

Public Document Pack

Date of meeting Tuesday, 4th February, 2020
Time 7.00 pm
Venue Lancaster Buildings - Lancaster Buildings, Newcastle, Staffs
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 8)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT -FORMER POLICE STATION, MERRIAL STREET, NEWCASTLE. DRATRON BEAUMONT SERVICES HOLDINGS LTD. 19/00925/COU** (Pages 9 - 16)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 19/01009/FUL** (Pages 17 - 22)
- 6 **APPLICATION FOR MINOR DEVELOPMENT - FORMER ROBERT COATES PLANT SALES LTD, CONGLETON ROAD, BUTT LANE. GREGGS PLC. 19/00919/FUL** (Pages 23 - 30)
- 7 **APPLICATION FOR OTHER DEVELOPMENT - 22, PILKINGTON AVENUE, WESTLANDS. MRS CHARLOTTE JOHNSON. 19/00977/FUL** (Pages 31 - 36)
- 8 **ENFORCEMENT UPDATE - 5 BOGGS COTTAGES** (Pages 37 - 38)
- 9 **ENFORCEMENT UPDATE - LAND AT DODDLEPOOL, BETLEY** (Pages 39 - 40)
- 10 **APPEAL DECISION - SILVER BIRCH, BIRKS DRIVE, ASHLEY HEATH. 19/00103/FUL** (Pages 41 - 42)
- 11 **APPEAL AND COSTS DECISION - THE BENNETT ARMS, LONDON ROAD, CHESTERTON. 18/00371/FUL** (Pages 43 - 44)

12 URGENT BUSINESS

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

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

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:	K. Owen	G White
	M. Holland	I. Wilkes
	S. Sweeney	S. Dymond
	B. Panter	K. Robinson

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, 7th January, 2020
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	S. Burgess	S. Moffat	G Williams
	Mrs J Cooper	P. Northcott	J Williams
	D. Jones	B. Proctor	
	H. Maxfield	S Tagg	

Officers:	Nick Bromley	Senior Planning Officer
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Jennet Hough	Landscape Officer
	Elaine Moulton	Development Management Team Manager
	Trevor Vernon	Solicitor
	Darren Walters	Team Leader Environmental Protection

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the Minutes of the meeting held on 3 December, 2019 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF LAMPHOUSE WAY, WOLSTANTON. STAFFORDSHIRE COUNTY COUNCIL. 19/00301/OUT

Resolved: (A) That, subject to the applicant first entering into a Section 106 agreement by the 1st April 2020, or any other legal mechanism as is appropriate, that secures a residential travel plan monitoring fee of £6,895 (index linked) a financial contribution of £189,000 (index linked) towards the improvement and maintenance of the public open space at Bradwell Lodge Park and a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to public open space and/ or affordable housing, if the development is not substantially commenced within 24 months from the date of the decision, and the payment of such a contribution if then found financially viable,

the application be permitted subject to the undermentioned conditions:

- (i) Time limit for the implementation of earthworks, the submission of applications for approval of reserved matters and the commencement of development.
 - (ii) Approved plans
 - (iii) Construction environmental and traffic management plan for the full and outline applications
 - (iv) Provision of access and visibility splays
 - (v) Revised Travel Plan Framework
 - (vi) A highway survey and mitigation measures
 - (vii) Prior approval of a construction phase tree protection plan
 - (viii) Prior approval of an Arboricultural Method statement
 - (ix) Reserved matters application to include replacement tree planting
 - (x) Reserved matters application to include Independent Design Review
 - (xi) Submission and approval of retaining wall details
 - (xii) Submission and approval of a sustainable drainage strategy
 - (xiii) Prior approval of a foul drainage plan
 - (xiv) Waste and storage collection arrangements
 - (xv) Design measures to restrict impact on noise levels
 - (xvi) Land contamination investigations and mitigation measures
 - (xvii) Reserved matters application to include wildlife and habitat enhancements
- (B) Should the above Section 106 obligations not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured, the development would fail to ensure it achieves sustainable development outcomes, the public open space impacts of the development would at least in part not be met, and there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of a policy compliant financial contribution towards public open space, affordable housing and travel plan monitoring; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

5. APPLICATION FOR MAJOR DEVELOPMENT - DIESEL MARINE INTERNATIONAL LTD, GARNER STREET BUSINESS PARK. DIESEL MARINE INTERNATIONAL LTD. 19/00805/FUL

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

- (i) Approved plans
- (ii) Five year temporary period
- (iii) Cycle parking.

6. **APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 19/00846/OUT**

Resolved: That the application be permitted subject to the following:

(i) Vary condition B23 as follows:

No building forming part of the development referred to in item (B) shall be occupied until full details of pedestrian and cycleway links/enhancements have been approved, implemented and access provided. Such links/enhancements shall include connections to the existing cycle route at Bathpool Park, the existing cycleway on Reginald Mitchel Way (A527), the canal, and existing cycleway in Bradwell Woods and Newcastle Road unless it has been demonstrated that it is not feasible to do so.

(ii) Vary condition A1 as follows:

The development referred to in item (A) must be begun not later than the expiration of FIVE years beginning with the date of this permission and shall be completed within FIVE years of the date of commencement of such works, such commencement to be notified beforehand to the Local Planning Authority in writing.

(iii) Vary conditions A8 and B10 so that they specify that the scheme shall accord with the principles of the Green Infrastructure Strategy.

(iv) Vary condition B3 as follows:

Plans and particulars of the reserved matters referred to in condition B2 above, (relating to the appearance and scale of any buildings to be erected on each plot or sub-plot, landscaping of each plot or sub-plot, of each plot or sub-plot layout and access arrangements to each plot or sub-plot from the approved road network) relating to the site as a whole or 4 any plot or sub-plot, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of any that part of the development referred to in item (B) and shall be carried out as approved.

(v) Vary the wording of the reason for condition B25 as follows:

Having regard to the identification of this site as a Regional Investment Site and Premium Employment Site, and in accordance with policy SP1 and ASP5 the Newcastle-

under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and policy E2 of the Newcastle-under-Lyme Local Plan 2011, to ensure the uses are demonstrably consistent with the role and objectives of this Premium Employment Site; and in recognition that B1(a) is a main town centre use and that the construction of such development without the undertaking of a sequential assessment if required by policy, would be contrary to the aims and objectives of the National Planning Policy Framework 2019.

- (vi) All other conditions of 19/00846/OUT as they continue to apply to the development

7. APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE-UNDER-LYME BOROUGH COUNCIL DEPOT, KNOTTON LANE. NEWCASTLE BOROUGH COUNCIL. 19/00852/DEEM3

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials to match existing

8. HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Resolved: That the report be noted.

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

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

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

5 Boggs Cottages

Following the previous meeting, a letter was sent, in respect of 5 Boggs Cottages, to the Planning Inspectorate from the Chair of the Planning Committee and the Portfolio Holder for Planning and Growth. A response to this letter had been received stating that the matter was to be put onto a 'priority list'

The Chair suggested that a letter be sent back to the Planning Inspectorate thanking them for their reply and that it was hoped that a resolution was reached soon.

Councillor Simon Tagg asked officers how often visits were made to the site and if information from such visits was being collated for future use.

The Council's Development Management Team Manager, Elaine Moulton confirmed that all information was being collated and would be brought to the case when the appeal is heard. Mrs Moulton advised that six-weekly visits were being made to the site.

Councillor Tagg suggested that the meetings should be made more regularly to ensure a more accurate and stronger case of things happening on the site.

The Chair stated that this should become a diarised item once a month to ensure that visits did take place at a regular interval and were not missed.

Councillor Proctor asked if officers were aware of who was on the site; how many persons there were on the site and how many parts of the premises were being used when a visit was made.

Councillor Jones suggested that officers could involve neighbouring residents when they visited the site although Mrs Moulton advised that it was important not to create conflict. However, residents could be informed of the outcome/progress of visits.

Moss House Farm

Members discussed this item and it was agreed that there should be no more extensions of time for 19/00629/FUL unless agreed by Planning Committee.

- Resolved:
- (i) That the information be received.
 - (ii) *5 Boggs Cottages (14/00036/207C3)* –
 - (a) That a further letter be sent to the Planning Inspectorate thanking them for their response to the latest letter from the Chair of the Planning Committee and the Portfolio Holder for Planning and Growth
 - (b) That site visits be diarised for every 4 weeks
 - (c) That confirmation be sought as to who is living on site, and where precisely on site; and
 - (d) keep complainants informed
 - (iii) *Barn 2, Moss House Farm* –
That no further extensions of time in respect of 19/00629/FUL be agreed without express authority of the Planning Committee.

11. OPEN ENFORCEMENT CASES

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

12. APPEAL DECISION - LAND BETWEEN 164 AND 180 MOW COP ROAD, MOW COP. 18/01004/OUT

Resolved: That the appeal decision be noted.

13. **APPEAL DECISION - 10 POPLAR AVENUE, CROSS HEATH, NEWCASTLE-UNDER-LYME. 18/00692/OUT**

Resolved: That the appeal decision be noted.

14. **URGENT BUSINESS**

There was no Urgent Business.

Chair

Meeting concluded at 7.47 pm

FORMER POLICE STATION, MERRIAL STREET, NEWCASTLE
DRATRON BEAUMONT SERVICES HOLDINGS LTD

19/00925/COU

This application seeks full planning permission for the change of use of the former Police Station to offices (Class B1(a) use)

The site lies within the Newcastle Town Centre Conservation Area and is also on the register of locally important buildings. It is located within the Primary Shopping Area of Newcastle Town Centre, but lies beyond the Primary Shopping Frontages, as identified by the Local Development Framework Proposals Map.

The statutory 13 week determination period for the planning application expires on 25th February 2019

RECOMMENDATIONS

PERMIT subject to conditions relating to:

- 1. Time limit**
- 2. Approved plans**
- 3. Provision of weatherproof parking for minimum of 4 cycles**
- 4. Delineation of car parking spaces**

Reason for Recommendation

The proposal complies with National and Local Policies regarding non-retail development within town centres and so is acceptable in principle. The proposal would bring a vacant building within the town centre back into use and so would contribute towards maintaining the viability and vitality of Newcastle Town Centre. The development would bring a Locally Important Building back into viable use and would not result in any harm to its character and appearance. In addition the proposal would not harm the Town Centre Conservation Area and as such would ensure that its significance is preserved and maintained. No parking or highway safety issues would arise from the application. Subject to conditions there are no objections to this development.

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

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

Key Issues

The application seeks full planning permission for the change of use of the former police station (sui generis use) to offices (Class B1a use).

The building is listed as a Locally Important Building and lies within the Town Centre Conservation Area. The site is also situated within the Town Centre, as identified by the Local Development Framework Proposals Map.

The main issues to be addressed in the determination of the application are as follows:-

1. Is the proposed development acceptable in principle?
2. Is the proposed development acceptable in relation to the visual amenities of the area, Conservation Area and this Locally Important Building?
3. Does the proposed development raise any adverse highway safety/parking concerns?

Principle of the proposed development

Paragraph 80 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help 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.

Paragraph 85 of the NPPF details that both planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should amongst other criteria define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

Policies within the Core Spatial Strategy seek to support and encourage economic development with Policy SP2 seeking to support economic development that results in improvement in the levels of productivity. Modernisation and competitiveness of existing economic activities.

The proposed change of use would see the building used as offices falling within Class B1(a) of the use class order. The ground, first and second floors would all be occupied by offices with the basement maintained for storage purposes.

The former sui generis use as a Police Station means that the proposal would not result in any loss of retail space within the Town Centre. The Newcastle Town Centre SPD identifies that the application sites straddles the Historic Core, the public heart of the town centre with retail uses at its core, and the Northern Quarter which is of a more mixed zone. Given its location within the Town Centre and the appropriate B1a use proposed, the development is considered to be acceptable in principle.

In addition to the above, as the building has sat vacant for a number of years, the proposed development would see a locally important building within the town centre brought back into use, and with it generating new employment opportunities and services that would contribute to the vitality and viability of the Town Centre.

Therefore given the sites sustainable location within the Town Centre and the benefits that would arise from the development, the proposal would accord with Policy SP2 of the Core Spatial Strategy as well as the provisions of the NPPF.

Is the proposed development acceptable in relation to the visual amenities of the area, Conservation Area and this Locally Important Building?

It is a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Area.

Paragraph 193 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy CSP2 seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

Policy B8 states that the Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration. Policies, B9, B10 and B13 all relate to development within Conservation Areas and the requirement to preserve or enhance its character or appearance.

The proposal is for the change of use of the entire building to offices. Currently the building has sat vacant since around 2012 and so the proposed change of use would ensure that this locally important building is brought back into a viable use, securing its longer term future.

There are no external changes proposed to the building, and so visually the development would preserve the special character of the building and this part of the Town Centre Conservation Area. Its use as offices within a town centre, and surrounded by a variety of other commercial and retail uses is

also considered to be appropriate. The proposal will therefore not result in any harm to the Conservation Area

Both the Council's Conservation Officer and Conservation Advisory Working Party have no objections to the proposed development.

Therefore in light of the above the proposed development is considered to preserve and maintain the significance of this local important building and the surrounding Conservation Area. It would comply with Policy CSP2 of the Core Spatial Strategy, Policies, B8, B9, B10 and B13 of the Local Plan as well as the provisions of the NPPF.

Highway safety/parking

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

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

However, Paragraph 106 of the Framework states that maximum parking standards for non-residential development should only be set where there is a clear a compelling justification that they are necessary for managing the local road network, or for optimising the design of development in town centres that are well served by public transport. It goes on to state that in town centres local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

The site benefits from an existing car park to the west of the main building that provides space for 15 vehicles with a further 6 spaces available within the undercroft loading bay. These spaces would be retained as part of the proposals and so provides sufficient parking for the proposed use. Also given the sites location within the town centre, there are a variety of public transport links available, and town centre parking for visitors.

The Highway Authority raises no objections to the development subject to the provision of secure weatherproof parking for 4 cycles, and the clear delineation of the car parking spaces prior to the first use of the development.

Therefore in light of the above the proposal would not raise any adverse highway safety and/or parking issues and so would comply with the provisions of the NPPF.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy B8: Other Buildings of Historic or Architectural Interest
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: Requirement to preserve or enhance the character or appearance of a conservation area
Policy B13: Design and Development in Conservation Areas
Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations include:

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

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

Newcastle Town Centre Supplementary Planning Document (2009)

Relevant Planning History

None considered relevant

Views of Consultees

The Council's **Environmental Protection Division** has no objections to the application.

The Council's **Conservation Officer** has no objections to the application but notes that if signage is required it should comply with policy and gain the necessary consent.

The **Conservation Advisory Working Party** has no objections to the proposed development

The Council's **Waste Management Department** notes that the property will require commercial waste collection services for the waste generated within the building to be legally disposed of. They note that the Borough Council can provide this service.

The **Highway Authority** has no objections to the proposal subject to conditions to secure, weatherproof details of a secure cycle parking facility and that parking spaces are delineated prior to first use.

Representations

None received

Applicant's/Agent's submission

All of the application documents submitted for consideration are available for inspection on the Council's website and can be viewed using the following link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00925/COU>

Background papers

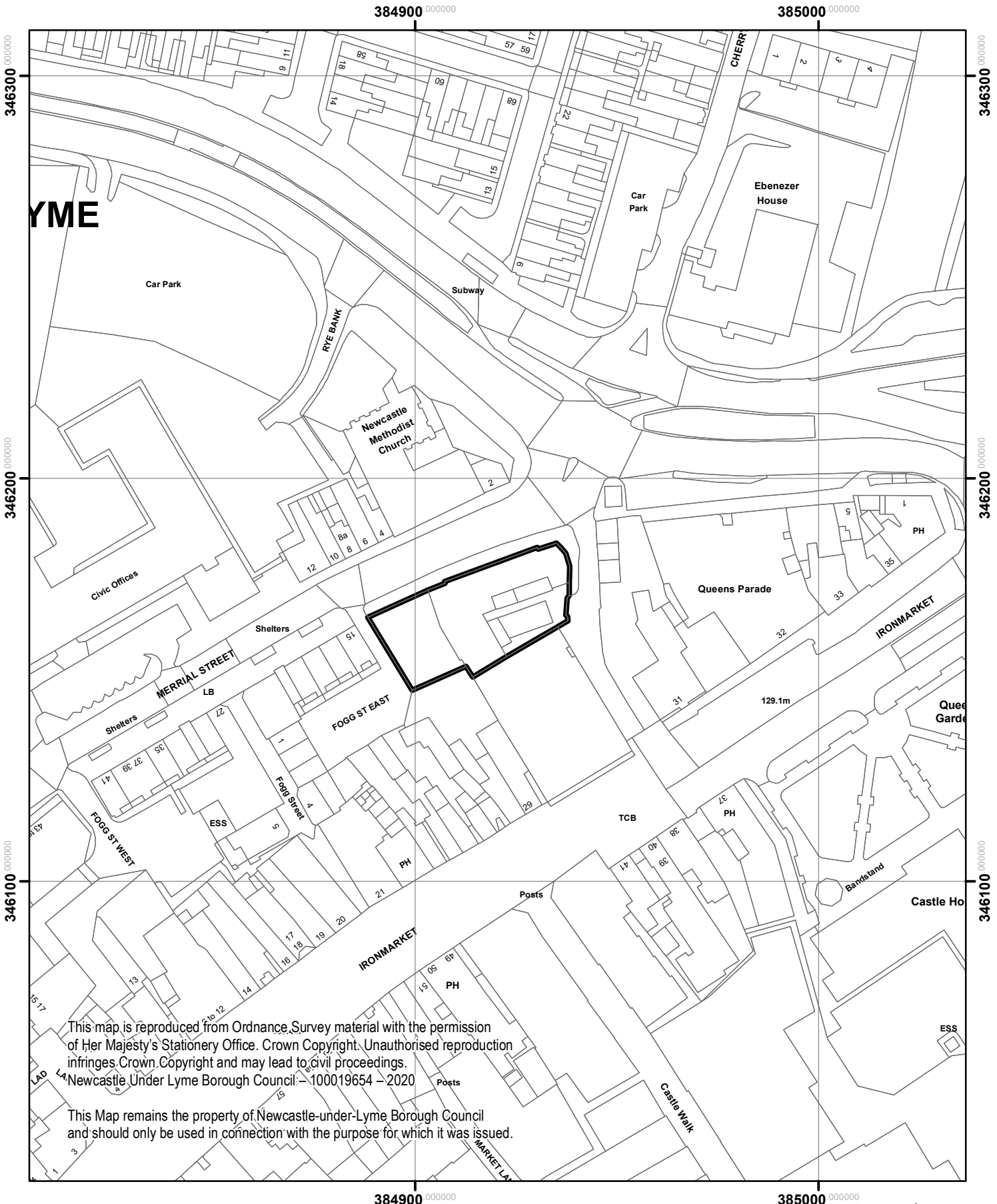
Planning file
Development Plan

Date report prepared

20th January 2020

This page is intentionally left blank

Former Police Station, Merrial Street, Newcastle



This map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Newcastle Under Lyme Borough Council - 100019654 - 2020

This Map remains the property of Newcastle-under-Lyme Borough Council and should only be used in connection with the purpose for which it was issued.

This page is intentionally left blank

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

19/01009/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 for a temporary pedestrian footpath link to be used until such time as the permanent footpath link on the eastern boundary is completed and made available for use.

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 19th March 2020.

RECOMMENDATION

PERMIT the variation of Condition 12 of 19/00375/FUL so that it reads as follows:

Prior to the first occupation of any of the dwelling houses hereby approved, the temporary footpath link, as shown on drawing ref: DLN-SDA.07 - Temporary Footpath Route, which links to the existing public footpath (Newcastle 21), shall be completed and made available for use. The temporary footpath link shall be retained until all of the dwelling houses and the permanent footpath link on the eastern boundary of the site which links to the existing public footpath (Newcastle 21) have been completed. The permanent footpath link shall thereafter be retained for the life of the development.

and subject to the imposition of all other conditions attached to planning permission 19/00375/FUL that remain relevant at this time.

Reason for Recommendation

The temporary footpath arrangements would enable future households to have direct access to the primary school and the wider areas of public open space from the outset which the original condition sought to achieve. This would meet sustainable development objectives which is a core principle of the National Planning Policy Framework.

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

Officers sought an acceptable compromise since the previous withdrawn application and this has now been achieved and it is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

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 for a temporary pedestrian footpath link to be used until such time as the permanent footpath link on the eastern boundary is completed and made available for use.

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;

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 follows a previous application, reference 19/00772/FUL, for the variation of the same condition which proposed the provision of the footpath link on the occupation of the 46th dwelling house. This was not supported by your officers on the grounds that the delay would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives contrary to the core principles and sustainable development objectives set out in the National Planning Policy Framework 2019. The application was withdrawn prior to determination.

The application to vary condition 12 now proposes a temporary pedestrian route through the site for the duration of the construction phase to overcome health and safety concerns. Once the construction period is completed a permanent footpath link would then be made available.

Your officers are now content that the temporary arrangements are satisfactory and would enable future households to have direct access to the primary school and the wider areas of public open space from the outset which the original condition sought to achieve. On this basis the condition can be varied.

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](#)

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

Relevant Planning History

19/00772/FUL Variation of condition 12 to allow the provision of the footpath at a later phase of the development of planning permission 19/00375/FUL (residential development comprising 50 dwellings and associated works) Withdrawn

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.

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 permanent 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/19/01009/FUL>

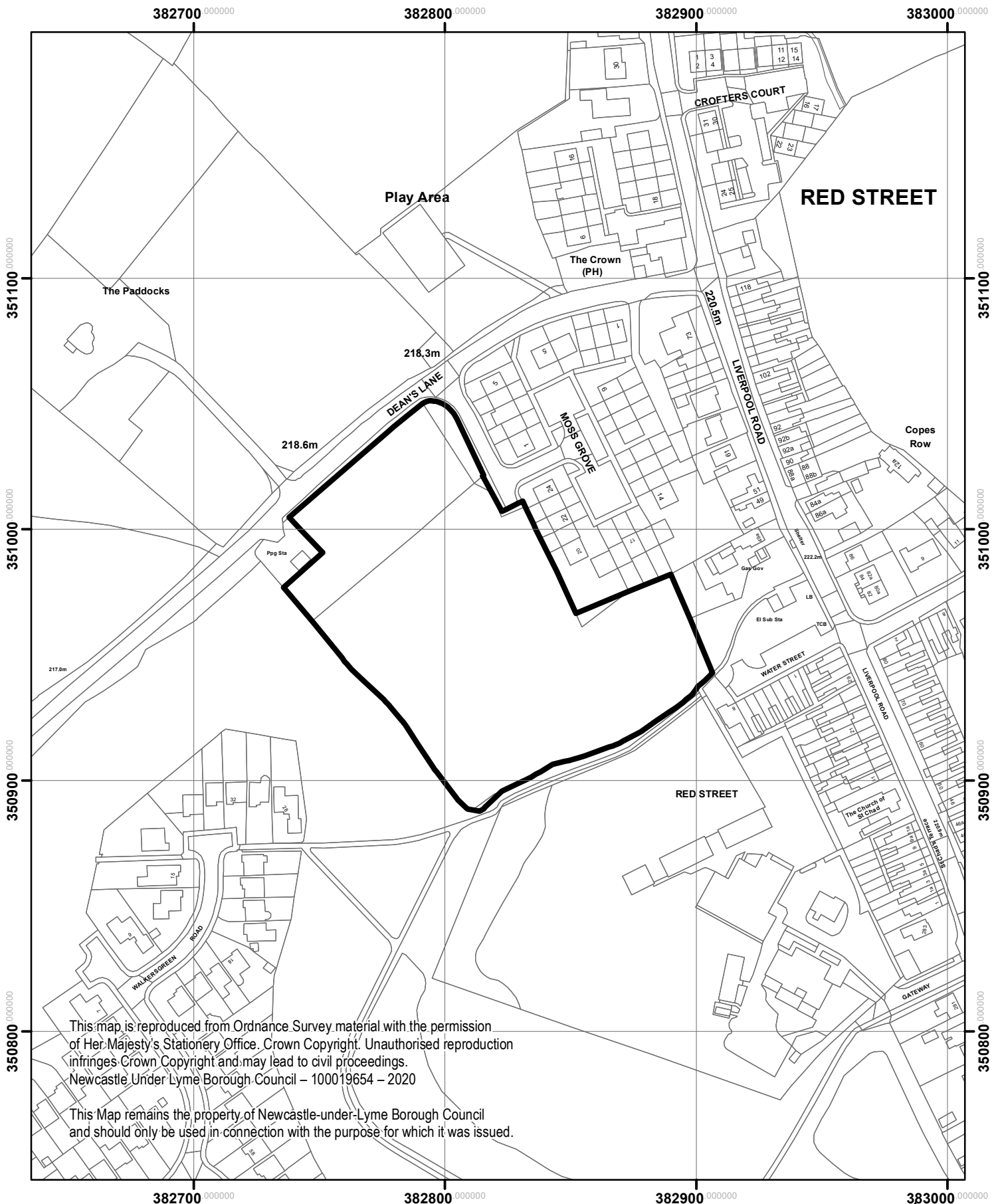
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

17th January 2020

Land At Deans Lane, Red Street



This map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Newcastle Under Lyme Borough Council – 100019654 – 2020

This Map remains the property of Newcastle-under-Lyme Borough Council and should only be used in connection with the purpose for which it was issued.

This page is intentionally left blank

FORMER ROBERT COATES PLANT SALES LTD, CONGLETON ROAD, BUTT LANE
GREGGS PLC **19/00919/FUL**

The application is for the removal of condition 12 of planning permission 18/00486/FUL (limitation of delivery times) to allow deliveries between 0300 and 0400 hrs.

Planning permission for the redevelopment of the site for two A1/A3 retail units was granted in December 2018.

The site is located within the urban area of Newcastle as defined by the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to resident's concerns about the impact of noise.

The 8 week period for the determination of this application expired on the 20th January but the applicant has agreed an extension of time to the statutory determination period to the 7th February 2020.

RECOMMENDATION

PERMIT the variation of Condition 12 of 18/00486/FUL so that it reads as follows:

No deliveries shall take place before 03.00 or after 20.00 hours and shall be carried out in strict accordance with the procedures and practices set out in the Delivery Management Plan. All other servicing and waste/recycling collections shall not be before 08.00 hours or after 20.00 hours on any day

and subject to the imposition of all other conditions attached to planning permission 18/00486/FUL that remain relevant at this time.

Reason for Recommendation

Through the submission of a noise impact assessment and the delivery management plan it has been demonstrated that the delivery hours would not result in a significant harmful impact to the residential amenity and quality of life of neighbouring residents, subject to a revised condition. The proposal is therefore compliant with the guidance and requirements of the National Planning Policy Framework.

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

The LPA has allowed the applicant the opportunity to address the initial concerns of the Environmental Health Department which has resulted in acceptable information being received to overcome objections. The development is now considered to represent a sustainable form of development.

Key Issues

The application is for the removal of condition 12 of planning permission 18/00486/FUL (limitation of delivery times) to allow deliveries between 0300 and 0400 hrs.

Planning permission for the redevelopment of the site for two A1/A3 retail units was granted in December 2018 but the buildings are not yet occupied.

Condition 12 of the planning permission sets out that;

"12. Any deliveries, servicing or waste and recycling collections shall not be before 08.00 hours or after 20.00 hours on any day.

R12: To control activities on the site to protect residential amenity levels of neighbouring properties from noise and disturbance in accordance with the guidance and requirements of the National Planning Policy Framework 2018.”

The Authority, in the determination of this application, cannot reconsider the principle of the use of the buildings or whether the delivery hours should be restricted more than is currently the case, but it does have the following options:-

- If it considers that any additional hours for deliveries, servicing or waste and recycling collections would result in an adverse impact on the living conditions of nearby residents, the original condition should remain and the application refused,
- If it considers that the condition should be varied/removed then it should approve the application without the condition or subject to a reworded/different condition as it considers appropriate.

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.

Given the above, the sole issue in the consideration of this application is the impact of additional hours for deliveries, servicing or waste and recycling collections on the residential amenity levels and quality of life of neighbouring occupiers.

Paragraph 180 of the NPPF sets out, amongst other things, 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum 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.

The application seeks to extend the delivery hours to the shop unit which will operate as a Greggs bakery when it is occupied. The adjacent Costa Coffee drive thru on the site is also covered by the conditions of the planning permission but is further away from the nearest residential properties.

The applicant has submitted a delivery management plan (DMP) to support the application which sets out that deliveries between the hours of 03:00 and 04:00 would supply the shop with fresh products to meet the proposed trading hours of 06:30 to 19:00 Monday to Saturday and 09:00 to 18:00 Sunday and Bank Holidays.

The submitted DMP sets out that the store will have two deliveries per day via a HGV. The deliveries will be to the front of the store accessed via the A34 Congleton Road. The DMP also sets out possible mitigation measures to reduce the noise and disturbance impact of the deliveries. These measures include that delivery vehicles will park within the loading area adjacent to the store only and vehicles will manoeuvre on site with as little noise as possible. Drivers will also need to engage gears quietly; keep engine revs to a minimum; apply brakes gently and close the driver's door quietly.

The application site is located on a busy road junction but there are residential properties beyond the east boundary on Unity Way, which are set on a lower level. A brick wall is situated on this boundary.

It is noted that the shop unit is adjacent to the northern boundary and the unloading of the HGVs will be well away from the eastern boundary. However, the car parking and circulation space within the site would result in a HGV manoeuvring close to the eastern boundary in order to exit the site in a forward gear.

A number of objections to the application have been received from neighbouring properties on the grounds that the additional hours are unreasonable and would have a significant adverse impact on their residential amenity.

The Environmental Health Division (EHD) initially raised concerns and a noise assessment was submitted by the applicant in an attempt to address the concerns and objections.

The noise assessment concludes that whilst the commercial sound from deliveries could have a significant adverse impact, the context of the site, located on a signalised road junction on an A-road, will result in the noise impact from deliveries being very low level and no significant harm would be caused.

EHD have considered the noise assessment and have indicated that it has satisfactorily demonstrated that existing background noise levels and attenuation provided by onsite buildings and boundary walls would result in no significant adverse impact to neighbouring amenity levels. They therefore raise no objections to the removal of the condition.

Your officers consider that the condition should be varied rather than removed so as to allow deliveries as early as 3am but only if the mitigation measures for unloading and loading, as set out in the DMP, are adhered to during deliveries. This would further minimise the impact of deliveries on neighbouring amenity levels and is considered justified.

In consideration of the above it has been demonstrated that the proposed additional delivery hours are unlikely to result in a significant harmful impact to the residential amenity levels and quality of life of neighbouring properties subject to the condition as varied. The proposal therefore complies with the guidance and requirements of the NPPF and should be approved.

APPENDIX

Policies and Proposals in the Approved Development Plan relevant to the decision:-

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

Policy ASP5 Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

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

Nil

Other Material Considerations

National Planning Policy

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

[Planning Practice Guidance](#)

Relevant Planning History

18/00486/FUL Redevelopment of the site for two A1/A3 retail units with 40 no. car parking spaces and associated landscaping Approved

Views of Consultees

The **Highways Authority** raises no objections.

The **Environmental Health Division** raises no objections following the submission of a noise assessment.

No comments have been received from **Kidsgrove Town Council** and given that the date for comments has ended, it is assumed that they have no observation to make on this application

Representations

Five letters of objection have been received, including one from Councillor Robinson, who raise the following concerns;

- The proposed delivery times are unreasonable,
- The proposal would have an adverse impact on the health and wellbeing of neighbouring properties,
- Disturbance to sleep patterns, and
- It would set a clear precedent for other neighbouring commercial uses.

Applicants/ Agents submission

The applicant has submitted a delivery management plan and noise assessment which sets out various mitigation measures.

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00919/FUL>

Background Papers

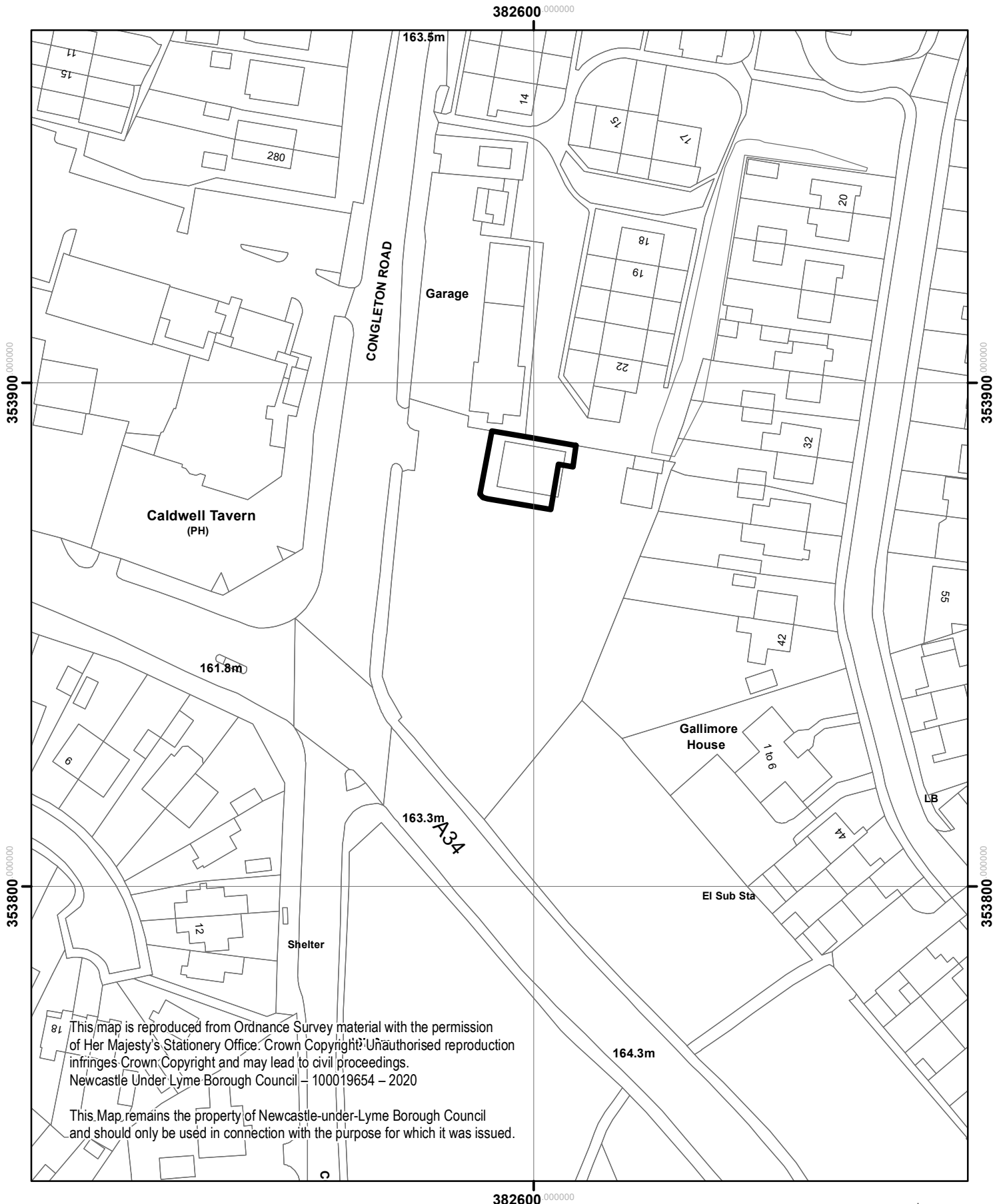
Planning File
Planning Documents referred to

Date Report Prepared

22nd January 20220

This page is intentionally left blank

Former Robert Coates Plant Sales Ltd
Congleton Road, Butt Lane



This map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Newcastle Under Lyme Borough Council - 100019654 - 2020

This Map remains the property of Newcastle-under-Lyme Borough Council and should only be used in connection with the purpose for which it was issued.

This page is intentionally left blank

22, PILKINGTON AVENUE, WESTLANDS
MRS CHARLOTTE JOHNSON

19/00977/FUL

The application is for full planning permission for the retention of alterations to ground levels in the rear garden and re-surfacing to both the front and rear gardens of this residential dwellinghouse.

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

The 8 week period for the determination of this application expires on 7th February 2020.

RECOMMENDATION

PERMIT with no conditions

Reason for Recommendation

The development has no adverse impact on either visual or residential amenity and on this basis it represents a sustainable form of development in accordance with local and national planning policy.

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

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

Key Issues

This is an application for full planning permission for the retention of alterations to ground levels in the rear garden and re-surfacing to both the front and rear gardens of this residential dwellinghouse.

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

Although concerns have been expressed by the occupiers of the neighbouring property regarding drainage and in particular to flooding of their garage, this is a civil matter between the two parties that cannot be given any weight in the determination of the application. Therefore the key issues in the determination of the application are:

- Impact on visual amenity
- Impact on residential amenity

The design of the development

The area to the front and side of the house, which was previously partially hard surfaced with some lawn has been re-surfaced with block paving. The rear garden, which was previously lawned has been replaced with paving and part of it has been raised up by approximately 500mm to create a levelled area.

The block paving to the front is a typical feature of many residential properties and some planting remains to soften its appearance. The paving to the rear of the property is not visible from any public vantage point and does not have any impact upon the visual amenity of the area.

The impact upon residential amenity

As stated above, part of the rear garden has been raised by a maximum of 500mm to create a levelled area. There is a fence along the boundary with the neighbouring property and it is not considered that

the relatively minimal increase in the height of the garden has any adverse impact on the residential amenity of neighbouring occupiers.

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 Framework \(2019\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

None

[Views of Consultees](#)

No comments have been received from the **Landscape Development Section** and given that the period for comment has passed, it must be assumed that they have no comments to make.

[Representations](#)

A letter of representation has been received from the occupiers of the neighbouring property raising issues of impact on drainage and privacy.

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

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00977/FUL>

Background papers

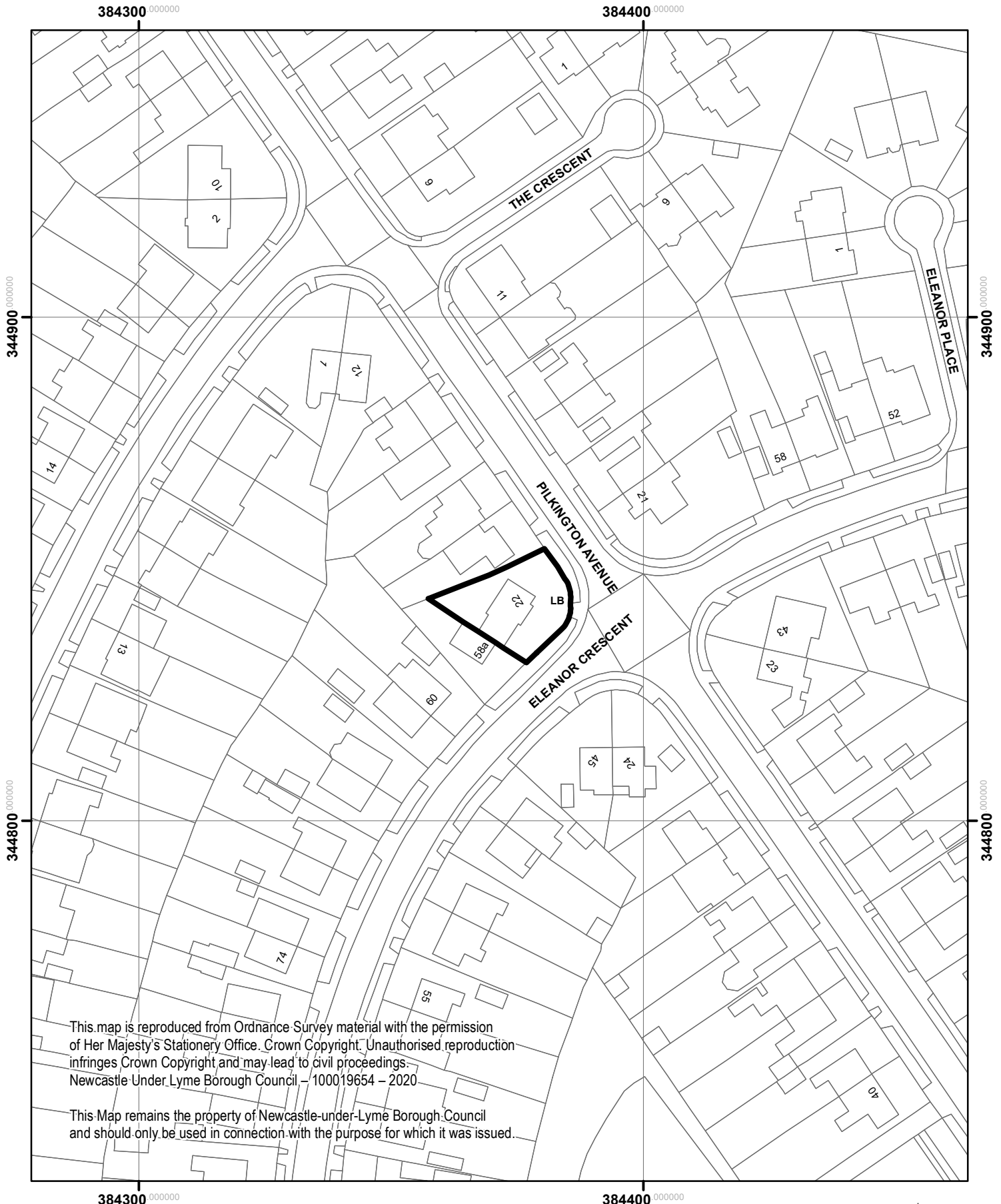
Planning files referred to

Planning Documents referred to

Date report prepared

20th January 2020

This page is intentionally left blank



This map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Newcastle Under Lyme Borough Council - 100019654 - 2020

This Map remains the property of Newcastle-under-Lyme Borough Council and should only be used in connection with the purpose for which it was issued.

This page is intentionally left blank

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 3rd 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 although, as previously reported, the Planning Inspectorate has confirmed that the appeal has been added to the enforcements teams priority list and they hope to be able to find a suitable inspector for the case soon.

As a [guide](#) the Inspectorate is currently indicating (as of 16th January 2020) that an enforcement appeal will take from valid appeal to decision:

	VALID APPEAL TO DECISION
WRITTEN REPRESENTATIONS	31 weeks
HEARINGS	53 weeks
INQUIRIES	84 weeks

The time periods are shorter than previously reported other than in respect of Inquiries where the time period has increased by 4 weeks.

The appeal was received on 10th December and confirmation that the appeal was valid was received on 15th January 2019. At the time that this report was written it was 52 weeks since that receipt.

Since the Planning Committee on 7th January a site visit has been undertaken and the complainants have been advised.

Date report prepared: 16th January 2020

This page is intentionally left blank

LAND AT DODDLEPOOL, 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 6th 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 3rd December.

At the time that this report was written your officers are not aware that works to the track have commenced. However, the site continues to be monitored and if this changes prior to the meeting an update will be given.

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 – 21st January 2020

This page is intentionally left blank

APPEAL BY MR AND MRS J PERKINS AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING GARAGE AND ERECTION OF DETACHED DORMER DWELLING AT SILVER BIRCH, BIRKS DRIVE, ASHLEY HEATH

<u>Application Number</u>	19/00103/FUL
<u>LPA's Decision</u>	Refused by Planning Committee on 18th June 2019
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	9 January 2020

Appeal Decision

The Inspector identified the main issues to be the effect of the development on the character and appearance of the locality with particular regard to the loss of trees and the scale of the dwelling within its plot.

In conclusion, the Inspector found that the proposed scale and proximity of development to site boundaries would be acceptable, but that did not outweigh the harm to the character and appearance of the locality arising from the removal of trees from the site.

The planning decision setting out the reasons for refusal and the Appeal Decision in full can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00103/FUL>

Recommendation

That the appeal decision be noted.

This page is intentionally left blank

APPEAL BY MR ANDREW GREEN AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR 14 TWO AND THREE STOREY TERRACED HOUSES IN THREE BLOCKS WITH ASSOCIATED LANDSCAPE WORKS AND PARKING FOR 22 VEHICLES AT THE BENNETT ARMS, LONDON ROAD, CHESTERTON

<u>Application Number</u>	18/00371/FUL
<u>LPA's Decision</u>	Refused on 28 February 2019
<u>Appeal Decision</u>	Dismissed
<u>Costs Decision</u>	Refused
<u>Date of Appeal Decision</u>	16 January 2020

Appeal Decision

The Inspector identified the main issues to be;

- The effect of the development on the character and appearance of the area;
- The effect of the development on flood risk; and
- The need for a planning obligation, in light of viability information.

The conclusions of the Inspector are summarised as follows:

- The scale and massing of the development would create an overly dominant, cramped feature due to the number of properties on a relatively small site, which would create a high density development in a relatively traditional area of two storey semi-detached dwellings. The development would create a harsh appearance within the locality and would not sit well within its surroundings. The design of the properties on the London Road frontage, at two and a half storeys, would not respect the character and appearance of the locality, and the wider development, by means of layout, does not respect the simple traditional layout of the Leech Avenue properties that set the immediate context for the site.
- Without a suitable FRA being completed, the Inspector was not convinced that the proposed development would minimise flood risk. As a result, it was concluded that the proposed development would fail to fully address flood risk as it would locate new housing development in an area potentially at risk of flooding, without appropriate mitigation. As a consequence, it would be contrary to Policy CSP3 of the CSS and the flood risk aspects in relation to development as set out in the Framework.
- The Council refused the application on the basis that no obligation had been made to make provision for the £18,900 set out by the District Valuer as being an appropriate contribution, which is disputed by the appellant, whose own report states that the development would be unviable with any form of contribution.
- In the absence of any review mechanism set out by the appellant in order to address the Council's reason for refusal and examine the potential for the proposals to make financial contributions at a later point in the development, the proposals are contrary to Policies CSP5 and CSP10 of the CSS, which when taken as a whole, seek developer contributions to provide funding toward public open space and other services where appropriate, in addition to the viability aspects of development as set out in the Framework.

Costs Decision

- The appellant considers that the approach of the Council has been unreasonable in that the issues relating to design were not put forward by the Council during negotiation involved with the application process, but were added by Members of the

Committee during the presentation of the application to Committee, which were contrary to the recommendations of their Officers.

- The Council Members were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
- The Council reached a rounded view in taking the decision and considered all relevant matters. The first reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states which policies of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy that the proposal would be in conflict with. This reason for refusal has been adequately substantiated by the Council in its Appeal Statement.
- Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

The planning decision setting out the reasons for refusal and the Appeal and Costs Decisions in full can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00371/FUL>

Recommendation

That the appeal and costs decision be noted.