

Public Document Pack

Date of meeting Tuesday, 3rd March, 2020
Time 7.00 pm
Venue Salvin Room - Keele Hall, University of Keele, Keele, Newcastle.
ST5 5BG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Please note change of venue

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 - SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE. WISH DEVELOPMENTS. 19/00825/FUL** (Pages 9 - 16)
- 5 **APPLICATION FOR MINOR DEVELOPMENT - LAND BETWEEN CAR PARK/BUTCHERS ARMS, CHURCH STREET, AUDLEY. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 20/00029/DEEM3** (Pages 17 - 24)
- 6 **APPLICATION FOR MINOR DEVELOPMENT - MOSS HOUSE BARN, EARDLEYEND ROAD, AUDLEY. MS A TOSEVA AND MR R MANDAIR. 19/00629/FUL** (Pages 25 - 28)
- 7 **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.

PLANNING COMMITTEE

Thursday, 6th February, 2020
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	M. Reddish	B. Proctor	H. Maxfield
	J Williams	S. Burgess	S. Sweeney
	P. Northcott	D. Jones	
	G Williams	Mrs J Cooper	

Officers:	Trevor Vernon	Solicitor
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	Jemma March	Planning Policy Manager

Also in attendance: Mr Tom Lewis Stoke on Trent City Council

1. **APOLOGIES**

Apologies were received from Councillors' Moffatt and Simon Tagg.

2. **DECLARATIONS OF INTEREST**

Councillor Jones declared an interest as an employee of Keele University.

3. **DRAFT JOINT LOCAL PLAN**

The Council's Planning Policy Manager, Jemma March gave a presentation on the Draft Joint Local plan.

Members were advised that 824 representations had been received as part of the consultation resulting in 5494 individual points. Seven petitions had been received in connection with specific sites.

The presentation outlined the aims and objectives of the draft plan, the current position and policies for: Strategy; Economy; Housing; Transport; Centres; Design and Heritage; Natural and Rural Environment; Environmental Resources and Infrastructure.

It was proposed that the Draft Local Plan would be consulted upon in two parts, (i) Policies and Strategies and (ii) Site Allocations. At the end of the process both parts would be brought together and taken to Full Council for its adoption.

The Consultation would take place in April/May, 2020 and would accept online, written and email representations. There would be drop in sessions and also information available on social media.

The Chair asked Members if they were in agreement with splitting the consultation into the two parts. Members agreed with this approach stating that it would give greater opportunity for each part to be dealt with and understood and also would give a better position in terms of scrutiny.

Councillor John Williams suggested that a better plan would be useful which showed the individual wards more clearly.

Mr Tom Lewis of Stoke on Trent City Council advised Members that the production of an interactive map was being looked into which would enable specific sites to be zoomed in on. This was not yet available but it was hoped that it would be ready for the consultation process.

Councillor John Williams asked if Members could have a hard copy of a readable plan as not everyone had access to IT equipment.

The Chair suggested that this be put as a comment to the Cabinet.

The Chair informed Members that he would take the document a section at a time:

SECTION 4: OVERARCHING STRATEGY AND POLICIES.

Members requested a suggestion to the Cabinet that the document needed to be placed onto the website in a place where it could be easily found and accessed. It was suggested that this be on the very front screen of the Council's web page.

SECTION 5: ECONOMY.

Councillor Jones commented on the strategic development within the Keele University growth corridor. He asked whether it was felt that the Council was at risk of 'putting all of our eggs into one basket' and what alternative sites/economic zones were being looked at. Ms March stated that alternative options had been looked at previously and the next stage would show reasonable alternatives /options. Councillor Jones was advised that there was an 'exceptional circumstances case' in respect of growth at the University.

Councillor Jones asked what was meant by the term 'local' under point e of Policy E3. He enquired whether 'local' meant 'across the whole of Stoke on Trent'. Ms March stated that there was perhaps a bit more work to do in relation to some references. Officers had tried to standardise these but they needed to be looked at and defined.

SECTION 6: HOUSING

Councillor Maxfield enquired about Policy SH01 on page 72 of the document. The Policy stated that a minimum of 33,360 new homes needed to be delivered across Stoke on Trent and Newcastle to meet housing needs between 2013 and 2037. Councillor Maxfield asked how many homes had already been built out of the required number and whether the target was ambitious. Ms March advised that she could not give an exact figure but stated that homes already built had been taken into

account. With regard to the Draft Local Plan, evidence would be sense checked to ensure that all information was up to date.

Councillor Northcott enquired whether setting the target too high would put the Council's five year housing land supply in jeopardy. Ms March advised that the Plan would be tested to ensure that it was deliverable and not moving away from targets.

Councillor Jones suggested that there would be people wishing to see the evidence base and asked if the evidence could be published showing the level of housing need. Ms March advised that all of the evidence was included in the Strategic Housing Land Availability Assessment which was available.

The Chair asked whether the target was fixed or if it could be amended. Also, if it could be amended at what point could it not be changed. Ms March explained that the housing need must be based on evidence. The government would look at the different categories, for example affordable housing. The plan was based on the evidence held. Once the document had been submitted to the Inspector it could not be changed.

Councillor Maxfield asked about traveller accommodation and where the evidence had come from for the provision of permanent and transit sites.

Ms March advised that the evidence would be updated and Part two of the consultation would contain the sites that would meet the needs of gypsies and travellers.

The Chair asked whether the updated work would be available when the document goes out for consultation. Ms March stated that document would go out for consultation with the most up to date information.

Councillor Northcott asked how the calculations had been made to determine the sites for gypsies and travellers adding that the Council could be asked as to how the figures had been arrived at. It was felt that Newcastle was taking in more than Stoke on Trent. Ms March stated that all authorities had to meet the need in their own area.

The Chair made reference to the available documents in relation to the Draft Plan and asked how open to challenge they were. Ms March advised that they were completely open to challenge.

Councillor Jones enquired about Policy SH03, the Rural Settlement Hierarchy asking why the village of Silverdale was not included. It is a rural village with most of the former Keele Golf Course falling within the Parish of Silverdale. Ms March advised that she would look into this and come back to Members.

Councillor Northcott referred to Policy SH03 stating that some might argue that Keele is not a rural centre and added that Loggerheads used to be referred to as a Key Rural Service Centre. Councillor Northcott queried why Keele was not considered in those terms with its close proximity to a doctors' surgery, shops and bus routes. Mr March advised that this point had already been raised and the methodology could be challenged.

In response to the query regarding Keele Councillor Jones stated that the University campus was a private estate and not necessarily available to residents living off campus. There was requirement to see what level of access people had to those services.

SECTION 7: TRANSPORT

Councillor Maxfield referred to Policy ST1 (f) and asked how the impact of congestion, air quality and noise pollution would be addressed around bus stations and travel hubs.

The Council's Head of Planning, Shawn Fleet stated that this interlinked with the Development Management side of operations. Section 106 agreements may look to developers for contributions to help offset such issues through supporting sustainable travel, electric car charging points and enhancing pedestrian/cycling facilities. The Policy would enable officers to enter into dialogue with developers.

Councillor Jenny Cooper referred to an agreement that Wolstanton Retail Park has entered into to provide a bus service to residents to take them to the retail park and asked if this could be a future consideration. Ms March stated that this would be down to implementation of the Policy and would be tested for viability.

Councillor Maxfield enquired whether a tram system in the Borough had been considered. Ms March advised that no specific evidence had been commissioned.

Councillor Jones stated that if housing was a controversial part of the document, the transport part was critical. The document could have been more aspirational of how transport networks would be fixed. One of the lacking elements was Kingsgrove Railway Station which formed vital links and this should be highlighted. Mr Fleet stated that the Plan would work alongside Travel Strategies.

SECTION 8: CENTRES

This section had been covered in earlier discussions in this meeting.

SECTION 9: DESIGN AND HERITAGE.

Councillor Northcott stated that 66% of the population were interested in climate change and the Plan may need to be more bold, bearing in mind it extends to 2037. There may be an expectation from the public for the Council to encourage developers to come up with environmentally friendly buildings.

SECTION 10: NATURAL AND RURAL ENVIRONMENT.

Councillor Northcott enquired whether anything would be put into the Plan in terms of Fracking. Mr Lewis from Stoke City Council advised that this would come under the Minerals Local Plan.

SECTION 11: CLIMATE CHANGE AND ENVIRONMENTAL RESOURCES

Councillor Jones stated that the Plan did not give any mention to the using of old mine workings to generate energy adding that this was expanding across valleys. The Councils could be use heritage tunnels to provide cleaner energy. Mr Lewis

stated that Stoke city Council had been looking at this and the Policy would support that development when it came forward. Ms March added that Keele University was doing a district heat project and the remit could be looked at as technologies change.

SECTION 12: INFRASTRUCTURE:

Councillor John Williams stated that western villages' infrastructure had suffered through 'piecemeal' developments and asked if the Draft Plan could look at major infrastructure changes such as traffic links and looking at the area as a whole. Ms March advised that several sites could be looked across for cumulative impact and cumulative solutions and that options needed to be explored.

- Resolved:**
- (i) That the responses to the previous consultation exercise carried out on the Preferred Options Consultation Document be noted.
 - (ii) That the presentation of the Draft Local Plan in two parts, Part One for strategic and development management policies to be consulted upon in Spring 2020 and Part Two for proposed site allocations be consulted upon Autumn 2020, be noted.
 - (iii) That support be given for:
 - (a) The Draft Joint Local Plan Part One Strategy and Policies Consultation document to be published for formal public consultation during Spring 2020.
 - (b) The consultation to be carried out in accordance with the Statement of Community Involvement (SCI).

That the results of the consultation exercise be reported back to Committee in Summer 2020 to inform the next stage of plan preparation (Part 2 Site Allocations) in partnership with Stoke-on-Trent City Council.

Councillor Proctor thanked officers for the hard work that had gone into the preparation of the Draft Plan.

4. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 8.41 pm

This page is intentionally left blank

**SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE
WISH DEVELOPMENTS**

19/00825/FUL

This application seeks to vary Condition 2 of permission 14/00477/FUL which granted consent for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development, formation of a new access and associated car parking. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the building footprint and elevations.

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

The 13 week period for the determination of this application expired on the 20th January 2020 but an extension of time to the 6th March has been agreed.

RECOMMENDATION

A. Subject to the applicant entering into a planning obligation by 10th April that preserves the Council's position in respect of obligations secured prior to the grant of permission 14/00477/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Window frames and door colour materials**
- 3. Car park management scheme**
- 4. Details of position of gates**
- 5. Details of cycle parking**
- 6. Glazing and ventilation**
- 7. Any other conditions attached to planning permission 14/00477/FUL that remain relevant at this time (which includes facing materials)**

B. Failing completion by the date referred to in the above resolution (A) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstances, and, in such circumstances, the potential financial contributions towards affordable housing provision and public open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The proposed changes would have no adverse impact on the character and appearance of the area. Subject to conditions regarding glazing and ventilation it is considered that an acceptable level of amenity would be provided to the future occupiers of the development. The reduction in the number of car parking spaces to be provided is unlikely to give rise to severe highway safety impacts bearing in mind that occupiers of the flats would, in this location, have a choice of modes of travel. The previous permission was granted following the entering into of a Section 106 agreement and therefore a Deed of Variation is now required. Subject to this and the imposition of the same conditions as were imposed on 14/00477/FUL that remain relevant at this time, the proposal is considered to be acceptable.

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

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

Key Issues

This application is for full planning permission to vary Condition 2 of permission 14/00477/FUL which granted consent for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development, formation of a new access and associated car parking. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the building footprint and elevations.

The Baptist Church has been demolished and the Local Planning Authority is satisfied that a material commencement was made within the required time period and the planning permission is extant.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application. The condition which the applicant is seeking to vary is that which lists the approved drawings. No changes are being sought to the number of the units within the development. The principle of the development is not therefore for reconsideration.

The main issues in the consideration of the application are as follows:

- Are the proposed changes to the design acceptable in terms of the impact on the character and appearance of the area?
- Would there be any adverse impact on the amenity of the occupiers of the development?
- Is the proposed level of car parking acceptable?
- Is a planning obligation required?

Are the proposed changes to the design acceptable in terms of the impact on the character and appearance of the area?

The approved development is a 22 unit apartment scheme, occupying a corner site, with an L-shaped footprint around a two sided courtyard with 22 car parking spaces indicated. In terms of the building itself, the approved scheme envisaged a deck at first floor level incorporating a landscaped amenity space projecting out from the building at its internal corner, over some of the car parking. Access to flats at first, second, third and fourth level was to be obtained along open balustraded deck access corridors with feature framing up the elevations in question, up to the third floor.

In this revised scheme these open corridors have now become fully enclosed and rather than forming an L-shape around the corner of the site, the building would comprise one single block on the A34 frontage of the site with car parking to the rear. The elevational treatment now proposed is more crisp and contemporary than in the previously approved scheme and is considered appropriate for the site.

A series of 3D images have been submitted with the application which illustrate the quality of the design now proposed and subject to appropriate facing bricks and fenestration details being secured the proposed development would enhance the appearance of the area and comply with policies of the development plan, national policy and the urban design guidance.

Would there be any adverse impact on the amenity of the occupiers of the development?

Whilst in the approved development, a raised landscaped deck was proposed, no outdoor amenity space would be provided within the revised scheme. Given that occupiers would be within close proximity to a number of open spaces and parks within and around the town, including the Lyme Valley Parkway, no objection is raised.

The application is accompanied by a Noise Assessment which recommends glazing specifications and a full overheating assessment. The Environmental Health Division objects on the grounds that it is not considered appropriate to require the details by condition. The applicant has advised that it is not possible to accurately design a detailed scheme at this stage as it would need to be designed in accordance with the working drawings once planning permission is received. They have provided a

basic guide to the nature of the type of system proposed and have requested that the detail is required by condition. The Environmental Health Division has informally advised that such a proposal is acceptable and their formal comments are awaited.

Is the proposed level of car parking acceptable?

Previously the scheme had 22 car parking spaces (one parking space per unit) but that number has now been reduced to 14.

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. The NPPF, at paragraph 109, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Both this section of London Road and some way up Vessey Terrace are double yellow lined already. Account needs to be taken of the edge of centre location of this development. There are opportunities here to use modes of travel other than the private motor car – the site being within easy walking distance of the town centre, on a main bus route, and close to the bus station. The Highway Authority does not object to the reduction in on-site parking provision acknowledging that the site is on the edge of the town centre, with access to shops, services and the bus station, and that there are parking restrictions on the roads in the vicinity of the site including double yellow lines and Residents Parking Zones.

It is not considered that a refusal on grounds of insufficient parking could be sustained.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (14/00477/FUL in this case). That previous permission was granted on the 26th October 2015 following the completion of a Section 106 agreement which included a requirement for a financial reappraisal should the development not be substantially commenced within 18 months of the date of the planning permission (i.e. by 25th April 2017), and the payment of such policy compliant contributions as could be afforded towards public open space and offsite affordable housing provision.

Subject to the applicant entering into a Deed of Variation to the original Section 106 agreement that ensures the Council's interests would be protected i.e. a financial reappraisal of the scheme once the trigger of substantial commencement has been achieved, then the application can be permitted.

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

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

Policy T16: Development – general parking requirements

Other Material Considerations include:

[National Planning Policy](#)

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

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

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

Relevant Planning History

14/00477/FUL Demolition of former Newcastle Baptist Church and erection of residential apartment development comprising 14 two bedroom units and 8 one bedroom units, formation of new access and associated car parking – Approved

17/00162/FUL Application for the variation of condition 2 of 14/00477/FUL (Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking) to allow for the enclosure of the open air corridors and subsequent changes to the elevations - Approved

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding the provision and retention of the parking and turning areas, submission and approval of a car park management scheme, gates to be sited a minimum of 6m back from the carriageway edge and only open inwards and submission of details of secure weatherproof cycle parking for 22 cycles.

The **Landscape Development Section** has no objections subject to conditions regarding detailed landscaping proposals which should include tree planting to the rear of the building to act as a visual screen between the development and the adjacent properties.

The **Environmental Health Division** objects on the grounds that additional information is required regarding the acoustic performance of glazing and overheating.

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

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by an Acoustic Survey. This document and the application plans are available for inspection at the Castle House and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00825/FUL>

Background papers

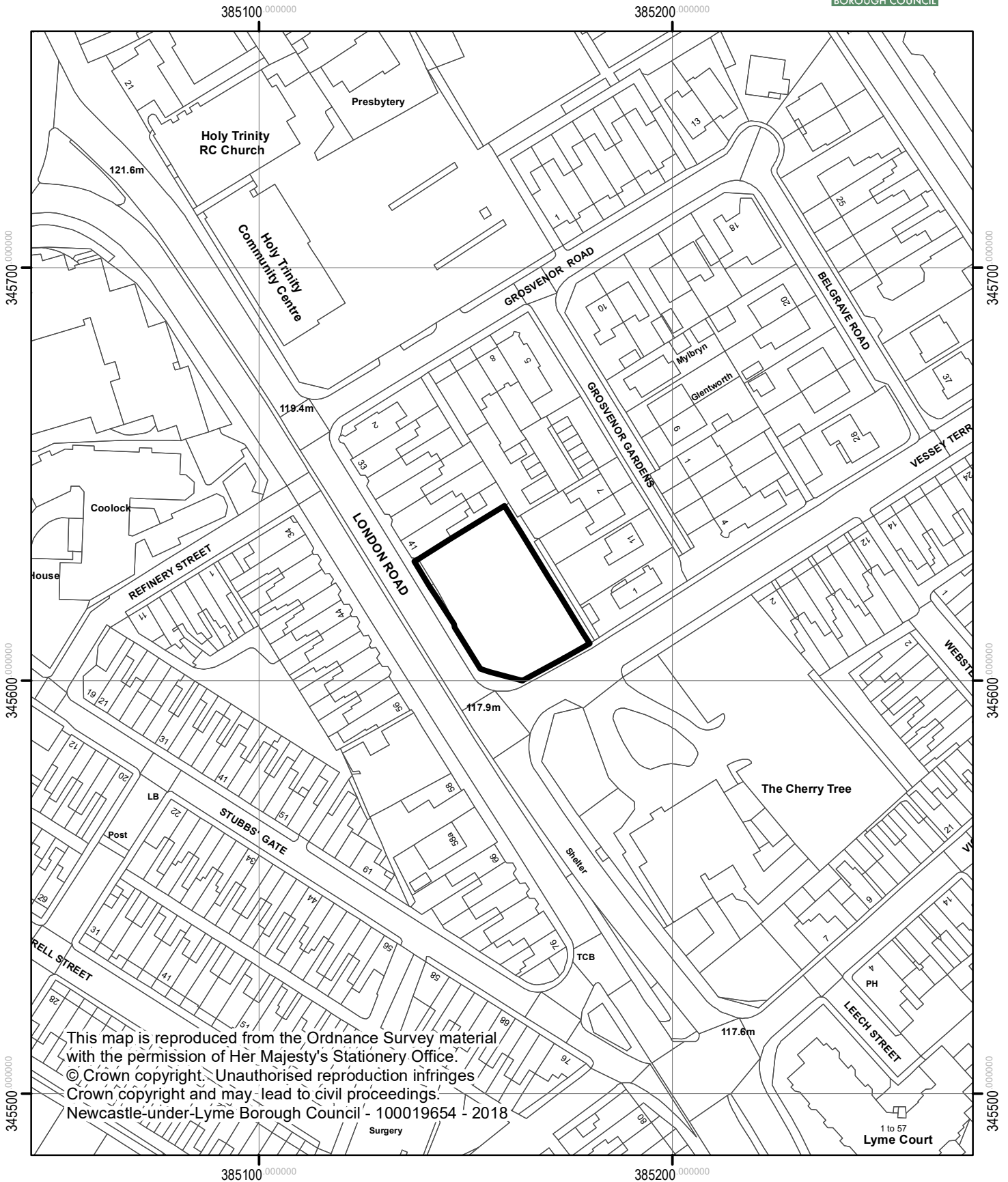
Planning files referred to
Planning Documents referred to

Date report prepared

14th February 2020

This page is intentionally left blank

Site of Former Newcastle Baptist Church London Road, ST5 1LN



This page is intentionally left blank

LAND BETWEEN CAR PARK/BUTCHERS ARMS, CHURCH STREET, AUDLEY
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

20/00029/DEEM3

The application is for the demolition of an existing boundary wall along the northern edge of a public footpath (Audley 84) which runs along the boundary of the Butchers Arms Public House and a public car park in Audley.

The site is within the village envelope of Audley and is also located within the Audley Conservation Area, as indicated by the Local Development Framework Proposals Map. The Butchers Arms is a building on the Council's Register of Locally Important Buildings and Structures.

The statutory 8-week period for the determination expires on the 19th March 2020.

RECOMMENDATION

Permit, subject to the following conditions relating to;

- i. **Time limit condition**
- ii. **Approved plans**
- iii. **Arboricultural impact assessment and tree protection plan**
- iv. **Construction management plan**

Reason for Recommendation

The development would preserve the special character and appearance of the Conservation Area, and subject to the works being carried out in accordance with the submitted details, it is considered that the works would comply with policies B9 and B10 of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, and the guidance and requirements of the National Planning Policy Framework 2019.

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

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

KEY ISSUES

The application seeks full planning permission for the demolition of the boundary wall which runs alongside a public footpath - Audley 84 and borders a local car park. The existing wall is leaning and cracking and represents a danger.

The demolition to the boundary wall requires planning permission as it is classed as "relevant" demolition in that it is a wall over 1 metre high adjacent to a public footpath. The site is located within the Village of Audley and is also within the Audley Conservation Area.

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

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

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

The application proposes to demolish the whole section of wall along the footpath, adjacent to the Butchers Arms and bordering a car park. This section of wall connects to the wall fronting Church Street at the back of the pavement and runs at right angles to the main road, east to west from Church Street to Dean Hollow. It is proposed to rebuild the wall using a combination of newly sourced

bricks and re-dressing the existing bricks where possible, re-pointing and matching the brick coping stones.

The NPPF emphasises that Local Authorities should recognise that designated heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded. Saved Policy B11 of the NLP refers to the requirement to gain Conservation Area Consent for demolition of buildings which are considered beyond repair or where the removal would benefit the area. This is a consent regime that no longer exists or applies so it is not considered relevant to apply this policy to the current proposal. The present regime requires that Planning Permission is sought for "Relevant Demolition". In relation to a wall, Relevant Demolition is required for a wall above 1 metre adjacent to a public footpath. The Audley Conservation Area Appraisal recognises a number of positive characteristics in the area such as, boundary walls, interconnecting footpaths and trees. This wall is not identified as one of those significant walls, they generally being the more prominent walls along the road edges within the centre of the village at road intersections.

The wall to be demolished consists of a combination of smooth hard red brick and sections of original red handmade bricks. The wall is predominantly capped off with a semi-circular brick coping mainly to the original sections of wall and a red brick on edge on the more modern sections. The length of wall runs 40.85metres from the bottom of the car park on the public footpath side and along the remaining length of the footpath to where it meets the wall along the back edge of the pavement on Church Street. The wall is not readily visible from main views and vantage points within the Conservation Area. The height of the existing wall from ground level is less than 2 metres along the whole length. The wall, at its highest point is not proposed to be over 2 metres so planning permission for the rebuilding of the wall is not required and therefore does not form part of this application, only the demolition.

This wall is leaning in towards the footpath and in many places has limited mortar within the joints. Small buttresses are located on both sides of the wall but are currently providing little support as the wall can easily be moved. Part of the wall, closer to the main road, has already been rebuilt in modern bricks. Further down past the Butchers Arms the wall is lower and built from handmade bricks, many of which have begun to perish.

The stability of the wall cannot be dealt with by repointing and to ensure that the long term stability of the structure is safeguarded, demolition and rebuilding is necessary.

The works proposed are considered to be an acceptable solution given the structural instability of the boundary wall and that the location will not impact on any of the other significant heritage assets within the village such as St James the Great Church. Whilst the rebuilding of the wall does not require planning permission and is not part of this application, the wall is proposed to be rebuilt in redressed original and appropriate new bricks with lime mortar so the character and significance of this small part of Audley Conservation Area, as a heritage asset, will be preserved.

Is there any harm to trees?

Policy N12 of the Local Plan notes that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

Criterion vi) of saved NLP policy B10 notes that trees and other landscape features that contribute to the character or appearance of the area should be protected. Policy B15 further states that "Trees and landscape features which contribute to the character and appearance and are a part of the setting of a Conservation Area will be retained. Where consent is given to remove protected trees conditions will be imposed to require trees of the appropriate species and size to be planted and replaced if they die within 5 years."

It is accepted that the wall is currently structurally unstable and is a considerable safety risk given its proximity to the adjacent public footpath and car park. There are no trees on the footpath but there are a small number of trees on the car park side. The Landscape Development Section considers these to be visually significant trees within the site along the length of the wall on the car park side, however, no trees are proposed to be removed. It is recommended that these trees should be retained during the demolition works and that an Arboricultural Impact Assessment and Tree Protection Plan are submitted prior to any works. This will be dealt with by a pre-commencement condition.

Other matters

The Highways Authority have requested a construction management plan to be submitted and on balance this is considered necessary and reasonable due to the level of the works and potential impact of construction vehicles on the car park and Church Street.

An advisory note should be attached to the decision notice advising the applicant of the comments of the County Council Public Rights of Way officer.

APPENDIX

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

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

Policy CSP2: Historic Environment

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

Policy B9: Prevention of Harm to Conservation Areas
Policy B10: Requirement to Preserve or Enhance Character or Appearance of Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas
Policy N12: Development and the Protection of Trees

Other material considerations include:

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

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

Relevant Planning History

None

Views of Consultees

County Council Public Rights of Way has no objections to the proposal but has drawn attention to requirements of the applicant to inform the Council of any diversion or obstruction of the path. This is outside the planning permission process.

The **Landscape Development Section** considers that there are significant trees on the site that make a contribution to the character of Audley Conservation Area which should be retained and protected during the work. A condition should be attached for an Arboricultural Impact Assessment and Tree Protection Plan prior to commencement of any work.

The **Highways Authority** raises no objections subject to a condition which secures a construction management plan.

No comments have been received from **Audley Parish Council** and the **Environmental Health Division** and given that the period for comment has expired it must be assumed that they have no comments to make.

Representations

None received.

Applicant/agent's submission

The application has been supported by a Heritage Statement. The submitted documents and plans are available for inspection at Castle House or on the Councils website by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00029/DEEM3>

Background Papers

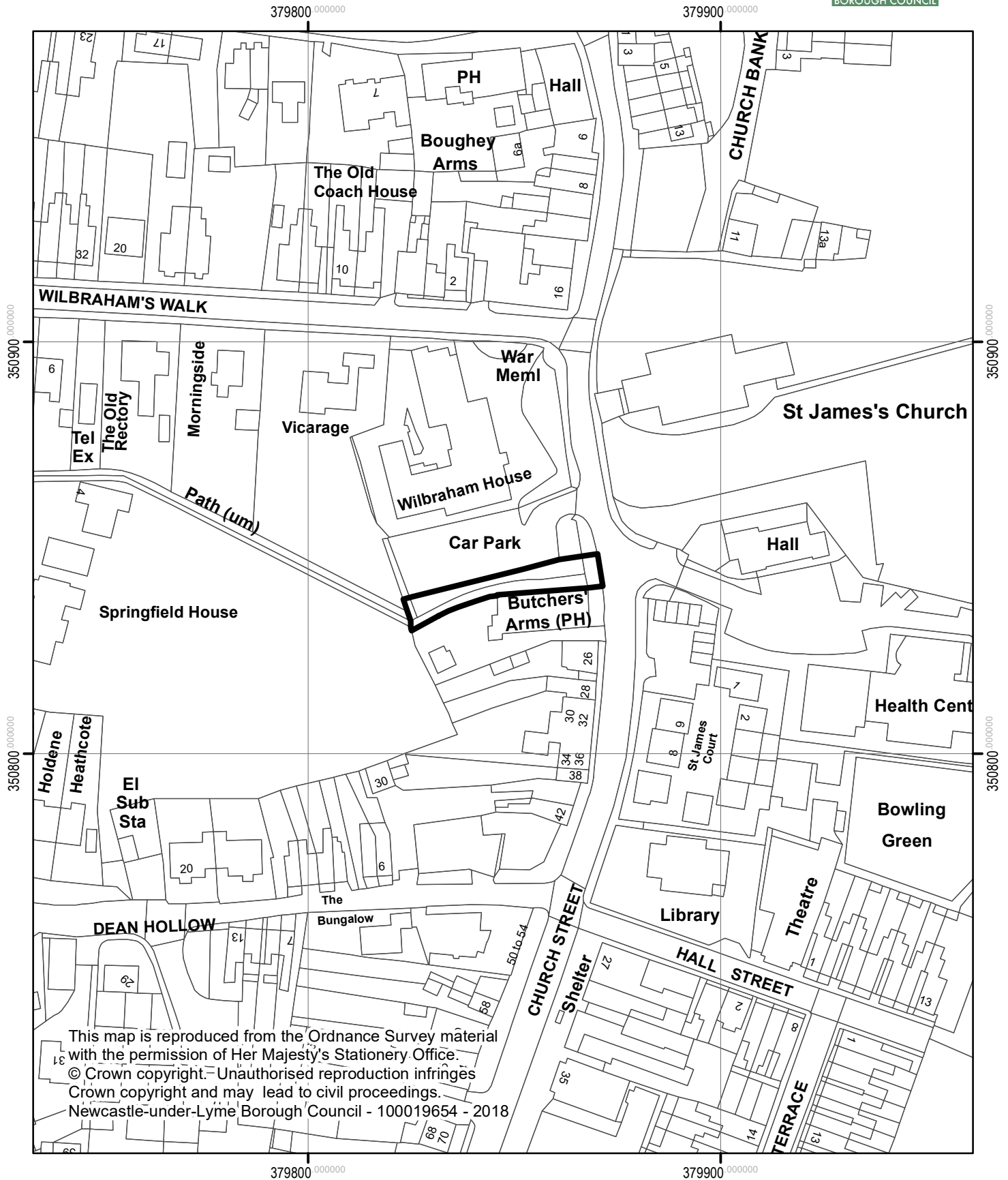
Planning File, the Development Plan and Audley Conservation Area Appraisal (2013)

Date report prepared

14th February 2020

This page is intentionally left blank

Land between the car park and The Butchers Arms, Church Street, Audley, ST7 8DE.



This page is intentionally left blank

MOSS HOUSE BARN, EARDLEYEND ROAD, AUDLEY
MS A TOSEVA AND MR R MANDAIR

19/00629/FUL

The above application for planning permission for the retention of the building for Class B8 (storage & distribution) use is currently under consideration by your Officers. The application follows a decision by Members last year to refuse planning permission for the retention of the buildings to form two dwellings (Ref. 18/00937/FUL) and the decision to authorise enforcement action to secure removal of the building within 12 months.

The 8-week date for determination of the application expired on 17th October but given the nature of the application and the implications of a further refusal of planning permission, Officers have given the applicant's agent opportunities to respond to objections from consultees and to provide additional information to substantiate their case regarding the principle of development.

Officers are seeking the agreement of the Planning Committee to an extension to the period for determination of the application to enable them to give full consideration to the case made by the applicant's agent.

RECOMMENDATION

That the Committee agree to extend the period for determination of the application to 6th March 2020.

The above application for planning permission for the retention of the building for Class B8 (storage & distribution) use is currently under consideration by your Officers. The application follows a decision by Members in June last year to refuse planning permission for the retention of the buildings to form two dwellings (Ref. 18/00937/FUL) and the decision to authorise enforcement action to secure removal of the building within 12 months.

The application was made valid in August last year and was accompanied by a Planning Statement which seeks to make a case setting out that the proposed development would comprise appropriate development in the Green Belt. The case is also made that the proposal would regularise an existing breach of planning control which would enable the building to be retained for a policy compliant use enabling the applicant to retain the building and recoup the substantial investment that they have made since they first acquired the site. The 8-week determination date for the application was 17th October.

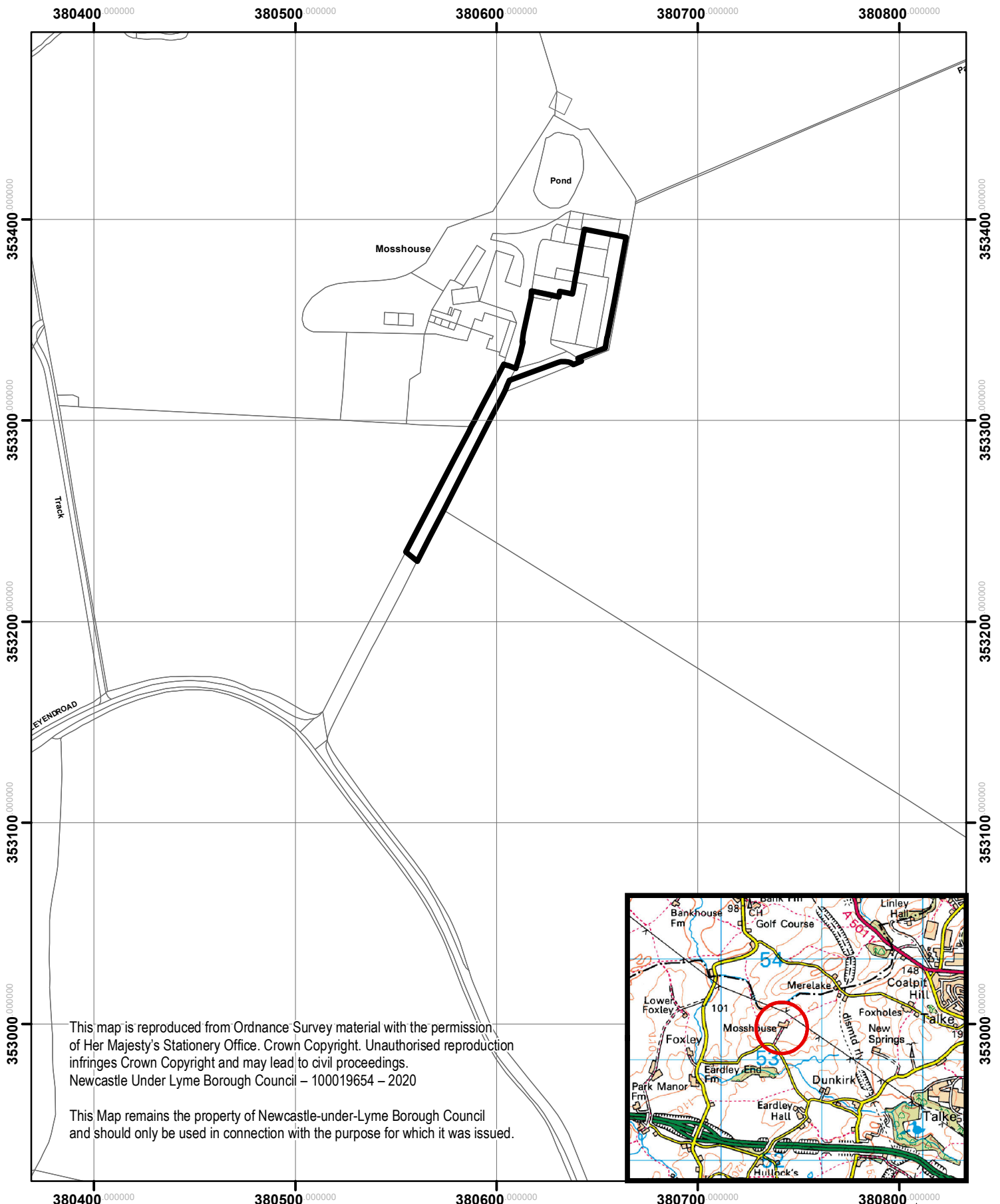
Objections have been received from both the Highway Authority and the Environmental Health Division and the applicant's agent expressed a wish to review the consultation responses and to respond before a decision was made on the application. Officers agreed to this request and the agent's response was received on 16th October. The further comments of those consultees were then sought.

Subsequently, in November, Officers expressed concerns to the applicant's agent regarding the case made on the matter of principle and the agent was asked to provide further evidence in the form of appeal decisions or case law to support their case. The agent's further case was received on 28th January. The issue of the principle of development in this case is not straightforward and given the nature of the application and the implications of a further refusal of planning permission, Officers have felt it appropriate to give the applicant's agent opportunities to respond to objections from consultees and to provide additional information to substantiate their case.

At Planning Committee on 7th January 2020 it was resolved that not further extensions of time in respect of this application should be agreed without the express authority of Planning Committee. In accordance with that resolution, Officers are seeking the agreement of the Planning Committee to an extension to the period for determination of the application to enable them to give full consideration to the case made by the applicant's agent as set out above.

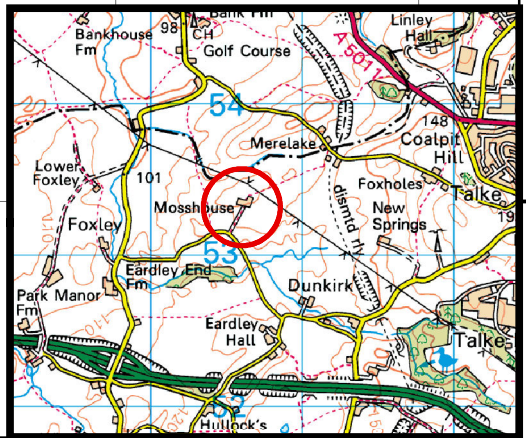
This page is intentionally left blank

Moss House Barn, Eardleyend Road, Audley.



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