 'Major' and 'Non-major' applications. However, it must be recognised that the reporting period is over a 2 year period and as such, whilst performance is now improving, it will take a while for these rankings to improve given historic underperformance in past and the large number of decisions involved. However, this is a rolling 2 year performance standard so, with sustained improvement moving forwards, any historic underperformance will fall away over time.

### **Local Performance Indicators**

With regard to these 7 indicators are included in the Planning and Development Service Plan for 2019/20. These are referred to in the commentaries below.

#### **INDICATOR - Percentage of applications determined within timescales:-**

- (1) 72.5% of 'Major' applications<sup>1</sup> determined 'in time'<sup>2</sup>**
- (2) 77.5% of 'Minor' applications<sup>3</sup> determined 'in time'<sup>2</sup>**
- (3) 85% of 'Other' applications<sup>4</sup> determined within 8 weeks**
- (4) 85% of 'Non-major' applications<sup>5</sup> determined 'in time'<sup>2</sup>**

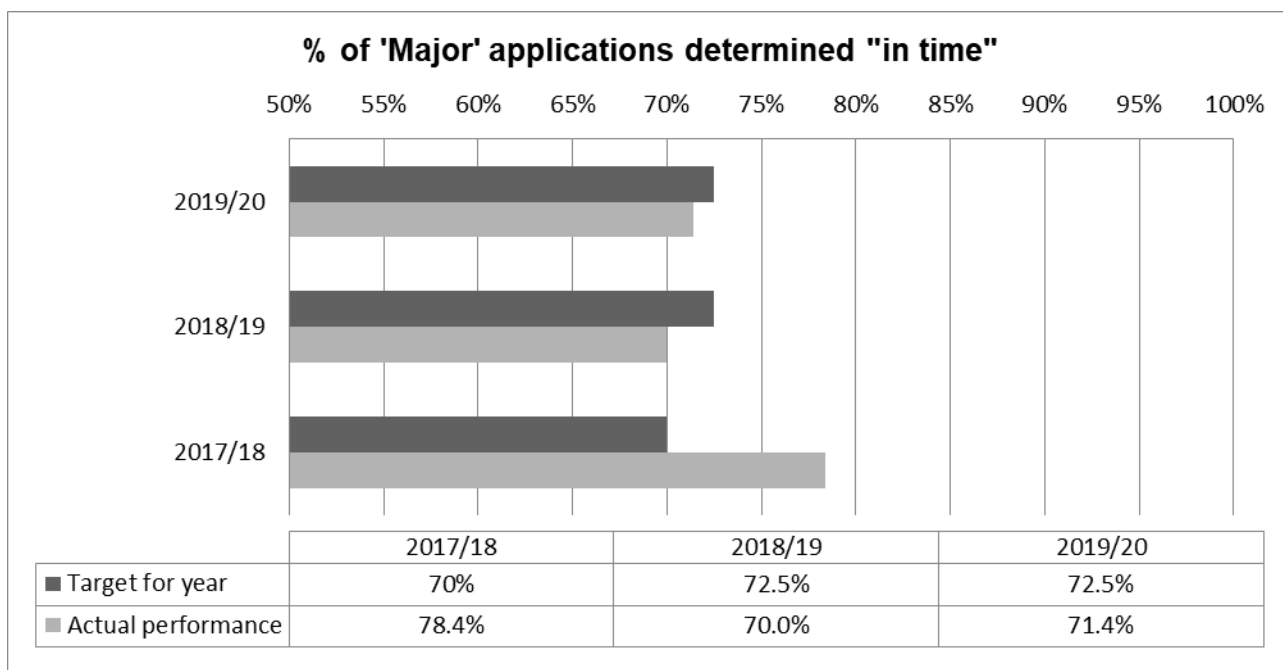
**(see footnotes set out at the end of this report)**

(1) In dealing with '**Major**' applications the 'LPI for majors is 72.5%. The figures to date for 2019/20 is 71.4% which is slightly below the target of 72.5%. However, these figure are reflective of the fact that the authority has historically been incorrectly recording its performance having regard to the advice provided by the Planning Advisory Service which has had significant impact upon all the Council's figures for reported applications. This issue has now been addressed and as a result the reported performance for the Council for the last two months of the Quarter 2 was actually 100% for Major applications.

This improved performance is also being supported by the introduction of a number of access reports which are currently being developed and rolled out for both the Development Management and the Planning Technical support team to ensure that applications are performance managed from first receipt through to final determination. This will include the ability for officers and managers to view both team and individual's 'live' performance for all application types to identify and recognise good performance as well as ensure that any problems are identified early and measures put in place to ensure the delivery of an efficient and cost effective service.

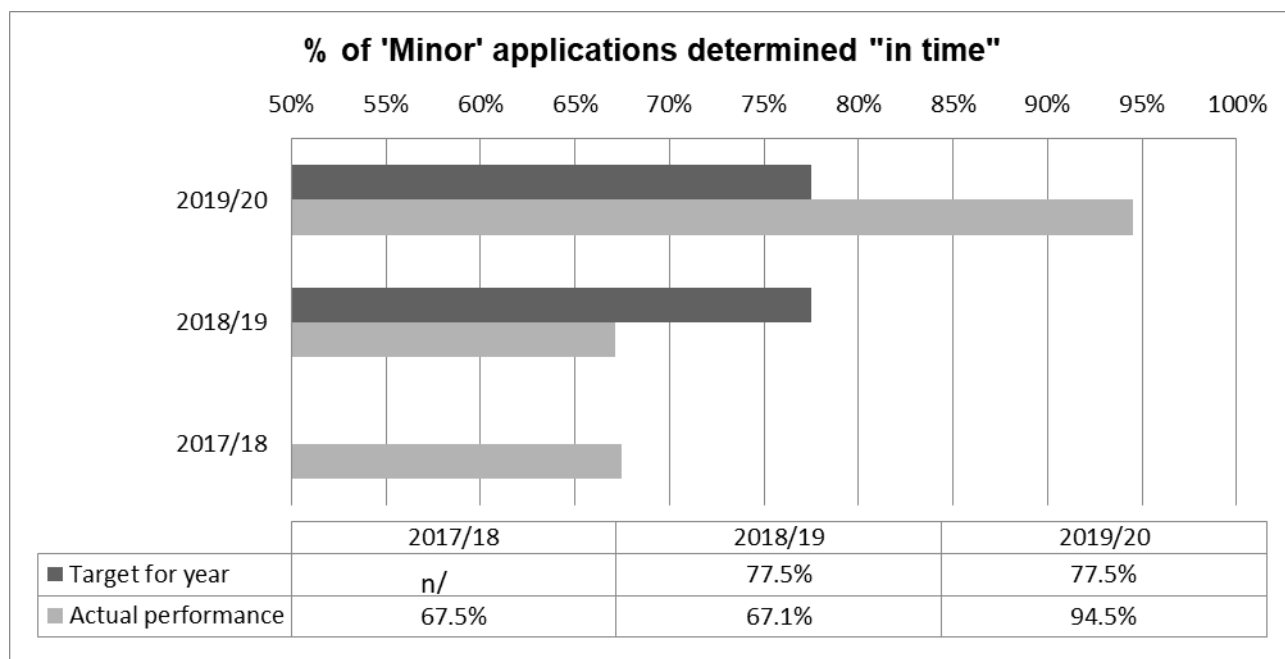
Obviously, these changes have only been recently introduced and, given the small number of 'Major ' applications received, it will take a while for these measures to be reflected in improved reported performance.

Taking these factors into consideration and the fact that the department has managed to appoint an experienced planner into the Planning Officer vacancy and also appoint to cover the maternity leave of another planner, it is highly likely that the target for the year will be met.



**TARGET FOR 2019/20 LIKELY TO BE ACHIEVED**

(2) In dealing with **'Minor' applications** the 'LPI for minor is 77.5%. The figures to date for 2019/20 is 94.5% which is significantly above target.

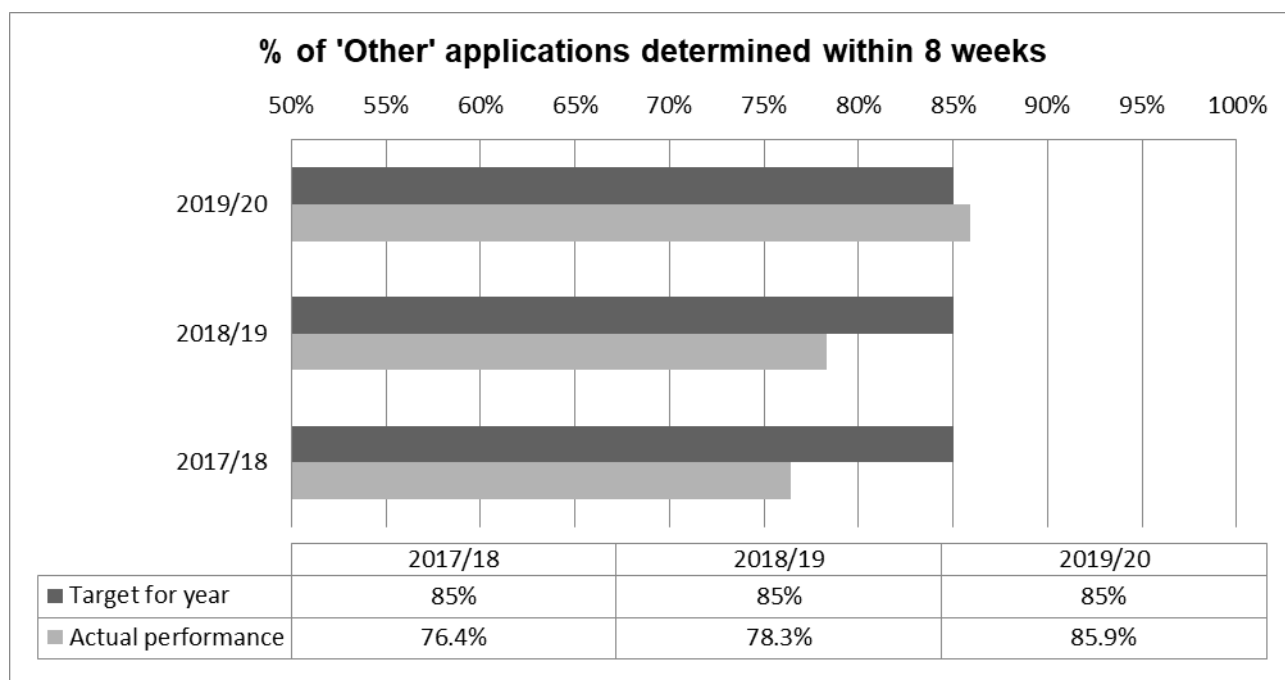


The performance to date for 2019/20 has been consistently good and changes being put in place mentioned above will assist in improving these figures moving forwards. In the October the team has achieved 100% of cases in time.

**TARGET FOR 2019/20 LIKELY TO BE ACHIEVED**



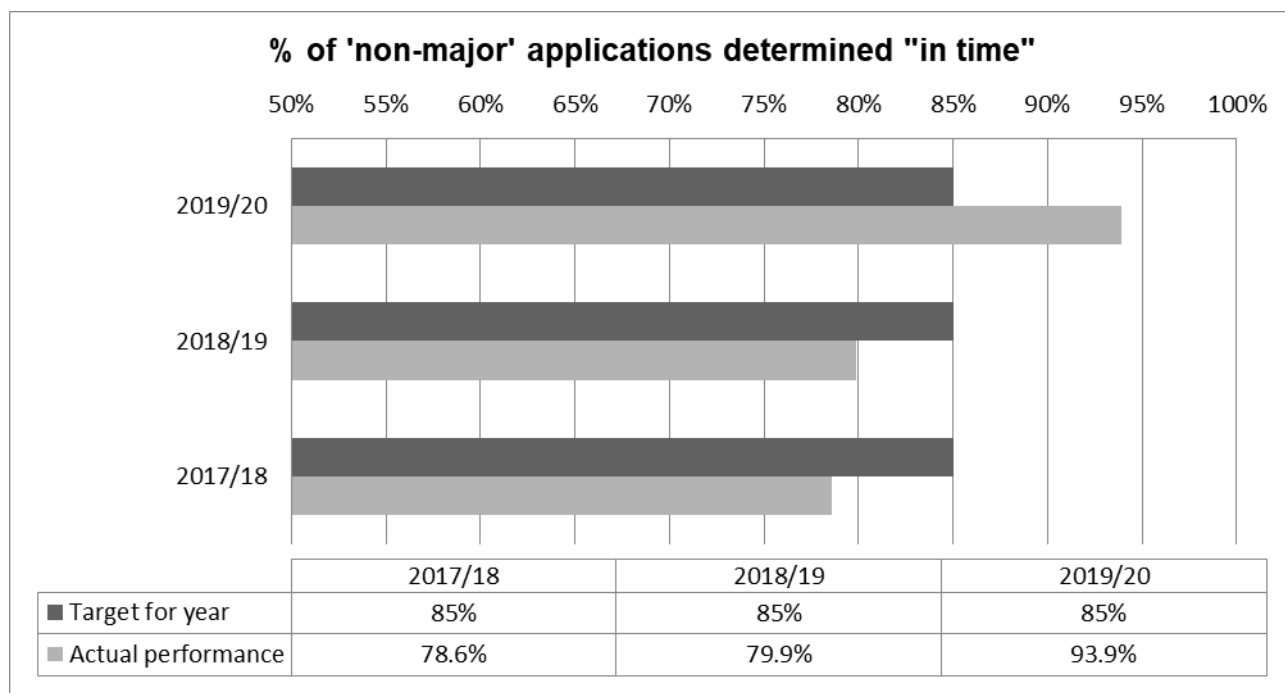
(3) In dealing with **'Other' applications** the 'LPI for minor is 85%. The figures to date for 2019/20 is 85.5% which is above target.



Performance for 2019/20 has been very good despite the team having two vacant Planner posts who would be the officers primarily dealing with this types of application. As mentioned above an experience Planner has now been secured and will be starting in the new year along with another officer to cover maternity leave. Given these appointments and the other measures being introduced it is likely that the target will continue to be met and significantly improved upon moving forwards.

#### **TARGET FOR 2019/20 IS LIKELY TO BE ACHIEVED**

(4) In dealing with **'Non-major' applications** the 'LPI for minor is 85%. The figures to date for 2019/20 is 93.3% which is significantly above target. For clarity this reported LPI is different from the 'Non-major' KPI mentioned above as this is the performance figure for 2019/20 year to-date and not the 2 year rolling figure.



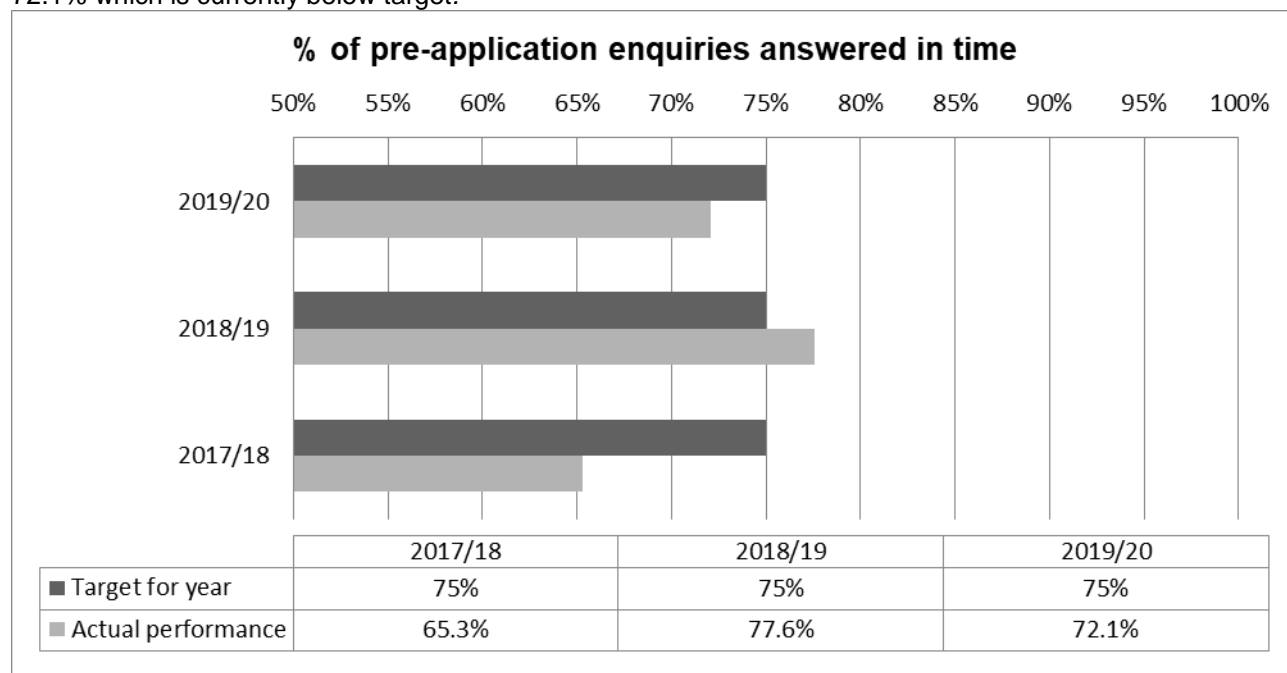
The performance to date for 2019/20 has been consistently good and changes being put in place mentioned above will assist in improving these figures moving forwards. Again, in October the team has achieved 100% of cases in time. Importantly, a large number of the applications assessed under this LPI are 'Householder' application which are usually dealt with by Planning Officers. The filling of the two Planning Officer vacancies mentioned above will allow this exemplar performance to continue into the New Year.

#### **TARGET FOR 2019/20 LIKELY TO BE ACHIEVED**

In conclusion, currently 3 out of the 4 four targets are being met and exceeded and that all four targets relating to the speed of determination of applications are likely to be achieved.

#### **INDICATOR - Percentage of pre-application enquiries answered in time**

In dealing with 'Pre-application enquiries' the 'LPI for minor is 75%. The figures to date for 2019/20 is 72.1% which is currently below target.



The pre-app service is currently under review and this work is ongoing.

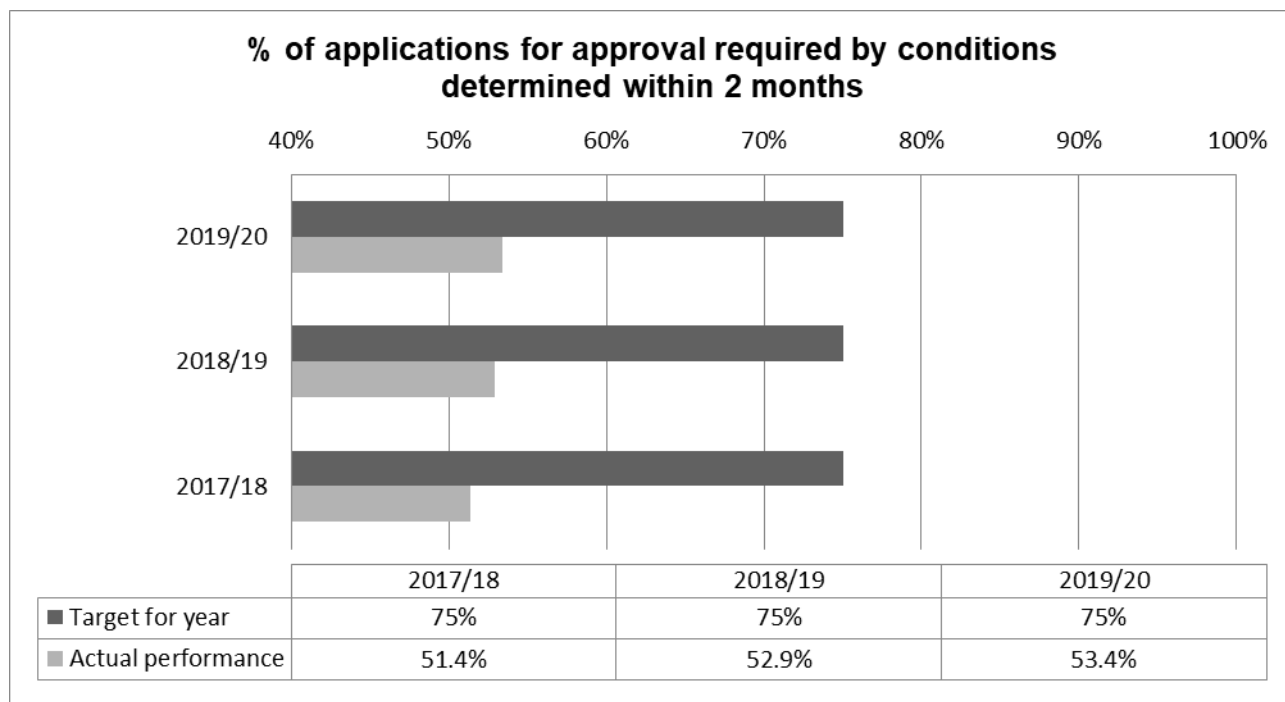
Similar to planning applications, a number of performance monitoring tools are being developed which will also be used to monitor and performance manage pre-apps moving forwards.

Having regard to the above it is considered that, whilst the target has not yet been reached, the introduction of new management reports and the appointment of additional staff will ensure that the 2019/20 target is reached.

#### **TARGET FOR 2019/20 LIKELY TO BE ACHIEVED**

**INDICATOR - Percentage of applications for approvals required by conditions determined within 8 weeks**

In dealing with 'Discharge of Condition applications' the 'LPI for minor is 75%. The figures to date for 2019/20 is 53.4% which is currently well below target.



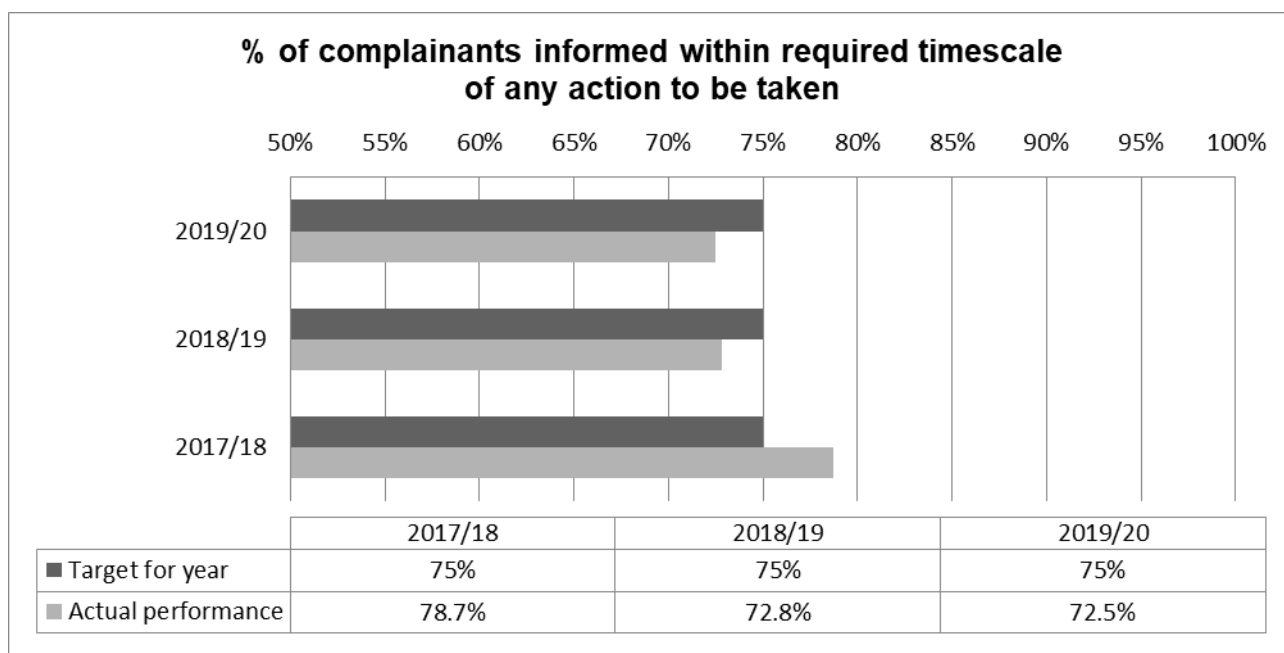
Similar to planning applications and pre-apps, this type of application has not benefitted from performance management and, due to the shortage of staff, the department has struggled to deal with these applications in time. With the introduction of proper performance management tools and the appointment of additional staff it is anticipated that the target will be reached.

**TARGET FOR 2019/20 is LIKELY TO BE ACHIEVED**

**INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.**

In dealing with 'Enforcement complaints' the 'LPI for this service is 75%. The figures to date for 2019/20 is 72.5.4% which is currently below target.

Currently there is one officer undertaking this role who is supported by Planning Officers in formulating an action plan to deal with the cases. Currently, there are limited performance tools available to track performance which again is exacerbated by the lack of officers within the team to support the officer. With the introduction of proper performance management tools and the appointment of additional staff it is anticipated that the target will be reached.



**TARGET FOR 2019/20 LIKELY TO BE ACHIEVED**

### Footnotes

<sup>1</sup> 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more.

<sup>2</sup> 'In-time' means determined within an extended period of time beyond the normal 8 week target period that has been agreed, in writing, by the applicant.

<sup>3</sup> 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of 'Other' Development.

<sup>4</sup> 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

<sup>5</sup> 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

### Date report prepared:

15<sup>th</sup> November 2019

### Source of information/background papers

- General Development Control Returns PS1 and PS2 for 2017 – 2019
- Planning Services own internal records, produced manually and from its UniForm modules.
- MHCLG Live Planning Tables.