

Public Document Pack

Date of meeting Tuesday, 26th May, 2020
Time 6.00 pm
Venue Planning Committee - Virtual Meeting - Conference
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND WEST OF
PIT HEAD CLOSE, LYMEDALE BUSINESS PARK PEVERIL
SECURITIES LTD. 20/00123/OUT** (Pages 7 - 26)
This item includes two supplementary reports.
- 5 APPLICATION FOR MINOR DEVELOPMENT - KEELE
UNIVERSITY, THREE MILE LANE, KEELE. MR ASHLEY HULME,
KEELE UNIVERSITY. 20/00291/FUL** (Pages 27 - 32)
- 6 A500 BETWEEN M6 JUNCTION 16 AND THE MEREMOOR
MOSS ROUNDABOUT. CHESHIRE EAST HIGHWAYS. Cheshire
East ref 20/1709N (NuIBC ref 348/271)** (Pages 33 - 36)
- 7 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 37 - 38)
- 8 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** (Pages 39 - 40)
- 9 RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER
SILVERDALE COLLIERY. 17/00258/207C2** (Pages 41 - 42)
- 10 VALIDATION CHECK CHARGES**
A verbal report will be given.

- 11 PLANNING COMMITTEE SITE VISIT DATES FOR 2020-21 (Pages 43 - 44)**
- 12 TREE PRESERVATION ORDER - LAND AT ST JOHN FISHER CATHOLIC COLLEGE, ASHFIELDS NEW ROAD, NEWCASTLE. TPO 208 (Pages 45 - 48)**
- 13 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, B. Proctor, D. Jones, H. Maxfield and S. Moffat

ONLINE JOINING INSTRUCTIONS

The meeting of the Planning Committee will begin at 6pm on Tuesday, May 26th. This meeting will be held virtually using Zoom.

Watching the Meeting

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Web: <https://zoom.us/j/91354501077>

Using the Zoom App

Telephone: 0330 088 5830 or 0131 460 1196

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You do not require a password or pre-registration to access this committee meeting.
Please note, as an attendee you will only be able to watch the meeting. You will not be able to vote, ask questions or discuss the materials presented to the committee.

Questions and Representations

If you would like to ask a question or make a representation during the meeting, please inform our Planning Services team by emailing geoff.durham@newcastle-staffs.gov.uk

All requests to ask questions or make representations should be submitted by 12 noon on the Thursday before the meeting.

In your email, please include details of the item you would like to speak on and, if you are asking a question, the question itself. If you cannot be identified to ask your question during the meeting, the meeting Chairperson will ask the question for you.

When joining the webinar using the App or Web link, please ensure that you enter your full name as your screen name, so that you can be identified during the meeting and asked to speak at the appropriate time.

If you will be joining the webinar by phone please ensure that you inform our Committee Services team of the number you will be using and make sure that your Caller ID is not blocked – this will allow us to identify you during the meeting and facilitate you speaking to the committee.

PLANNING COMMITTEE

Tuesday, 28th April, 2020
Time of Commencement: 6.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	M. Reddish	P. Northcott	S. Moffat
	J Williams	B. Proctor	M. Holland

Officers:	Elaine Moulton	Development Management Team Manager
	Becky Allen	Landscape Manager
	Darren Walters	Team Leader Environmental Protection
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal /Monitoring Officer
	David Elkington	Head of Customer and Digital Services

Note: In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted by video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

1. APOLOGIES

Apologies were received from Councillor Maxfield.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meetings held on 4 February and 14 April, 2020 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF WEST AVENUE, KIDSGROVE. PERSIMMON HOMES. 19/00760/FUL

Members were informed that this application had been withdrawn.

5. **APPLICATION FOR MINOR DEVELOPMENT - BP SWIFT SERVICE STATION, CLAYTON ROAD. SPOTLESS DETAILING LTD (TOMAS NIEMCZYK). 19/00838/FUL**

Conditions (ix) and (x) proposed by Councillor Fear and seconded by Councillor Moffat

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

- (i) Standard time limit
- (ii) Approved plans
- (iii) No discharge of surface water or waste water onto the highway
- (iv) Prevention of activities on the road to the rear of the site
- (v) Prevention of the installation of drying equipment
- (vi) Limit on the hours of activities associated with the washing or vacuuming of vehicles
- (vii) Prevention of the location of compressor plant or equipment externally
- (viii) Submission of a noise management plan
- (ix) Submission of a parking management plan
- (x) Prevention of waiting/queuing on the road to the rear of the site.

6. **APPLICATION FOR MINOR DEVELOPMENT - LAND TO REAR OF SILVER BIRCH, BIRKS DRIVE, ASHLEY HEATH. MR & MRS J PERKINS. 20/00089/FUL**

Amended Condition (iv) proposed by Councillor Reddish and seconded by Councillor Proctor.

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

- (i) Time limit
- (ii) Approved plans
- (iii) Approval of facing materials and materials of all hard surfaced areas
- (iv) Notwithstanding the details shown on the approved plans, only windows shall be provided in the side elevation to bedroom 1, which shall be obscure glazed and non-opening other than a top light and retained as such.
- (v) No formation of a balcony, through the addition of a balustrade or similar, to bedroom 1.
- (vi) Restriction on hours of construction.
- (vii) Approval and implementation of design measures to secure appropriate noise levels.
- (viii) Electric vehicle charging points.
- (ix) Access, parking and turning areas to be provided prior to occupation
- (x) Retention of the carport for the parking of motor vehicles and cycles.
- (xi) Submission, approval and implementation of a detailed,

dimensioned tree protection plan, site specific method statement and arboricultural method statement, and arboricultural site monitoring schedule.

7. LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2

Members were advised that it had not been possible yet to undertake a site visit safely due to the Covid-19 restrictions currently in place. However, it was anticipated that this would be done before the next meeting of this Committee on 26 May.

- Resolved:**
- (i) That the information be received.
 - (ii) That an update be brought to the next meeting.

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

- Resolved:**
- (i) That the information be received.
 - (ii) That a further update regarding the provision of benches within the second LEAP on the site of the former Silverdale Colliery to be reported to the next meeting.

9. REPORT ON 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.

10. APPEAL AND COSTS DECISION - LAND ADJACENT TO PARK HOUSE, DALES GREEN ROAD, MOW COP. 18/00921/OUT

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

11. APPEAL DECISION - LAND BETWEEN WINDY RIDGE AND SIROCCO, LONDON ROAD, KNIGHTON. 19/00295/FUL

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

12. APPEAL AND COSTS DECISION - 22 KING STREET, CROSS HEATH, NEWCASTLE-UNDER-LYME. 19/00135/FUL

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

13. APPEAL DECISION - 1 PRESTBURY AVENUE, NEWCASTLE-UNDER-LYME. 19/00742/FUL

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

14. URGENT BUSINESS

There was no Urgent Business.

CLLR ANDREW FEAR
Chair

Meeting concluded at 7.30 pm

LAND WEST OF PIT HEAD CLOSE, LYMEDALE BUSINESS PARK
PEVERIL SECURITIES LTD

20/00123/OUT

The application seeks outline planning permission for the erection of business/industrial development of B1(c), B2 and/or B8 uses, on the site of the former Loomer Road Speedway Stadium.

Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site is located in the urban area of Chesterton, Newcastle, as indicated on the Local Development Framework Proposals Map.

The application site extends to approximately 6.5 hectares in size.

Vehicle access to the site is proposed off Pit Head Close via Lymedale Business Park.

The 13 week period for the determination of this application expires on the 26th May.

RECOMMENDATIONS

A. Subject to the receipt of no objections from the Coal Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd June 2020 upon receipt and consideration of the Coal Authorities comments, and

B. Subject to the applicant first entering into a Section 106 obligation by the 1st July 2020 to secure a contribution sum of £2,407 towards Travel Plan monitoring,

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;**
- 2. Approved plans;**
- 3. Any reserved matters application to comply with principles of the Design and Access Statement;**
- 4. The building(s) shall have a maximum height of 22 metres;**
- 5. Prior approval of full site access details, including the footway / cycle path;**
- 6. Traffic Regulation Order (at the southern end of Pit Head Close) revoked;**
- 7. The existing site access on Loomer Road permanently closed off;**
- 8. Secure weatherproof cycle parking facility;**
- 9. Implementation of Travel Plan Framework;**
- 10. Prior approval of access gates;**
- 11. Highway & Environmental Construction and Demolition Management Plan (CMP)**
- 12. Reserved matters application to be accompanied by a noise assessment and noise a management plan;**
- 13. Prior approval of external lighting**
- 14. Electric vehicle charging provision**
- 15. Land contamination investigations and mitigation measures;**
- 16. Unexpected ground water contamination;**
- 17. Reserved matters application to include a detailed surface water drainage scheme (SuDS);**
- 18. Reserved matters application to be accompanied by a landscape masterplan;**
- 19. TV reception mitigation measures;**
- 20. Reserved matters application to include refuse collection arrangements;**
- 21. Intrusive coal mining site investigations and remedial works implementation;**
- 22. Recommendations as per the submitted ecological report**

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

Reason for Recommendation

The redevelopment of the site for employment provision is considered acceptable on the basis that it would promote sustainable economic growth, that it has been demonstrated that the loss of the former stadium as a motor sport facility would not be contrary to paragraph 97 of the NPPF and that the retention of the site for community and recreational uses is not justified. The proposed access arrangements are acceptable subject to conditions and a S106 obligation to secure a travel plan monitoring fee. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework and should be approved.

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

Officers have requested further information to be submitted during the consideration of the application to address concerns and information has been submitted for consideration and approval.

Key Issues

1.1. The application seeks outline planning permission for the erection of business/industrial development of B1(c), B2 and/or B8 uses, on the site of the former Loomer Road Speedway Stadium.

1.2. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval.

1.3. The application site extends to approximately 6.5 hectares in size and is located in the urban area of Chesterton, Newcastle, as indicated on the Local Development Framework Proposals Map.

1.4. Vehicle access to the site is proposed off Pit Head Close via Lymedale Business Park.

1.5 It is not considered that the application raises any issues of land contamination, air quality or impact on ecology that cannot be addressed through the imposition of conditions and therefore the main issues to consider in this application are as follows;

- The principle of the development in terms of both the loss of the sporting facility and the acceptability of the proposed uses
- Access and car parking arrangements and the impact on highways safety
- Design and impact on visual amenity
- Impact on the amenity of the area and neighbouring residential properties, including the impacts on TV reception in the area
- Surface water drainage matters
- Coal mining legacy
- Other matters

2. The principle of the development in terms of both the loss of the sporting facility and the acceptability of the proposed uses

The loss of the sporting facility

2.1 The application site was previously occupied by the former Loomer Road Speedway Stadium until activities ceased at the end of 2019.

2.2 The National Planning Policy Framework (NPPF) emphasises the importance of high quality open spaces and opportunities for sport and physical activity as an important contributing factor to the health and well-being of communities. It states in paragraph 97 that existing open space, sports and recreational buildings should not be built on unless (inter-alia), an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

2.3 Saved Policy C22 of the NLP seeks to protect important community facilities and where loss is proposed the need for the facility and its possible replacement will be a material consideration. It also states that where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable.

2.4 The application is supported by a detailed assessment which considers the impact of the loss of the sporting facility. This document also includes a sporting needs assessment.

2.5 Sport England has not objected to the application because the proposed development does not fall within their statutory or non-statutory remit. However, they advise that full consideration should be given to whether the proposal meets paragraph 97 of the National Planning Policy Framework (NPPF)

and whether the loss of the sports facility is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

2.6 Consultation responses have been received from a number of organisations associated with speedway and motor sport. These responses express their disappointment at the closure of the stadium and suggest that the Local Authority should consider re-homing the facility elsewhere.

2.7 It is clear from the submitted assessment that the loss of speedway facilities and uses are part of a national trend due to their decline in popularity and the financial implications that this has on their operations, which makes them unviable to be retained for such uses. In particular this site would require significant investment to improve its facilities which are of a poor quality primarily due to their age and a lack of meaningful investment in recent years. There is limited demand for such investment which makes the future use of the site for motorsport unviable. Furthermore, it has to be accepted that due to the decline of the sport and other factors, a suitable site elsewhere in the borough is unlikely to be viable also.

2.8 The application has also been supported by a sporting needs assessment which considers whether the site can be used for open space, sports (other than motorsport), recreational buildings or as playing fields. This assessment demonstrates that the local community is well served by open space, sporting facilities/playing fields and recreational buildings and the loss of this site to the proposed development would not result in a shortage of facilities for the community. Furthermore, the site has also recently been the subject of an application to list the site as an asset of community interest (Asset of Community Value) on the Borough Council's Assets of Community Interest Register. The Council has rejected this application on the basis that the community use of the site would not further benefit the social wellbeing or social interests of the community based on the current state of the site.

2.9 It is clear that the physical condition of the site and its past use would restrict its future use for sport and/or recreation and the site would require significant investment before it could be used for community use, which again would not be viable. It has been demonstrated that the proposed loss of the existing sporting facility would not be contrary to paragraph 97 of the NPPF and no objection is raised therefore.

Proposed business/industrial development of B1(c), B2 and/or B8 uses

2.10 Paragraph 80 of the National Planning Policy Framework (NPPF) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

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

2.12 Policy SP1 of the Core Spatial Strategy indicates that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. It also states that employment provision will be focused towards sites accessible to and within the North Staffordshire Regeneration Zone. Policy SP2 of the CSS also indicates that economic development should capitalise on North Staffordshire's potentially strong geographical position, its people and its productive asset base.

2.13 A small part of the site is also covered by Saved NLP Policy E3 which encourages development for Class B uses as an extension to Lymedale Business Park.

2.14 The application is for a proposed business/industrial development of B1(c), B2 and/or B8 uses on the site which is located immediately adjacent to Lymedale Business Park with the proposed access proposed off Pit Head Close, which provides wider access from the business park.

2.15 The development would result in an additional 27,725 square metres of employment development that would provide an additional 400 jobs.

2.16 It is considered that the proposed development for employment purposes would provide a number of benefits and it would promote sustainable economic growth in accordance with policy SP1 of the CSS and the guidance of the NPPF. The principle of the proposed uses should therefore be supported.

3. Access and car parking arrangements and the impact on highways safety

3.1 Access for the proposed development is for consideration as part of this outline planning application with the layout of the site, including parking, turning and servicing arrangements, reserved for subsequent approval.

3.2 Vehicular access to the site is proposed via Pit Head Close, which serves the wider Lymedale Business Park. The existing site entrance along Loomer Road will be closed off as part of the proposals which will ensure that all vehicles are prevented from accessing the site from Loomer Road.

3.3 The NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.4 Representations received on the application have identified access to the site and on-street car parking on Loomer Road as potential issues that need to be addressed before the redevelopment can be considered acceptable.

3.5 The proposed access off Pit Head Close is considered acceptable for the type of business/ industrial use proposed and the development would also allow footpath/cycle path connection improvements from Loomer Road to the business park. The proposals would also remove traffic from Loomer Road which was previously generated by the operation of the stadium.

3.6 The application is supported by a Transport Assessment (TA) which concludes that the proposed access arrangements and the impact from vehicle movements generated by the proposed development can be accommodated on the road network of the existing business park.

3.7 As discussed, the layout of the site, including parking, turning and servicing arrangements, are reserved for subsequent approval but it is appropriate to identify whether the site can accommodate the level of development proposed. In this respect the submitted TA identifies that approximately 220 car parking spaces can be provided within the site.

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

3.9 The submitted TA acknowledges that the level of proposed car parking is 37% below the maximum parking standards set out in T16 of the NLP. However, the TA identifies that the site is within a highly sustainable location and that other similar units on the wider business park have large car parks that are underutilised. The TA also states that an assessment of demand has been undertaken that has demonstrated that the maximum level of car park occupancy is expected to occur between 13:00-14:00 with a maximum parking demand of 130 vehicles in any one hour. On this basis the TA concludes that the indicative parking provision of approximately 220 parking spaces would be more than sufficient to accommodate the proposed redevelopment demands, and would also cater for any occasional spikes in demand that might occur from time to time.

3.10 The application is also supported by a Travel Plan which sets out how future users of the development will be encouraged to limit the number of single occupancy car trips and maximise the use of sustainable travel, such as walking, cycling, public transport and car sharing. This can be

designed and implemented to reduce vehicle trips and car parking demand associated with the proposed development.

3.11 The Highways Authority (HA) have raised no objections to the application subject to conditions. In particular they have requested conditions which will secure full details of the proposed site access off Pit Head Close, including the footway/cycle path, in terms of the construction, surface water drainage, street lighting, signing and road markings and the implementation of the arrangements. The Traffic Regulation Order restricting vehicle access at the southern end of Pit Head Close will also need to be revoked to allow access to the site. The travel plan can be secured by condition and a monitoring fee will need to be secured by a S106 obligation.

3.12 The Environmental Health Division (EHD) have requested a condition to secure electric vehicle charging provision for all staff car parking spaces. The Council currently has no adopted policy relating to electric vehicle charging. However, a Government consultation document 'Electric Vehicle Charging in Residential and Non-Residential Buildings' indicates that for new non-residential buildings with more than 10 parking spaces, it is proposed to introduce a requirement to have at least one chargepoint and cabling routes for every five spaces. It is considered that this would be a reasonable request for this proposed development and a condition will secure this level of provision.

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

4. Design and impact on the visual amenity

4.1 The appearance, layout, scale and landscaping of the development are reserved for subsequent approval but it is appropriate to consider whether a development of this nature and size can be accommodated on the site and can be designed so that it does not harm the visual amenity of the area.

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

4.3 The indicative details show two possible schemes that could be accommodated on the site, one for two units (option 1) and one for a larger single building (option 2).

4.4 The application site is located adjacent to an existing business park and other industrial and commercial buildings on Loomer Road. Therefore, the proposed development would be seen within the context of the existing industrial land uses and the existing large expansive units that form part of the business park immediately to the east.

4.5 Indicative details of the potential height of both schemes has been provided which indicate that any buildings would be a maximum of 22 metres in height, which the applicant indicates is comparable to existing units on the business park when ground levels are factored into the assessment. The height of the proposed development can be restricted if necessary but scale is reserved for subsequent approval.

4.6 It is acknowledged that the proposed development would be viewed from the public open space to the south, including the Apedale Country Park. Therefore, the facing and roofing materials, particularly those of the southern elevations, will need to be designed to respect any views and

minimise the impact of the large building. In this respect a design and access statement (DAS) has been submitted which illustrates how a final building could be designed to minimise its impact. A condition which ensures that the principles of the DAS are followed as part of any reserved matters submission is considered justified.

4.7 The two options include a landscape buffer zone adjacent to the southern boundary of the site designed to soften views of the development. The Council's Landscape Development Section (LDS) have raised concerns regarding the landscaping proposals, particularly the loss of vegetation both within the site and beyond the site boundary. They have also raised concerns about the space available for a meaningful landscape buffer.

4.8 The landscaping of the site is reserved for subsequent approval and the level of information submitted to date is limited. Whilst it is accepted that the landscape buffer indicated on the plan for option 1 is limited, sufficient space is available to provide a soft buffer of some depth between the site and the open space beyond the southern boundary. This buffer would be greater than that provided for other buildings on the business park and it is considered that an appropriately worded condition, which secures a landscape masterplan as part of the reserved matters submission, can be secured. In particular the landscape masterplan should secure an acceptable landscape buffer on the southern boundary and landscaping improvements to the embankment of the brook that is located near to the northern boundary of the site. Also landscaping will be important adjacent to the proposed cycle footway.

4.9 In consideration of the above, your officers accept that either of the two schemes can be designed to respect the scale and appearance of the surrounding industrial units and visual amenity of the area. Therefore, your officers are content that a suitably designed building or buildings can be achieved on the site. These matters will be agreed as part of a reserved matters application.

5. Impact on the amenity of the area and neighbouring residential properties, including the impacts on TV reception in the area

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

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

5.3 The application site was previously operated as a speedway/motorsport track which would have generated some level of noise and disturbance to the local area. Likewise the proposed redevelopment of the site would also generate some level of noise and disturbance to the local area.

5.4 A noise assessment has been submitted to support the application and the Environmental Health Division has raised no objections, subject to conditions. Given that design and layout is only indicative at this stage it is considered appropriate to secure additional noise assessment information as part of the reserved matters application so that noise impacts can be designed out at an early stage. The applicant agrees with this approach and on this basis it is accepted that the proposals are unlikely to harm the residential amenity of nearby residential properties, which is in accordance with paragraph 180 of the NPPF.

5.5 A further issue to consider is the impact of the proposed development on television and radio broadcast service reception in the local area.

5.6 Similar planning applications on the adjoining business park have been the subject of television signal reception surveys and this application is also supported by a survey. The survey investigates whether the proposed development would cause interference to television and radio broadcast service reception in the area and concludes that there would be some minor interruption to reception of residential dwellings to the north-west of the site. This is on the basis of a 22 metre high building

and therefore conditions that restrict the height to a maximum of 22 metres, and require further investigations and potential mitigation measures, are necessary to mitigate any impact on neighbouring properties.

6. Surface Water Drainage matters

6.1 Paragraph 165 of the NPPF advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

6.2 The application is supported by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy.

6.3 The FRA concludes that the site has a low risk of flooding but the Local Lead Flood Authority (LLFA) has indicated that the submission does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for sustainable urban drainage.

6.4 The applicant has submitted further information to address the concerns of the LLFA and their further comments are awaited. It is anticipated that the matters will be resolved prior to the committee meeting. However, a condition which secures acceptable details as part of a future reserved matters application can be imposed that would ensure that an acceptable sustainable drainage strategy for the site is achieved prior to development commencing.

7. Coal Mining Legacy

7.1 The site lies within a High Risk Coal Mining Area and the application is supported by a Coal Mining Risk Assessment, a Coal Mining Status Report and a ground investigations report which all highlight the risks from recorded historic coal mining activities, which are generally considered to be low. However a moderate risk has been assigned to potential mine gas emissions, and a moderate risk from unrecorded mine entries.

7.2 Paragraph 178 of the NPPF advises that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). It also requires that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

7.3 Whilst the comments of the Coal Authority are awaited it is likely that appropriately worded conditions which secure further site investigations and remediation can be imposed to overcome any concerns. Also, the layout of the scheme is reserved for subsequent approval which would allow coal mining issues to be addressed prior to the approval of reserved matters and development commencing on site to address risks posed.

8 Other matters

8.1 A number of representations have been received which identify matters associated with anti-social behaviour, security and litter. The redevelopment of the site will address many of these concerns and other matters can be addressed as part of a reserved matter submission. However, a number of requests, such as the creation of a wildflower meadow on verges and the community being able to inspect future buildings are not considered matters that can be reasonably required as part of the proposed development and they have not been considered further.

APPENDIX

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation

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

Policy E3:	Lymedale Park Extension
Policy T16:	Development – General Parking Requirements
Policy C22:	Protection of Community Facilities

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

The site has been operating as a sports stadium since the 1970s with various planning applications for associated buildings and structures during this time, the most recent being in the 1990s.

Views of Consultees

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

- Full details of the proposed site access off Pit Head Close and the footway / cycle path, including details of construction, surface water drainage, street lighting, signing and road markings,
- Submission and approval of layout of the site including disposition of buildings and provision of parking, turning and servicing within the site curtilage, surfacing materials for the parking, servicing and turning areas, means of surface water drainage for the parking, servicing and turning areas, and delineation of parking and servicing areas,
- The Traffic Regulation Order restricting vehicle access at the southern end of Pit Head Close shall be revoked,
- The existing site access on Loomer Road shall be permanently closed and the access crossing reinstated as verge and footway,
- Cycle parking provision,
- Implementation of agreed Travel Plan,
- Submission and approval of a Construction Management Plan (CMP), and
- Submission and approval of any access gates.

A S106 obligation for a travel plan monitoring fee of £2,407 has also been requested.

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

- Prior approval of external lighting,
- Electric vehicle charging provision,
- Prior approval of a construction management plan
- Prior approval of a noise impact assessment,
- Prior approval of a noise management scheme,
- Refrigerated deliveries mitigation/ management,
- Land contamination investigations and mitigation measures

Staffordshire County Council as the **Lead Local Flood Authority** currently objects on the grounds that the submitted information does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for SuDS.

The **Environment Agency** raises no objections subject to a condition regarding unexpected groundwater contamination.

The Council's **Waste Management Section** advise that refuse and recycling collection vehicles need to be able to access bin storage areas without having to drive through areas used by the freighters collecting from or delivering to the site.

Natural England advises that they have no comments to make.

The **Landscape Development Section** have concerns about the loss of trees inside and outside of the site boundary and about a lack of space for any landscaping boundary/buffer treatment, and for replacement tree planting. They request additional detail of the treatment of the bankside next to the brook, particularly during construction and details of planting around the new cycle link. The proposed footpath should be lit also. Finally, the large car parking areas should be broken up by soft landscaping.

Sport England advises that the proposed development does not fall within their statutory or non-statutory remit, therefore they only wish to provide advice on the application. In particular they advise that if the proposal involves the loss of a sports facility then full consideration should be given to whether the proposal meets paragraph 97 of the National Planning Policy Framework (NPPF), is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

The **Oval Racing Council** advises that they are concerned and disappointed about the loss of another motor racing stadium and facilities. They encourage the local authority to assist in re-homing the facility within the area.

British Speedway Promoters Association advises that they have no observations to make on the application.

British Stock Car Association (Startrax Oval Motorsport Ltd) advises that they are disappointed that motorsport has ceased after a 46 year history at Loomer Road and their tenure as promoters since 1996 - 2019, but they have no material grounds as to be qualified to comment on its future redevelopment. They also advise that a Section 106 agreement to provide funding to replace the venue elsewhere within the area should be secured.

Comments were also invited from the Council's **Economic Regeneration Section**, the **Greater Chesterton Local Area Partnership** and **British Stock Car Drivers Association** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Comments from the **Coal Authority** are awaited.

Representations

Twenty-four representations have been received making the following comments;

- New jobs are supported
- Business development on land is supported
- Retail development on the site would be more appropriate
- Long term redevelopment of the site is supported
- Access should be via Lymedale Business Park to reduce existing congestion and pollution
- No traffic on Loomer Road is supported
- There are existing car parking problems on Loomer Road
- Proposed parking could be an issue if not enough is proposed
- Development will tidy up the site and be more secure to prevent anti-social behaviour
- Litter and waste should be managed
- CCTV should be proposed to cover Loomer Road
- Delivery times should be restricted
- Lighting should be restricted
- Install measures to stop travellers
- Roads should be swept during construction
- The community should be able to inspect the building once completed
- Landscaping should be maintained in the future
- The brook should be cleared of rubbish and debris
- Parking restrictions should be extended up Loomer Road,
- HGV's should be prevented from parking on the highway overnight
- A wildflower meadow should be created on grass verges
- The height of the building may affect television reception

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement, Planning Statement, Transport Statement, Travel Plan Framework, Noise Assessment, Flood Risk Assessment, Drainage Strategy, Sporting Needs Assessment, Ecological Appraisal, Air Quality Assessment, Coal Mining Risk Assessment, and Phase 1 Environmental Report.

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/20/00123/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

14th May 2020

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th May 2020

Agenda Item 4

Application Ref. 20/00123/OUT

Land West of Pit Head Close, Lymedale Business Park

Since the publication of the main agenda report the applicant has queried a number of points in the report, particularly some of the recommended conditions.

Firstly, the applicant has raised concerns with the level of electric vehicle charging provision being requested. They believe that provision for 20% of all car parking spaces is excessive and that it would be more appropriate for 10% of spaces to have cable provision (passive installation).

Issues are also raised with regards to the need for conditions 7 (Traffic Regulation Order) and 18 (Landscape Masterplan). Also that planting outside of the red edge would not be possible on third party land.

The applicant also seeks clarification on the need for condition 9 (travel plan framework) to be worded as a Grampian condition as indicated in the key issues section of the report.

Finally, the applicant wishes to emphasise that the scheme includes a proposed pedestrian/cycle path which they believe is not made clear in the report.

The **Lead Local Flood Authority (LLFA)** have confirmed that they are content with the information submitted subject to a condition which secures a detailed surface water drainage design.

Officers Comments

Paragraph 3.12 of the main agenda report sets out that the Council currently has no adopted policy relating to electric vehicle charging. However, a Government consultation document 'Electric Vehicle Charging in Residential and Non-Residential Buildings' indicates that for new non-residential buildings with more than 10 parking spaces, it is proposed to introduce a requirement to have at least one chargepoint and cabling routes for every five spaces.

It is acknowledged that this document is only a consultation document and that responses and feedback on the document have not been given by the Government. However, notwithstanding this, the document is central to the delivery of the Government's aim of zero emissions by 2040, as part of the Road to Zero strategy. Therefore, without any adopted policy or other guidance documents it is considered that the requested level (provision for 20% of spaces) is justified and in accordance with the Government's aim of working towards zero emissions by 2040.

In terms of recommended condition 7 and the need for a condition to secure the removal of the TRO on Pit Head Close, your officers have discussed the matter with the Highways Authority. The TRO would need to be revoked as part of the wider Highway Works Agreement which is required in order to secure an acceptable

access construction and which would be submitted to the Highways Authority for approval. It is accepted that the condition is not necessary.

The reference to the implementation of a travel plan framework via a Grampian condition in the main agenda report (paragraph 3.13) was in error. However, a condition (condition 9) to secure the implementation and future monitoring of the travel plan still needs to be secured by condition. The S106 obligation will only secure the payment of the monitoring fee to the County Council.

The applicant contests that securing a Landscape Masterplan (condition 18) is premature and not necessary because landscaping is reserved for subsequent approval. Whilst your officers accept that full details of landscaping are reserved for subsequent approval, this matter is of particular importance due to the potential height of the proposed building and its relationship with the open space to the south and views from the Apedale Country Park. It is envisaged that the requested landscape master plan would go beyond a requirement to submit a soft landscaping scheme for approval and on this basis it is considered necessary to secure this at this stage. Furthermore, it is accepted that any planting outside of the red edge application site is not justified and this emphasises the need for the site to be the subject of a landscape master plan.

The application proposes infrastructure improvements in the form of a new foot/cycle path to connect the proposed development to Loomer Road. The proposed works will extend the existing shared/cycle path which connects the residential areas to the wider business park and beyond. This is a significant sustainable development benefit of the scheme and will contribute to reducing vehicle movements and give future employees an alternative mode of travel to access jobs.

Finally, the condition requested by the LLFA is covered by condition 16 of the revised recommendation as set out below.

The RECOMMENDATION is revised as follows;

A. Subject to the receipt of no objections from the Coal Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd June 2020 upon receipt and consideration of the Coal Authorities comments, and

B. Subject to the applicant first entering into a Section 106 obligation by the 1st July 2020 to secure a contribution sum of £2,407 towards Travel Plan monitoring,

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;**
- 2. Approved plans;**
- 3. Any reserved matters application to comply with principles of the Design and Access Statement;**
- 4. The building(s) shall have a maximum height of 22 metres;**
- 5. Prior approval of full site access details, including the footway / cycle path;**
- 6. The existing site access on Loomer Road permanently closed off;**

7. Secure weatherproof cycle parking facility;
8. Implementation of Travel Plan Framework;
9. Prior approval of access gates;
10. Highway & Environmental Construction and Demolition Management Plan (CMP)
11. Reserved matters application to be accompanied by a noise assessment and noise a management plan;
12. Prior approval of external lighting
13. Electric vehicle charging provision
14. Land contamination investigations and mitigation measures;
15. Unexpected ground water contamination;
16. Reserved matters application to include a detailed surface water drainage scheme (SuDS);
17. Reserved matters application to be accompanied by a landscape masterplan;
18. TV reception mitigation measures;
19. Reserved matters application to include refuse collection arrangements;
20. Intrusive coal mining site investigations and remedial works implementation;
21. Recommendations as per the submitted ecological report

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

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th May 2020

Agenda Item 4

Application Ref. 20/00123/OUT

Land West of Pit Head Close, Lymedale Business Park

The consultation comments of the **Coal Authority (CA)** have now been received and they advise that significant concerns are raised with the two indicative layout options submitted due to the presence of recorded mine shaft entries. However, due to the outline nature of the application, with layout reserved, they recognise that there is scope to amend the layout in a manner that buildings are not over or within influencing distance of the two recorded mine entries on the site. Therefore, they raise no objections to the application subject to conditions which secure intrusive site investigations and the implementation of any remedial works.

The intrusive site investigations will need to be undertaken prior to the submission of the reserved matters applications to ensure that the footprint of the building avoids the two recorded mine entries. Identified remedial works will then dictate how close any building can be to the mine entries.

The **Landscape Development Section** have advised that they have no further comments to make on information submitted by the applicant, which was reported in the first supplementary report published on the 22nd May.

Officers Comments

As set out by the CA, the layout of the scheme is reserved for subsequent approval which would allow the coal mining risks to be addressed at a future time. However, the Local Planning Authority still need to be content that the proposed development can proceed. In this respect, it is accepted that any building would need to avoid the recorded mine shafts which are located close to the western boundary of the site. This may result in the proposed building(s) having a stepped footprint but your officers do not have any significant concerns in this respect and an acceptable layout can still be achieved to ensure an appropriate level of car parking, servicing arrangements and turning areas, as well as providing a suitable landscape buffer and appearance of the building. These details will need to be agreed at the reserved matters stage.

Following the advice of the CA the recommendation will need to be revised to ensure conditions reflect the comments received and that intrusive site investigations are undertaken prior to the submission of the reserved matters applications and the findings to form part of the reserved mater application. The implementation of the remedial works will then take place prior to the commencement of the development.

The RECOMMENDATION is revised as follows;

A. Subject to the applicant first entering into a Section 106 obligation by the 1st July 2020 to secure a contribution sum of £2,407 towards Travel Plan monitoring,

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;**
- 2. Approved plans;**
- 3. Any reserved matters application to comply with principles of the Design and Access Statement;**
- 4. The building(s) shall have a maximum height of 22 metres;**
- 5. Prior approval of full site access details, including the footway / cycle path;**
- 6. The existing site access on Loomer Road permanently closed off;**
- 7. Secure weatherproof cycle parking facility;**
- 8. Implementation of Travel Plan Framework;**
- 9. Prior approval of access gates;**
- 10. Highway & Environmental Construction and Demolition Management Plan (CMP)**
- 11. Reserved matters application to be accompanied by a noise assessment and noise a management plan;**
- 12. Prior approval of external lighting**
- 13. Electric vehicle charging provision**
- 14. Land contamination investigations and mitigation measures;**
- 15. Unexpected ground water contamination;**
- 16. Reserved matters application to include a detailed surface water drainage scheme (SuDS);**
- 17. Reserved matters application to be accompanied by a landscape masterplan;**
- 18. TV reception mitigation measures;**
- 19. Reserved matters application to include refuse collection arrangements;**
- 20. intrusive coal mining site investigations and the findings to form part of the reserved matters application**
- 21. Implementation of coal mining remedial works;**
- 22. Recommendations as per the submitted ecological report**

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

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KEELE UNIVERSITY, THREE MILE LANE, KEELE
MR ASHLEY HULME, KEELE UNIVERSITY

20/00291/FUL

This application seeks consent to vary condition 3 of planning permission 18/00456/FUL for a compound area adjacent to the university sports field, to allow equipment to remain on site until the 31st March 2021.

The site lies within a Grade II Registered Park and Garden and within a Landscape Maintenance Area as defined on the Local Development Framework Proposals Map. The site also falls within the Green Belt.

The 8 week period for the determination of the application expires on 10th June 2020.

RECOMMENDATION

PERMIT the variation of Condition 3 of 18/00456/FUL so that it reads as follows:

The development hereby permitted shall be fully removed from the site in its entirety and the land reinstated to its original appearance before the development was installed by the end of March 2021.

and subject to the imposition of all other conditions attached to planning permission 18/00456/FUL that remain relevant at this time.

Reason for Recommendation

The proposal is, in part, inappropriate development within the Green Belt. Although the compound would remain on site for a further 10 months than originally envisaged, the proposal is linked to an important research initiative of wider public environmental benefit and it is concluded that the benefits derived from the development outweigh any harm identified. As such it is considered that the very special circumstances required to justify approval of the scheme exist in this case.

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

Planning permission was granted in 2018 for a compound area at the University's sports field to contain an electrolyser, electrical input container, grid entry unit, a cylindrical hydrogen storage vessel and substation (Ref. 18/00456/FUL). The development is in connection with an experimental project at the University designed to investigate the potential for hydrogen gas (as a zero carbon gas) to be used as an alternative to fossil fuel use. The application sought a temporary consent and condition 3 of the permission states as follows:

The development hereby permitted shall be fully removed from the site in its entirety and the land reinstated to its original appearance before the development was installed by the end of June 2020.

The application proposes to amend condition 3 to allow equipment to remain on site until 31st March 2021. The applicant states that due to the experimental nature of the project it had some early teething problems and given the current situation with the Covid 19 global pandemic, the trial is currently suspended. The evidence base that is produced from this trial needs to be of a certain length to ensure that the data is consistent across all seasons of the year to inform future growth in the UK Hydrogen economy and to inform HyNet North West trials. An extension to the temporary consent is sought to allow the successful completion of the trial.

The site is within the Green Belt and in considering the original application, it was concluded that the proposal is, in part, inappropriate development within the Green Belt. However it was concluded that given that the proposal is linked to an important research initiative of wider public environmental benefit, the benefits derived from the development outweigh the harm identified particularly given that the development is only required for a temporary agreed period and will be subsequently removed from the site in its entirety. As such it was considered that there were very special circumstances to justify approval of the scheme in this case.

The variation of the condition would allow the equipment to remain on site for a further 10 months. The site is in a secluded position to the rear of the University sports hall and therefore there would be no significant detriment to the appearance of the campus. Although the site is located within a Registered Park and Garden, given that it is located within the sports field environs and is relatively small in scale, it is not considered to be harmful.

The outbreak of the Covid19 pandemic was an unforeseeable event, and the requested extension to the temporary consent would allow the successful completion of the experimental research project. Overall taking into account that the proposal remains of a temporary nature, the public benefits arising from the development are considered to outweigh the limited harm and overall these are considered to be very special circumstances that justify approval of application.

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

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

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

Policy S3: Development within the Green Belt
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Other Material Considerations include:

[National Planning Policy](#)

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

[Planning Practice Guidance](#) (2018)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

18/00456/FUL Proposed compound area containing an electrolyser, electrical input container, grid entry unit, a cylindrical hydrogen storage vessel and substation at the sports field (Temporary development and will be fully removed and all land will be reinstated by June 2020) – Approved

Views of Consultees

The **Conservation Officer** raises no objections to the proposal.

Historic England make no comments on the proposal.

The Gardens Trust makes no comments on the application.

The **Environmental Health Division** has no objections.

Any comments received from **Staffordshire Gardens & Parks Trust** or **Keele Parish Council** by the deadline of 25th May will be reported to Members in a further report.

Representations

None received to date.

Applicant's/Agent's submission

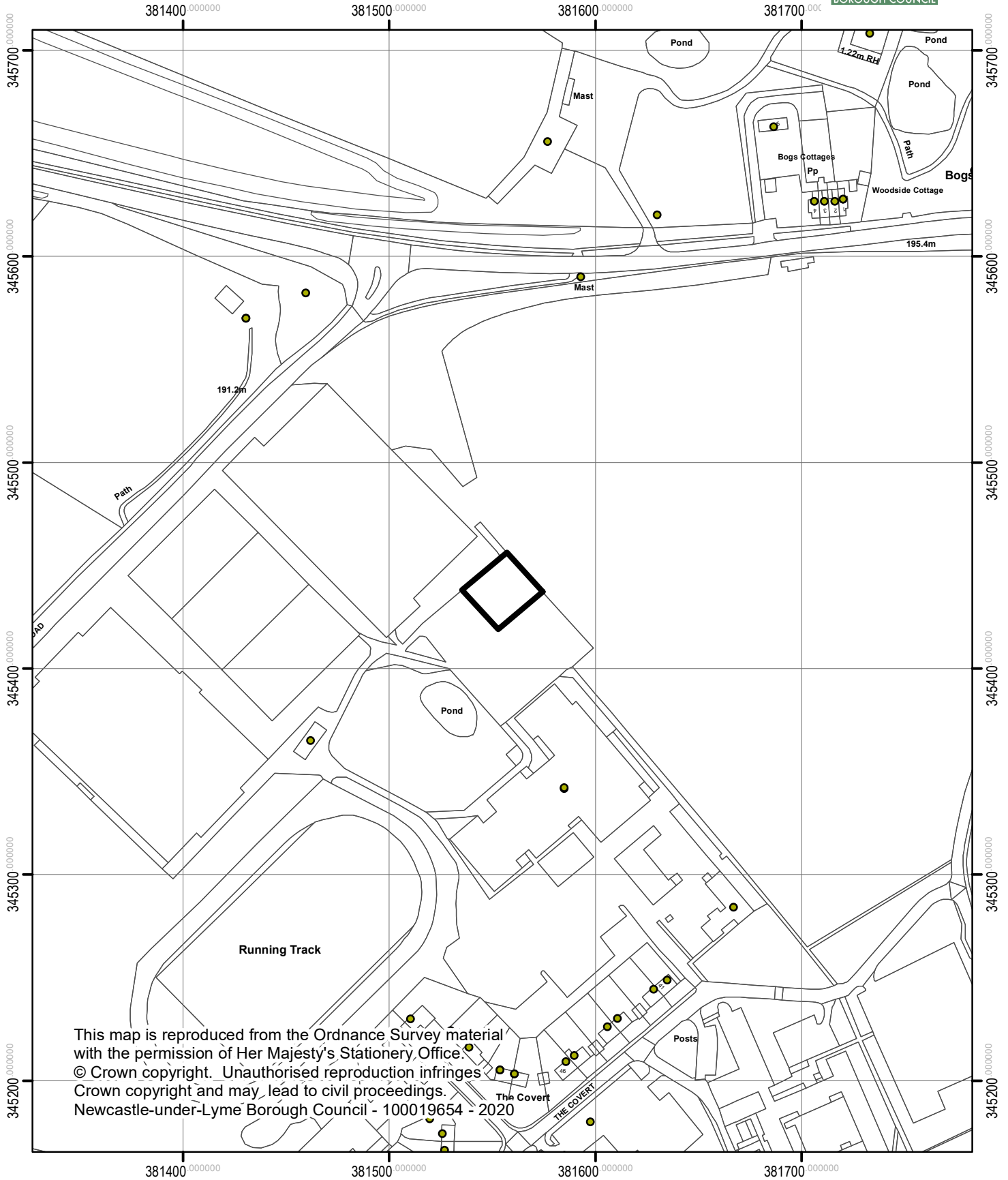
The submitted documents are available for inspection on the Council's website by searching under the application reference number 20/00291/FUL on the website page that can be accessed by following this link; <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00291/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th May 2020



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A500 BETWEEN M6 JUNCTION 16 AND THE MEREMOOR MOSS ROUNDABOUT
CHESHIRE EAST HIGHWAYS

Cheshire East ref 20/1709N (NulBC ref 348/271)

The Borough Council has been consulted by Cheshire East Council on an application for planning permission which they have received from Cheshire East Highways for the dualling of an existing 3.3 km stretch of the A500 between junction 16 and the Meremoor Moss Roundabout (at the point where the A500 joins with the A531 and the B5472). The application relates to amendments to a scheme approved under application reference 18/3766N.

The date by which Cheshire East Council initially stated that the comments must be received by is 22nd May, however agreement has been received to extend that date until 27th May.

RECOMMENDATION

That Cheshire East Council be informed that the Borough Council supports the planning application on the grounds that it would improve journey times and assist in the economic development of the area

Reason for Recommendation

The proposals are in accordance with the Council's priorities including "growing our people and places".

Key Issues

The planning application upon which the Borough Council has been consulted by Cheshire East Planning Authority is for amendments to a scheme to upgrade the existing stretch of the A500 between the M6 Junction 16 and the Meremoor Moss roundabout. The proposal is to widen the existing road to the south of the existing alignment. The A500 begins at Nantwich as a dual carriageway, then travels eastwards, passing to the south of Crewe, until the junction at the Meremoor Moss Roundabout, from which it currently continues as a single carriageway road until it connects to the M6 at Junction 16. To the east of the M6 the A500 continues as dual carriageway towards Stoke-on-Trent and Newcastle.

A very small part of the application site (approximately 1% of the site area) of the approved scheme lies within the boundary of the Borough. The Borough Council at its meeting on 16th May 2015 resolved inter alia to delegate to Cheshire East Council the discharge of the Borough Council's planning control functions to determine, insofar as it relates to the land that lies within the Borough, the cross boundary planning application that was made. The part of the approved scheme that was within the boundary of the Borough Council, an attenuation pond and part of a construction compound, is no longer required and is not included in the current application. As such the site lies fully within Cheshire East Council's area of jurisdiction.

Other amendments to the approved scheme as proposed in this application include:

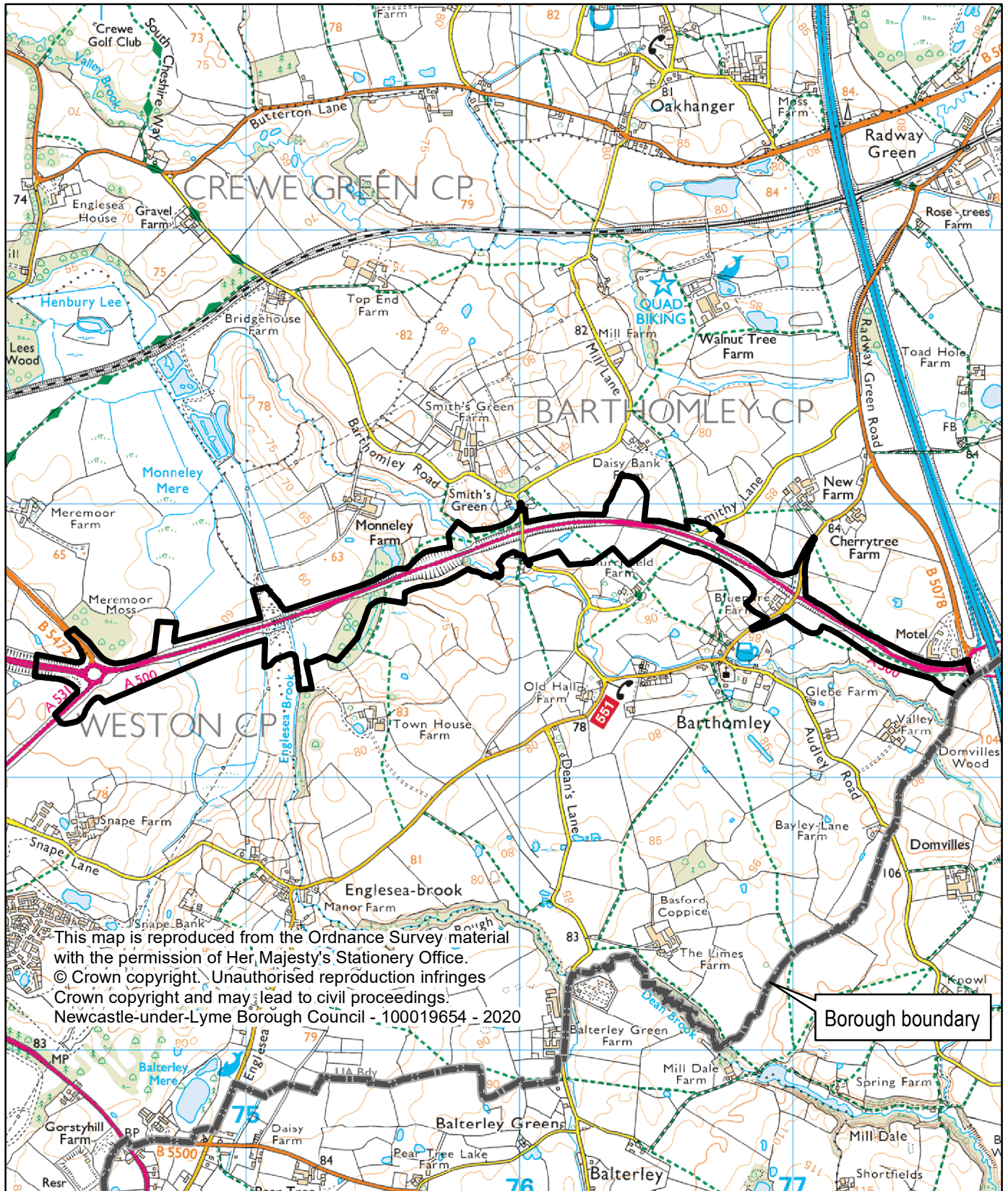
- Redesign of the Meremoor Moss roundabout.
- Realignment of the A500 westbound approach to Meremoor Moss roundabout.
- Diversion of National Grid high pressure gas pipeline under the A500 and associated construction working area.
- Realignment of the A500 between Radway Green Road bridge and Barthomley Road bridge and reconstruction on the line of the existing bridges.
- Relocation of the attenuation pond

In responding to the previous proposal the Planning Committee, on behalf of the Borough Council, as a whole, took the view that the proposal can be considered to be in the strategic interests of the Borough. Given the significant number of journey to work flows by residents of the Borough in the Crewe direction there can be little doubt that the proposal would assist them in such journeys, if undertaken by car, and would have a wider economic benefit for the area including the Borough. The amendments

proposed do not change this and as such it is considered that the Council should support the current proposal.

Date report prepared: 13th May 2020

Cross boundary consultation Cheshire East - A500 widening



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Newcastle-under-Lyme Borough Council - 100019654 - 2020

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 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 previously reported a 'start letter' was issued on 11th March, in respect of the appeal that was lodged against the serving of the Enforcement Notice, setting out that the appellant has requested the Hearing procedure and that, having applied the criteria and considered all representations they consider that the Hearing procedure is suitable and that they intend to determine the appeal by this procedure. Your Officer has confirmed that the Hearing procedure is suitable.

In accordance with the timetable set out in the 'start letter' the Council submitted its statement of case by 22nd April 2020.

The Council awaits to receive confirmation from the Planning Inspectorate of the date and arrangements for the Hearing.

Date report prepared: 12th May 2020

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LAND AT DODDLESPool, BETLEY reference 17/00186/207C2

The purpose of this report is to provide Members with an update on additional alleged activities at this site and on the progress of the works being undertaken 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

Your officers have now had an opportunity to visit the site and no new activities were observed. There have also been no further allegations reported to the planning department since the previous planning committee meeting. Furthermore, there were no obvious signs that works to the track had recommenced.

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 – 13th May 2020

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RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY
Reference 17/00258/207C2

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 28th April 2020, of the progress in relation to a breach of planning control at this location.

RECOMMENDATION

That the information be received.

Following refusal of a planning application to vary condition B8 of outline planning permission 06/00337/OUT which would have removed the requirement to provide a second Locally Equipped Area for Play (LEAP) on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.

Details of a revised play area were subsequently received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018.

A site visit was undertaken some time ago which established that all the approved equipment has been provided within the second LEAP but not the benches. The developer was contacted and correspondence was received in January 2020 indicating that a site visit was to be carried out to determine what works remained outstanding. However correspondence received in April stated that the visit didn't take place and that due to the lockdown situation and the restrictions in place at that time they were unable to carry out a visit. The developer gave assurances that this will be rectified as soon as normal working conditions return.

In light of the recent adjustment to the restrictions imposed on working the developer has been asked for an update and any information received will be reported.

Date report prepared: 13th May 2020

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Planning Committee site visit dates for 2020-21

It has been the practice of the Committee to annually agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary at a meeting of the Committee.

The likely dates of Planning Committee meetings, to which Development Management items are likely to be brought, are known. It is recommended that the Committee should now agree to a programme of dates upon which the Planning Committee visits will be held during the 2020-21 municipal year. Members are reminded that the policy of the Committee is that in the event of a site visit being held, only members who have attended the site visit may then take part in the discussion and determination of the application which has been the subject of the site visit.

Date of Planning Committee at which decision to hold a site visit is made	Date of site visit	Time of site visit
Tuesday 23 June 2020	Thursday 16 July 2020	6.15pm
Tuesday 21 July 2020	Thursday 13 August 2020	6.15pm
Tuesday 18 August 2020	Thursday 10 September 2020	6.15pm
Tuesday 15 September 2020	Saturday 10 October 2020	9.15am
Tuesday 13 October 2020	Saturday 07 November 2020	9.15am
Tuesday 10 September 2020	Saturday 05 December 2020	9.15am
Tuesday 08 December 2020	Saturday 19 December 2020	9.15am
Tuesday 05 January 2021	Saturday 30 January 2021	9.15am
Tuesday 02 February 2021	Saturday 27 February 2021	9.15am
Tuesday 02 March 2021	Saturday 27 March 2021	9.15am
Tuesday 30 March 2021	Thursday 22 April 2021	6.15pm
Tuesday 27 April 2021	Thursday 20 May 2021	6.15pm

If any additional meetings of the Planning Committee, to which Development Management items are brought, being held, it will be necessary in the event of the meeting agreeing to defer an item for a site visit, to also agree at that meeting an appropriate date and time for that site visit

Recommendation

That the above list of dates and times for possible Planning Committee site visits for 2020-21 be agreed

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Confirmation of Tree Preservation Order

**LAND AT ST JOHN FISHER CATHOLIC COLLEGE, ASHFIELDS NEW ROAD,
NEWCASTLE UNDER LYME**

Tree Preservation Order No. 208 (2020)

Town & Country Planning Act 1990

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

The Order protects four trees situated close to the school boundary with Ashfields New Road. The Order was made to safeguard the longer term visual amenity that the trees provide after a tree status enquiry was received which gave rise to concern that trees might be felled.

The Order was made using delegated powers on 12th February 2020. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 12 August 2020

RECOMMENDATION

That Tree Preservation Order No 208 (2020), Land at St John Fisher Catholic College, Ashfields New Road, Newcastle under Lyme be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

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

Representations

No representations have been received.

Issues

The trees are situated immediately inside the fencing along the school frontage on Ashfields New Road. They are four individual deciduous trees. They are mature and clearly visible from Ashfields New Road, along which runs the Lyme Valley (North) Cycle Path, and the footpath access to Sainsburys supermarket.

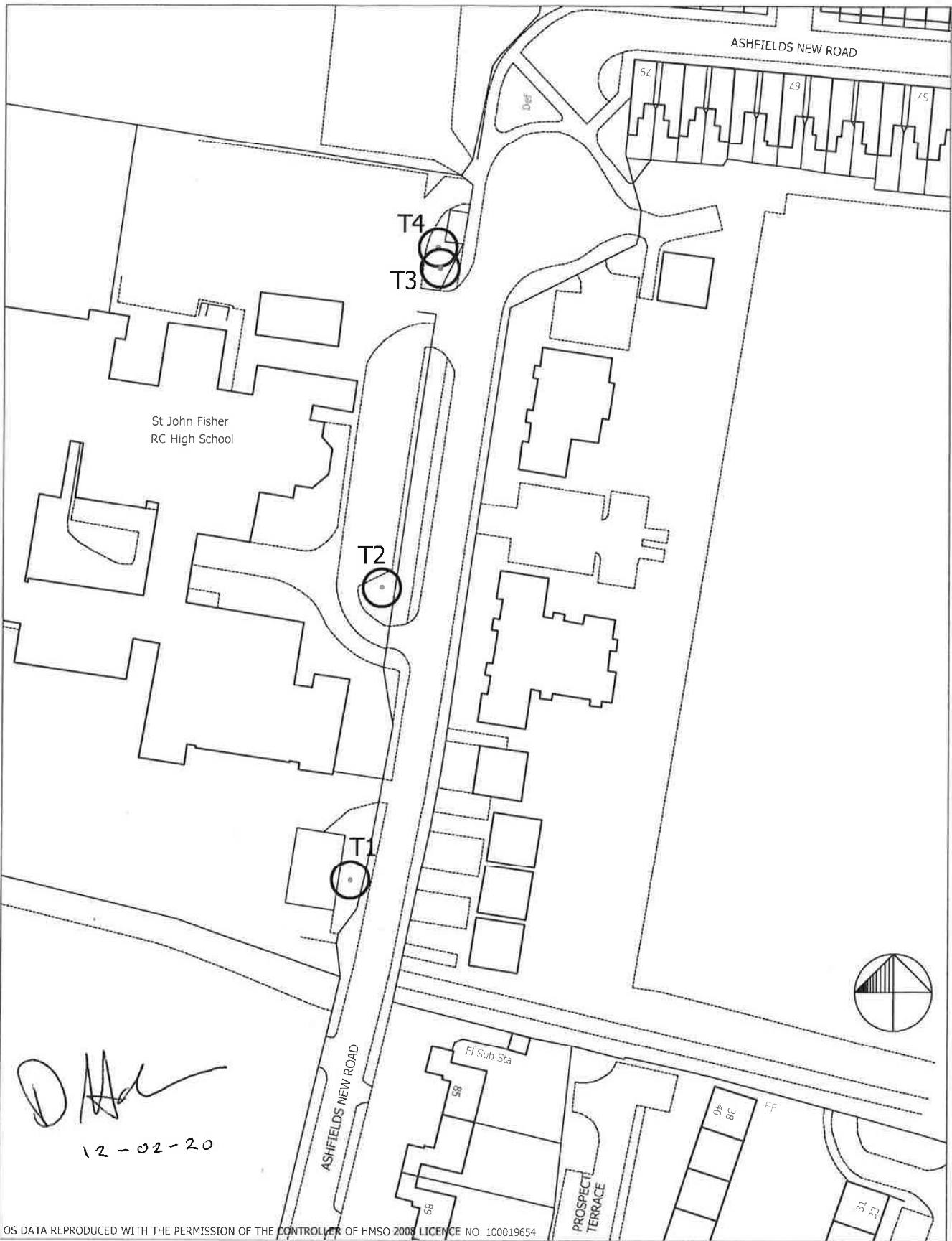
The trees are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A tree status enquiry was received by the council from the school stating that the school would like to take down the London plane trees due to its closeness to the road and next to the pupil entrance. Your officer met with the Academy Manager of the school at the end of January and discussed alternatives to felling the tree. Concern remained that the tree could be felled.

Your officers inspected the London plane tree and all other trees on the schools frontage with Ashfields New Road and carried out a TPO assessment, and found four trees worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 12th February 2020 in order to protect the long term well-being of the trees.

Date report prepared

20th April 2020



DA
12-02-20

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DAVE ADAMS,
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OPERATIONAL SERVICES
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TITLE:
St John Fisher Catholic College
Ashfields New Road, Newcastle

DESCRIPTION:
Tree Preservation Order Number 208

SCALE:
1:1000 @ A4

DATE:
February 2020

DRAWN BY:
P.S.

DRAWING NO:
TPO 208

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