

Public Document Pack

Date of meeting Tuesday, 13th October, 2020
Time 7.00 pm
Venue Castle House - Astley Room with Online Broadcast
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Venue Astley & Garden Room - Castle House (Committee Members only)

Visiting Members and members of the public can watch the meeting live via YouTube.

Planning Committee

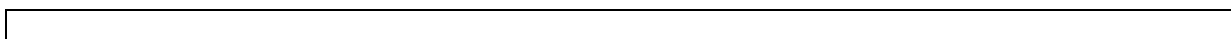
AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** **(Pages 5 - 10)**
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CROSS STREET, CHESTERTON. ASPIRE HOUSING GROUP. 20/00369/FUL** **(Pages 11 - 28)**
This item includes two supplementary reports.
- 5 APPLICATION FOR MAJOR DEVELOPMENT - ASHFIELDS GRANGE, HALL STREET, NEWCASTLE. ASPIRE HOUSING. 20/00609/FUL** **(Pages 29 - 38)**
This item includes a supplementary report.

- 6 APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, LONDON ROAD, NEWCASTLE. ABODE RESIDENCIES. 20/00557/FUL (Pages 39 - 44)
- 7 APPLICATION FOR MAJOR DEVELOPMENT - THE MET (FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB), THE MIDWAY, NEWCASTLE. PRIMUS ALLIANCE NEWCASTLE LTD. 20/00532/FUL (Pages 45 - 56)
This item includes a supplementary report.
- 8 APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN AND OTHERS. 20/00685/FUL & 2/00686/LBC (Pages 57 - 68)
This item includes a supplementary report.
- 9 APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN AND OTHERS. 20/00729/FUL & 2/00730/LBC (Pages 69 - 80)
This item includes a supplementary report.
- 10 APPLICATION FOR MINOR DEVELOPMENT - BROOKHOUSE FARM, NEWCASTLE ROAD, MADELEY. MR PETETER WAKELIN. 20/00619/FUL (Pages 81 - 88)
- 11 APPEAL DECISION - CROSSWINDS, WOOD LANE, NEWCASTLE-UNDER-LYME. 20/00002/FUL (Pages 89 - 90)
- 12 APPEAL DECISION - BUILDING NORTH OF THE OLD STABLE AND TAWNEY COTTAGE, BARTHOMLEY ROAD, AUDLEY. 19/01016/FUL (Pages 91 - 92)
- 13 APPEAL DECISION - LAND ADJACENT 50 AND 52 HIGH STREET, HARRISEAHEAD. 19/00463/OUT (Pages 93 - 94)
- 14 CROSS BOUNDARY CONSULTATION - LAND AT RAVENSDALE, CHEMICAL LANE, TUNSTALL. STAFFORDSHIRE WASTE LTD. SOTCC ref 64513/FUL (NuIBC ref 348/268) (Pages 95 - 100)
- 15 CROSS BOUNDARY CONSULTATION - FORMER SEVERN TRENT WATER SITE, HAREWOOD STREET, TUNSTALL, STOKE-ON-TRENT. LAND RECOVERY LIMITED. SOTCC ref 65226/FUL (NuIBC ref 348/272) (Pages 101 - 106)
- 16 URGENT BUSINESS
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Andrew Fear (Chair), Marion Reddish (Vice-Chair), John Williams, Paul Northcott, Gillian Williams, Silvia Burgess, Dave Jones, Jennifer Cooper, Helena Maxfield, Sue Moffat, Mark Holland and Kenneth Owen



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:	Bert Proctor	Gary White
	Stephen Sweeney	Sylvia Dymond
	Simon Tagg	Mike Stubbs
	Barry Panter	June Walklate

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

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

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

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

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

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PLANNING COMMITTEE

Tuesday, 15th September, 2020
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	Marion Reddish	Bert Proctor	Jennifer Cooper
	John Williams	Simon Tagg	Sue Moffat
	Paul Northcott	Silvia Burgess	
	Gillian Williams	Dave Jones	

Officers:	Rachel Killeen	Senior Planning Officer
	Elaine Moulton	Development Management Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
	David Elkington	Head of Customer and Digital Services

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Note: In line with Government directions for the CV-19 pandemic, this meeting was conducted using a hybrid method through video conferencing and attendance in person, whilst observing social distancing - 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

There were no apologies

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the Minutes of the meeting held on 18 August, 2020 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - UNIT 1 BROOKHOUSE ROAD, ROSEVALE BUSINESS PARK, CHESTERTON. INTELIPAC PAPER MANUFACTURING. 20/00311/FUL

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

- (i) Provision of secure weatherproof parking for 46 cycles.
- (ii) Prior approval of external plant
- (iii) Prior approval of external lighting

5. APPLICATION FOR MAJOR DEVELOPMENT - UPPER HOUSE FARM, PINFOLD LANE, ALMINGTON. MR DAVID EARDLEY. 20/00232/FUL

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

- (i) Standard time limits for the commencement of development;
- (ii) Approved Plans;
- (iii) Materials;
- (iv) Provision of visibility splays, surfacing and drainage for the new access track;
- (v) Gates to be positioned 20m rear of the carriageway edge;
- (vi) Implementation of noise mitigation measures as per the Noise Assessment;
- (vii) Restrictions on times of tanker collections;
- (viii) Approval of external lighting;
- (ix) Restriction on hours of construction.

6. APPLICATION FOR MINOR DEVELOPMENT - LAND BETWEEN 238 & 244, ORME ROAD, NEWCASTLE-UNDER-LYME. MR JAVEED ABID. 20/00195/OUT

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

- (i) The apartment block, due to its siting and scale, would comprise overdevelopment of the site that would appear as an incongruous addition to the streetscene, out of keeping with the prevailing character of the area.
- (ii) Adverse impact on the amenity levels of the neighbouring properties by virtue of disturbance caused by the use of the proposed access and car parking area.
- (ii) In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the improvement of public open space.

7. APPLICATION FOR MINOR DEVELOPMENT - WILLIAM RILEY AND SONS LTD, HIGH STREET, HALMEREND. WILLIAM RILEY AND SONS LTD. 20/00388/OUT

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

- (i) Standard time limits for submission of applications for approval of reserved matters and commencement of development;
- (ii) Approved plans;
- (iii) Removal of permitted development rights for extensions and outbuildings for plots 4-8;
- (iv) Prior approval of a surface water drainage scheme;
- (v) Foul and surface water shall be drained on separate systems;
- (vi) Prior approval of a construction phase tree protection plan;
- (vii) Prior approval of an Arboricultural method statement;

- (viii) Any reserved matters for landscaping of the site to include replacement tree planting;
- (ix) Any reserved matters for landscaping of the site to include refuse collection arrangements;
- (x) Any reserved matters for landscaping of the site to include all boundary treatments and hardstandings;
- (xi) Provision of access, parking and turning areas;
- (xii) Provision of driveway and parking area for each dwelling prior to occupation;
- (xiii) Cycle parking for each dwelling;
- (xiv) Provision of an uncontrolled pedestrian crossing;
- (xv) Clear delineation of roads and footways to be offered for adoption;
- (xvi) Construction Vehicle Management Plan (CVMP);
- (xvii) No surface water shall be discharged on to the public highway;
- (xviii) Electric vehicle charging provision;
- (xix) Design measures to restrict impact on noise levels;
- (xx) Full contaminated land conditions;
- (xxi) Permitted construction hours;
- (xxii) Recommendations and enhancements as per the submitted ecological report

A note to the developer is to be added highlighting concerns regarding the footpath and the need to retain it.

8. APPLICATION FOR MINOR DEVELOPMENT - PEACOCK HAY, PEACOCK HAY ROAD, TALKE. VOYAGE CARE - MR CARL WILKINSON. 20/00566/FUL

Resolved: That the application be permitted with no conditions.

9. FIVE YEAR HOUSING LAND SUPPLY STATEMENT 2019-2024

Consideration was given to a report regarding the Council's five year Housing Land Supply Statement from 1 April, 2019 to 31 March, 2022.

The Council's Head of Planning Shawn Fleet stated that the Council did have a five year housing land supply.

Members attention was drawn to paragraph's 6 and 7 which showed a figure of 7.3 years housing land supply or 5.1 years if student accommodation was taken out of the equation.

Committee member and Portfolio Holder for Planning and Growth, Councillor Paul Northcott welcomed the report stating that he was pleased that we now had a healthy supply of land and said that it was important that the Council was able to choose where the housing goes.

Members welcomed the report and thanked the Leader of the Council, the Portfolio Holder for Planning and Growth and the officers who had been involved with the project.

The Chair echoed everything that had been said and urged all Council Members to read the document and consider it carefully.

Resolved: That the report be noted.

10. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3

The Council's Development Management Team Manager, Elaine Moulton advised Members that the Council had received a Pre-Hearing note from the Planning Inspectorate which was continuing to postpone physical Hearings and Enquiries due to the current Covid-19 restrictions.

The Inspectorate were considering whether the Hearing for this property could be a blended event with both physical and virtual attendees. However, if that option was chosen, it would not take place on 6 October as scheduled.

Councillor Jones proposed that preference was for a virtual meeting on 6 October but, should that not be possible, a blended Hearing take place to ensure that the matter is heard as soon as possible.

Members discussed the options in detail considering the risk of IT problems if it were to be a totally virtual meeting and prejudicing those who did not have IT equipment.

Members all agreed that the matter needed to be dealt with as soon as possible.

- Resolved:**
- (i) That the Planning Inspectorate be advised that the Planning Committee has no objection to a virtual hearing but that there would be no objections to a blended event if that was considered more appropriate. The Committee did not consider that further delays are acceptable and therefore did not wish for the hearing to be an entirely physical meeting.
 - (ii) That an update report be brought to the 10 November, Planning Committee

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

Members received an update on the current position.

- Resolved:**
- (i) That the information be received
 - (ii) That an update report be brought to the 10 November, Planning Committee

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

Members received an update on the current position.

- Resolved:**
- (i) That the information be received
 - (ii) That an update report be brought to the 10 November, Planning Committee

13. UPDATE ON BREACHES OF PLANNING OBLIGATIONS

Members received an update on the current position.

- Resolved:**
- (i) That the information be received

- (ii) That an update report be brought to the 10 November, Planning Committee

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

Members received an update on the current position.

Resolved: That the information be received

15. **URGENT BUSINESS**

There was no Urgent Business.

CLLR ANDREW FEAR
Chair

Meeting concluded at 8.10 pm

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LAND OFF CROSS STREET, CHESTERTON
ASPIRE HOUSING GROUP

20/00369/FUL

This is a hybrid application comprising the demolition of all buildings within the site and the following:

- Full planning permission for the construction of 9 bungalows, with associated car parking, landscaping and amenity space (Phase 1) on land off Gibson Grove, adjoining Cross Street and Audley Road.
- Outline planning permission, with all matters reserved except access, for
 - (i) 43 dwellings
 - (ii) 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space.

The site is within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 2.9 hectares

The statutory 13 week determination period for this application expired on the 21st August but the applicant has agreed an extension of time to the 14th October 2020.

RECOMMENDATIONS

- A. Subject to the applicant first entering into a Section 106 agreement by 13th January 2021 to secure a financial contribution of £5,579 for each family home, and £4,933 for each older persons accommodation that is provided (index linked) towards public open space nearby,**

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

- 1. Time limit for the implementation of Phase 1, the submission of applications for approval of reserved matters and the commencement of development.**
 - 2. Approved plans**
 - 3. Construction environmental and traffic management plan for the full and outline applications**
 - 4. Prior approval of a scheme for the 25% provision of affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.**
 - 5. Facing and roofing materials to be in accordance with approved plans for Phase 1**
 - 6. Boundary treatments to be in accordance with approved plans for Phase 1**
 - 7. Provision of access, parking, turning and servicing areas for Phase 1**
 - 8. Surfacing materials, means of surface water drainage and delineation of the parking bays for Phase 1**
 - 9. Implementation of Travel Plan Framework**
 - 10. Traffic Regulation Order for Audley Road**
 - 11. Prior approval of a tree protection plan**
 - 12. Reserved matters application to include replacement tree planting**
 - 13. Submission and approval of a sustainable drainage strategy**
 - 14. Prior approval of a foul drainage plan**
 - 15. Waste and storage collection arrangements**
 - 16. Sound insulation of facades of properties facing Audley Road.**
 - 17. Noise mitigation measures in accordance with the submitted acoustic report**
 - 18. Overheating mitigation where required.**
 - 19. Assessment of noise from kitchen extraction and other equipment in the supported living apartments**
 - 20. Control of noise and odour from kitchen facilities in the supported living apartments**
 - 21. Submission, with reserved matters application, of an assessment of the impacts of noise arising from the Red Lion public house**
 - 22. Electric vehicle charging**
 - 23. Land contamination conditions**
 - 24. Land contamination investigations and mitigation measures**
 - 25. Reserved matters application to include wildlife and habitat enhancements**
- B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, there would be no provision made in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for offsite open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

Reason for recommendations

The planning application secures the redevelopment of parts of the Cross Street estate which will add to the supply of housing, increase the amount of affordable housing and will create an attractive and sustainable residential community. Such benefits are deemed to outweigh the harm arising from the loss of visually significant trees.

It has been demonstrated, subject to confirmation from the Highway Authority, that the proposed development would not cause highway safety implications. The development would not adversely affect the residential amenity of existing residents and would provide appropriate living conditions for the occupants of the development. In addition it is considered that the development, subject to confirmation from the Lead Local Flood Authority, would not result in flood risk and drainage issues

Subject to a number of conditions and a S106 agreement to secure a contribution to Public Open Space, the development represents a sustainable form of development and should be supported.

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

The Authority has requested additional information during the consideration of the planning application to address specific concerns, and has arranged for an appraisal of the viability of the scheme.

KEY ISSUES

1.1 This is a hybrid application comprising the demolition of all buildings within the site and the following:

- Full planning permission for the construction of 9 bungalows, with associated car parking, landscaping and amenity space (Phase 1) on land off Gibson Grove, adjoining Cross Street and Audley Road.
- Outline planning permission, with all matters reserved except access, for
 - 43 dwellings
 - 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space.

1.2 An extensive review of the applicant's existing housing stock has been carried out and a strategy for meeting the future accommodation requirements of its existing and future tenants has been devised. This has led to the applicant identifying several issues regarding the condition of a number of its properties in the Cross Street estate. Many are deemed to be poorly designed and laid out, perform poorly in energy efficiency terms, do not relate well in terms of their proximity to shared communal services for the elderly and, in particular the accommodation within the blocks of flats, are beyond reasonable economic repair and no longer fit for purpose. In addition the applicant has a new 'Older Persons Strategy' which includes an aim to redevelop a proportion of its existing housing stock into accommodation for older persons, in light of a national need to provide additional facilities to support the requirements of an increasingly elderly population.

1.3 The application is supported by an Archaeology and Cultural Heritage Assessment which correctly indicates that there are no designated heritage assets within the boundary of the site and anticipates that no harm to the significance of designated heritage assets within the vicinity of the site would arise from the proposed development. In addition it states that the site has been subject to extensive post medieval and modern disturbance and development such that, in all likelihood, earlier archaeological remains will have likely been truncated, if not removed. The Assessment concludes that there is no evidence to reasonably indicate the potential for the presence of archaeological remains which would preclude development and no further work is required. Such conclusions are accepted.

1.4 No ecological issues have been identified that would constrain development on the site.

1.5 The main issues for consideration for both the full and outline planning application are therefore:-

- The principle of residential development
- The design and impact on the character and appearance of the area including loss of trees
- Residential amenity
- Car parking and highway safety
- Flooding and drainage issues
- Planning obligation considerations

2.0 The principle of residential development

2.1. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

2.2 Saved Newcastle Local Plan (NLP) policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

2.3 Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

2.4 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

2.5 The land is located in an urban residential area, which is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

2.6 The Council is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2019. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

2.7 The proposed development complies with local and national planning policy. The construction of new dwellings resulting in a net gain of 47 units would contribute to the area's housing supply and the principle of residential development on this site is therefore considered acceptable.

3.0 Design and impact on the character and appearance of the area, including loss of trees

3.1 Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

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

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

Full application

3.5 The application seeks full planning permission for the construction of 9 older person's bungalows on a parcel of land off Gibson Grove, adjoining Audley Road and Cross Street (Phase 1). The site currently contains a block of 9 flats and is an open, grassed area. The site contains 19 mature trees, comprising a group of 11 trees on the northern part of the site, and 8 individual trees, mainly situated around the flats on the southern part of the site. The apartments are to be demolished and the majority of the trees on the parcel of land would be removed to accommodate the development, with just 4 trees retained.

3.6 The bungalows are sited facing outwards, towards the road frontages on 3 sides, around a central communal garden area as advocated through independent design review prior to the submission of the application. The bungalows facing towards Audley Road are set back from the pavement by approximately 12m, thereby providing opportunity to provide a landscaped buffer. A communal parking area for a number of the plots is to be sited at the end of Gibson Grove. The bungalows are simple and traditional in appearance, featuring a projecting front gable and recessed front door and constructed in red facing brick and blue/black tile.

3.7 The design and appearance of the bungalows, and their siting, is considered to be suitable in this location and would be a marked improvement on the appearance of the existing block of flats on the site. Notwithstanding this, Phase 1 will result in a significant change in the character of this part of the application site through the loss the open, grassed area and the removal of trees comprising 1 category A tree (of high quality with an estimated remaining life expectancy of at least 40 years); 7 category B trees (of moderate quality with an estimated remaining life expectancy of at least 20 years) and 6 category C trees (of low quality with an estimated remaining life expectancy of at least 10 years).

3.8 The loss of the green space and trees has resulted in objection from local residents and the Landscape Development Section (LDS). In response to such objections a Revised Arboricultural Impact Assessment has been submitted which sets out that there is clear justification for the selective removal of trees, that substantial tree planting will mitigate this loss and that the new tree planting will increase species diversity.

3.9 Adjustments have been made to the proposals for Phase 1, to address other identified issues, however this has not resulted in the retention of more trees and as such it is anticipated that the LDS will maintain their objections. It is therefore necessary to assess the proposal against Policy N12 of the Local Plan. Whilst such loss is unfortunate, in this case it is considered that the need for the development, which will deliver more, and improved, housing, is sufficient to warrant the tree loss. Such loss cannot be avoided by appropriate siting or design as this number of units are necessary to enable the decanting of residents from properties that are scheduled for demolition.

Outline application

3.10 All matters of detail are reserved for subsequent approval, other than access, but the application is nevertheless supported by a number of documents, including indicative layout plans, which seek to demonstrate that up to 116 units can be provided on the remainder of the site. All the existing buildings within those parts of the site for which outline planning permission is being sought will be demolished. None of the buildings have any architectural merit and their loss will not be harmful.

3.11 The indicative details for Phase 2a of the proposal, on Lion Grove and High Street, show two blocks of walk-up apartments that have the external appearance of semi-detached dwellings. Phase 2b is shown on a parcel of land on Church Street and Audley Road, and additional land on Lion Grove. The intention is to construct open market sale family homes within this phase and the indicative plans show the provision of 35 dwellings. The indicative layout for Phase 2b shows primarily semi-detached dwellings and will be of a greater density than what is replaced resulting in the loss of openness. However, the density is comparable with that in the locality and will therefore be in keeping.

3.12 The proposal also includes, in Phase 3, 73 supported living apartments with communal facilities and generous gardens on land adjoining Cross Street and Kent Grove. As there is a culverted watercourse through the site the indicative layout plans show the accommodation provided in two buildings.

3.13 Phase 4 involves the demolition of the existing community building on Kent Grove and provision of parking and landscaping.

3.14 The final layout will need to retain, as far as possible, significant landscape features within and adjoining the site which primarily comprise mature trees and some hedges. The applicant is proposing to supplement that with additional tree planting and areas of landscaping, including large areas of amenity space to assist in the assimilation of the development into its surroundings. Such planting can help to mitigate the impact of tree loss on Phase 1. Such landscaping can be secured through condition.

3.15 Whilst the layout and design of the buildings within Phases 2-4 will need to be carefully considered to ensure that the development is acceptable, the submitted information has demonstrated that the development proposed in outline can be carried out without resulting in harm to the visual amenity of the area.

4.0 Residential amenity matters

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

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

Full application

4.3 As set out above the bungalows are sited facing towards Audley Road, Cross Street and Gibson Grove and all principal windows are on the front and rear elevations. The dwelling on plot 7 is angled towards the side elevation of 17 Sunningdale Grove but would not overlook the private rear garden area and this, together with the separation distance that is achieved, would ensure that any impact would be limited and acceptable. Two mature trees that are to be retained will filter any views between plot 7 and the boundaries of properties of Sunningdale Grove.

4.4 Whilst the proposed bungalows are closer to dwellings in Sunningdale Grove than the existing block of flats there is sufficient separation between the proposed and existing dwellings to fully comply with the guidance set out in the SPG, particularly when it is noted that the proposed dwellings are single storey.

4.5 A communal parking area, providing parking for plots 6-9 and a bin store for plots 7-9, is proposed within 3m of the side boundary, towards the front, of 17 Sunningdale Road. Whilst there will be some disturbance associated with the vehicular movements this would not be at a level which would be unacceptable.

4.6 The occupants of the proposed bungalows will share a communal central space which will provide adequate amenity space for them to enjoy.

4.7 Plots 7-9 face towards Audley Road and Ibstocks Brick work and as such the occupants will experience noise, however it is considered that this can be addressed through suitable acoustic glazing.

4.8 In conclusion, it is considered that a good standard of amenity for all existing and future occupants of land and buildings, as required by the NPPF, could be achieved.

Outline application

4.8 The indicative layout plans demonstrate that proposed residential units on the site would not result in significant harm to the living conditions of neighbouring properties and would secure a good standard of amenity for the occupants. The final design and layout will need to be carefully considered to achieve a sustainable form of development that would comply with the Council's SPG and the NPPF but it is evident that suitable amenity for the occupiers of the proposed development can be achieved.

5.0 Car parking and highway safety

5.1 Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it not in accordance with the Framework. The Framework indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In a Ministerial Statement of March 2015 the then Secretary of State indicated that the government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.

5.2 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.

Full application

5.3 Plots 1-5 have two on plot parking spaces. The parking spaces for plots 6-7 are within a communal parking area and as there are six spaces each have one space with a further space for visitors. The level of parking provision is considered to be sufficient.

5.4 The Highway Authority have objected to the impact of the development on highway safety due to the inadequate width of Gibson Grove as a consequence of on street parking along one side. The applicant has responded to this objection by increasing the width of Gibson Grove to create a clear, two-way carriageway whilst also providing like-for-like parking arrangements for the existing Gibson Grove residents. Whilst the further comments of the Highway Authority have not as yet been received it is anticipated that they will withdraw their objections to this part of the proposal.

5.5 Representations refer to a preference for the provision of dropped kerbs so as to facilitate parking within the curtilage of the existing dwellings on Gibson Grove, however assuming the Highway Authority do not object then there is no highway safety justification for the Council to require such provision.

5.6 Overall it is considered that the proposals for Phase 1 secure adequate parking provision and would not result in an unacceptable impact on highway safety.

Outline application

5.7 The submitted Transport Statement seeks to demonstrate that access to the proposed development via a network of residential streets including Lion Grove, Kent Grove and High Street, with Cross Street forming the primary distributor road, will not result in highway safety concerns. The Highway Authority (HA) have not disputed such findings. In addition the HA and has not raised objections to the provision of driveways onto Audley Road for dwellings in Phase 2b but has asked that a Traffic Regulation Order is placed on both sides of Audley Road to prevent on street parking which the applicant has agreed to.

5.8 The application is supported by a Framework Travel Plan which includes measures aimed at reducing single occupancy private car trips to and from the site. The HA has suggested some amendments to the Travel Plan which has resulted in the submission of an updated version.

5.9 Lion Grove is currently a cul-de-sac off Cross Street. The Transport Statement and submitted indicative plans show the intention to extend the vehicular carriageway on Lion Grove and the formation of a new junction onto High Street through a former garage site, to create a through route. No objections are raised by the HA to such a proposal.

5.10 Taking all of the above into consideration in addition to the fact that the site is within walking distance of various amenities and opportunities within Chesterton local centre, it is considered that the development will have no material impact upon the operation, or safety, of the local highway network.

6. Flooding and Drainage Issues

6.1 The Lead Local Flood Authority have indicated that the submitted flood risk assessment (FRA) and drainage strategy does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for SuDS. The applicant's flood risk and drainage advisors have held discussions with the LLFA to address such concerns and have produced a revised drainage strategy. Whilst the views of the LLFA have not been received in response to the revised information, it is anticipated that they will conclude that they have no objections to the proposed drainage strategy subject to conditions.

7.0 Planning obligation considerations

7.1 CSS Policy CSP6 states that residential development within the urban area, on sites of 15 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

7.2 In this case Aspire as a Registered Social Landlord (RSL) have applied for development which involves the demolition of 78 residential units, all of which are affordable, and construction of up to 90 affordable units and an additional 35 open market family homes.

7.3 The calculation of what level of affordable housing should be based upon the net increase in housing numbers which is up to 47. Of those 47 units, 12 are to be affordable which is 25% and as such is policy compliant.

7.4 Affordable housing is usually secured by a S106 agreement but in the past for applications by Aspire a condition has been considered acceptable. In this case there are no objections to the use of an appropriately worded condition, rather than a S106 planning obligation to secure the affordable housing provision given the difficulties in the Registered Provider obtaining funding from the Homes England arising from planning obligations.

7.5 The Education Authority has not requested a financial contribution towards education places in the locality because there is existing capacity. However, a financial contribution towards public open space is required for improvements nearby as the 47 additional units in this location would put additional pressure on the infrastructure of the area. The contribution would secure improvements to a specified project and its longer term maintenance to mitigate the impact. Such a contribution is considered to meet the requirements of the CIL Regulations being necessary to make the development acceptable in planning terms, to be directly related to the development and fairly and reasonably related in scale and kind to the development.

7.6 The level of financial contribution as set within the adopted Open Space Strategy is £5,579 per dwelling. It has been the practice of this Authority to adjust the contribution to £4,933 where the accommodation provided is not for families and such an adjustment should be made in this case for any additional units that are for the over 55s.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy N3	Development and Nature conservation – Protection and Enhancement Measures
Policy N4	Development and Nature conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities
Policy IM2	Compliance with Policy Concerns

Other material considerations include:

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

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

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

Supplementary Planning Guidance/Documents

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

[Affordable Housing SPD](#) (2009)

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

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

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

Relevant Planning History

None of relevance to this application.

Views of Consultees

The **Education Authority** states that the proposed development falls within the catchments of Crackley Bank Primary School and Chesterton Community Sports College. A development of this size would require 1 primary school place and 5 secondary school places. There are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

The **Highway Authority** considers that the application should be refused for the following reasons;

- Gibson Grove is of inadequate width to allow two vehicles to pass due to parked vehicles on the eastern side of the carriageway and the increased use of Gibson Grove would result in the likelihood of highway danger to all road users.
- The proposed development will result in an increase in the likelihood of highway danger to road users, owing to vehicles waiting on Cross Street as a result of Gibson Grove being too narrow to accommodate passing vehicles as the junction with Cross Street.

They further comment that the Traffic Regulation Order is proposed only on the eastern side of Audley Road and is required on both sides to restrict street parking. In addition they require amendments to the submitted Travel Plan.

The **Environmental Health Division** raises no objections subject conditions relating to the following:

- Sound insulation of facades of properties facing Audley Road.
- Noise mitigation measures in accordance with the submitted acoustic report
- Overheating mitigation where required
- Construction Environmental Management Plan
- Assessment of noise from kitchen extraction and other equipment
- Control of noise and odour from kitchen facilities
- Submission, with reserved matters application, of an assessment of the impacts of noise arising from the Red Lion public house
- Electric vehicle charging
- Land contamination conditions

The **Landscape Development Section** do not support this development which will result in the loss of a significant number of the most visually important trees on the site. The trees on site would meet the criteria for protection through a Tree Preservation Order. Whilst the loss of some of the smaller, poorer quality and less visually prominent trees on this site could be accepted, the loss of such visually significant trees and groups that provide such an asset to the locality is not accepted. In addition there are concerns about the impact of paving/structures within the root protection areas of trees and the impact of levels alterations upon retained trees does not appear to have been addressed.

Staffordshire County Council Flood Risk Team (LLFA) states that the submitted information is not sufficient to fully demonstrate that the proposed development will meet the technical standards for SuDS and recommend that planning permission is not granted until this has been adequately addressed.

The **Mineral and Waste Planning Authority** has no comments on this application.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** comments on the two elements of the application, the main points are summarised as follows

Full planning application

- Should create a safe and secure community for older people.
- The cycle store should be repositioned.
- The boundary treatment and design of gates should be carefully considered.

Outline planning application

- Where alleys are necessary the opportunity should be taken to improve security by providing a lockable, visually permeable gate.
- It is wise to avoid creation of new pedestrian routes through phase 2b due to the problems with anti-social behaviour (ASB) in the area.
- Careful consideration should be given to the treatment of the service road between Lion Grove and Audley Road.

- Where rear gardens are next to roads they should be designed to reduce vulnerability to burglary etc.
- A fundamental requirement of the supported living development in phase 3 will be deterring negative interaction within the site, particularly ASB and nuisance behaviour.
- How other local residents will access the communal facilities in phase 3 will need to be carefully thought through to avoid security being compromised.
- Planting/railings in front of ground floor apartments in phase 3 to create defensible space.

Cadent (National Grid) advises that searches have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. They therefore provide a number of advisory notes/ recommendations prior to works commencing on site.

Comments were also invited from the **Housing Strategy Section, Waste Management Section** and **Greater Chesterton Locality Action Partnership** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

12 objections have been received raising the following concerns:

- The additional traffic on Gibson Grove would result in parking issues for the existing residents. Provision of dropped kerbs and driveways would address the concern.
- The proposed alteration to Gibson Grove could disrupt telephone lines due to the existing telegraph pole on the corner.
- The loss of trees on Phase 1 and the impact this would have on wildlife and wellbeing is unacceptable. The trees help to absorb noise, including that arising from Ibstock brickworks, and carbon dioxide.
- The loss of green space will be detrimental to the environment and the lives of local people.
- It would appear that construction has commenced before planning permission has been granted.
- The development on Phase 1 will result in loss of privacy.
- The layout and density proposed will result in over development and will be oppressive and will not be as pleasant as it is now.
- The proximity of parking to residents will result in an increase in noise and exhaust fumes.

Applicant/agent's submission

The application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Transport Statement
- Noise and Vibration Assessment
- Landscape and Visual Appraisal
- Archaeological and Cultural Heritage Statement
- Phase 1 Geo-environmental Desk Study
- Air Quality Assessment
- Noise and Vibration Assessment
- Utilities Assessment
- Site Waste Management Plan

All of the application documents can be viewed on the Councils website using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00369/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

1st October 2020

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2020

Agenda Item 4

Application Ref. 20/00369/FUL

Land off Cross Street, Chesterton

Since the publication of the main agenda the further comments of the Landscape Development Section and the Highway Authority have now been received.

The **Landscape Development Section** (LDS) comments remain as reported, that they do not support this development which would result in the loss of many of the visually-significant individual and groups of trees on these sites. The loss of these visually important trees would impact considerably on the character of the local landscape. At present the trees and groups of tree act as welcome visual screening and softening of the residential locality, and they soften of views of the industrial Ibstock bricks site.

The justification and mitigation provided is not considered to be sufficient to support the loss of such important trees, and the impact that this will have on the character of the surrounding landscape will be considerable and lasting.

Notwithstanding the above, additional justification for some tree removal has been provided. T57 (low quality tree) and T58 (highly visually prominent category B tree) due to the position of the easement.

Other justification for the tree loss relies heavily upon mitigation provided by way of replacement tree planting. Unfortunately the proposals for mitigation include replacement tree planting on the same sewer easement. This is likely to mean that there would be no new tree planting on the Cross Street elevation. This would significantly reduce the effect of the mitigation proposed for phase 1 of the scheme.

The **Highway Authority** (HA) confirm that they no longer have any objections to the proposed development subject conditions relating to the following:

Phase 1

- Provision of parking and turning areas prior to the development being brought into use.
- No commencement of development until a Stage 1 Road Safety Audit of the proposed scheme to widen Gibson Grove carriageway has been approved. The highway works to proceed in accordance with the approval.
- Provision of weatherproof cycle store for 10 cycles.
- Implementation of submitted Travel Plan
- Construction Environmental Management Plan

Phase 2-4

- Provision of accesses and visibility splays in accordance with the approved plans prior to the development being brought into use.
- Prior approval of layout, surfacing materials, and surface water drainage.
- Dwellings on Audley Road not to be occupied until TRO has been implemented.
- Construction Environmental Management Plan

They request a Travel Plan monitoring fee of £2,443

Officer comments

The main agenda report anticipates the comments of the LDS and the conclusions within the report are upheld. Condition 12 within the recommendation requires replacement tree planting and this should include the planting of semi-mature/mature trees in suitable locations within the wider site. To further limit impact on trees it is considered appropriate to impose conditions relating to the alignment of utility apparatus; submission of an Arboricultural Method Statement; schedule of works to trees; and approval of a landscaping scheme.

Some of the conditions as recommended by the HA are included within the recommendation. All other conditions requested by the HA are considered to be reasonable and appropriate.

Since the publication of the agenda the applicant has raised the issue of viability. An independent review of the viability of the development is currently being undertaken and it is anticipated that the conclusions will be received and reported in advance of the meeting.

The RECOMMENDATION remains as set out in the main agenda subject to the following revisions;

- (i) Amendment to the matters to be secured through a Section 206 to include the Travel Plan monitoring fee of £2,443**
- (ii) Amendment to condition - Dwellings on Audley Road not to be occupied until TRO has been implemented**
- (iii) Additional conditions as follows:**
 - **No commencement of development until a Stage 1 Road Safety Audit of the proposed scheme to widen Gibson Grove carriageway has been approved. The highway works to proceed in accordance with the approval.**
 - **Provision of accesses and visibility splays in accordance with the approved plans prior to the development being brought into use.**
 - **Prior approval of layout, surfacing materials, and surface water drainage.**
 - **Alignment of utility apparatus**
 - **Arboricultural Method Statement (detailed)**
 - **Schedule of works to retained trees**
 - **Approval of landscaping proposals**

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2020

Agenda Item 4

Application Ref. 20/00369/FUL

Land off Cross Street, Chesterton

The views of the **Lead Local Flood Authority** have been received confirming they have no objections subject to conditions.

As set out in the supplementary report published on 9th October, the applicant has advised that the scheme cannot support the requested policy compliant contribution towards POS. Independent financial advice has now been received by the Authority. The report of Butters John Bee (BJB) concludes that the scheme is not viable and could not support any financial contribution. The report also states that deferment of the payments would not alter this conclusion.

The NPPF indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions however need to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply at this time. That will not be the case until the Joint Local Plan is finalised. The scheme does provide benefits through an increase to the supply of housing, particularly supported living accommodation for the over 55's, and the amount of affordable housing in the area. These benefits are considered to outweigh the harm caused by the additional demand created by the development on the infrastructure of the area that would be the result were no financial contribution made to improve such infrastructure.

The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution towards POS, if the site were to be found capable of financially supporting these features.

The RECOMMENDATION is revised as follows:

- A. Subject to the applicant first entering into a Section 106 agreement by the 13th January 2021 to secure a travel plan monitoring fee of £2,443 (index linked) and a review mechanism of the scheme's ability to make a policy compliant financial contribution of £5,579 for each family home, and £4,933 for each older persons accommodation that is provided (index linked) towards public open space nearby and, if the development is not substantially commenced within 12 months from the date of the grant of the planning permission, and the payment of such contribution if then found financially viable,**

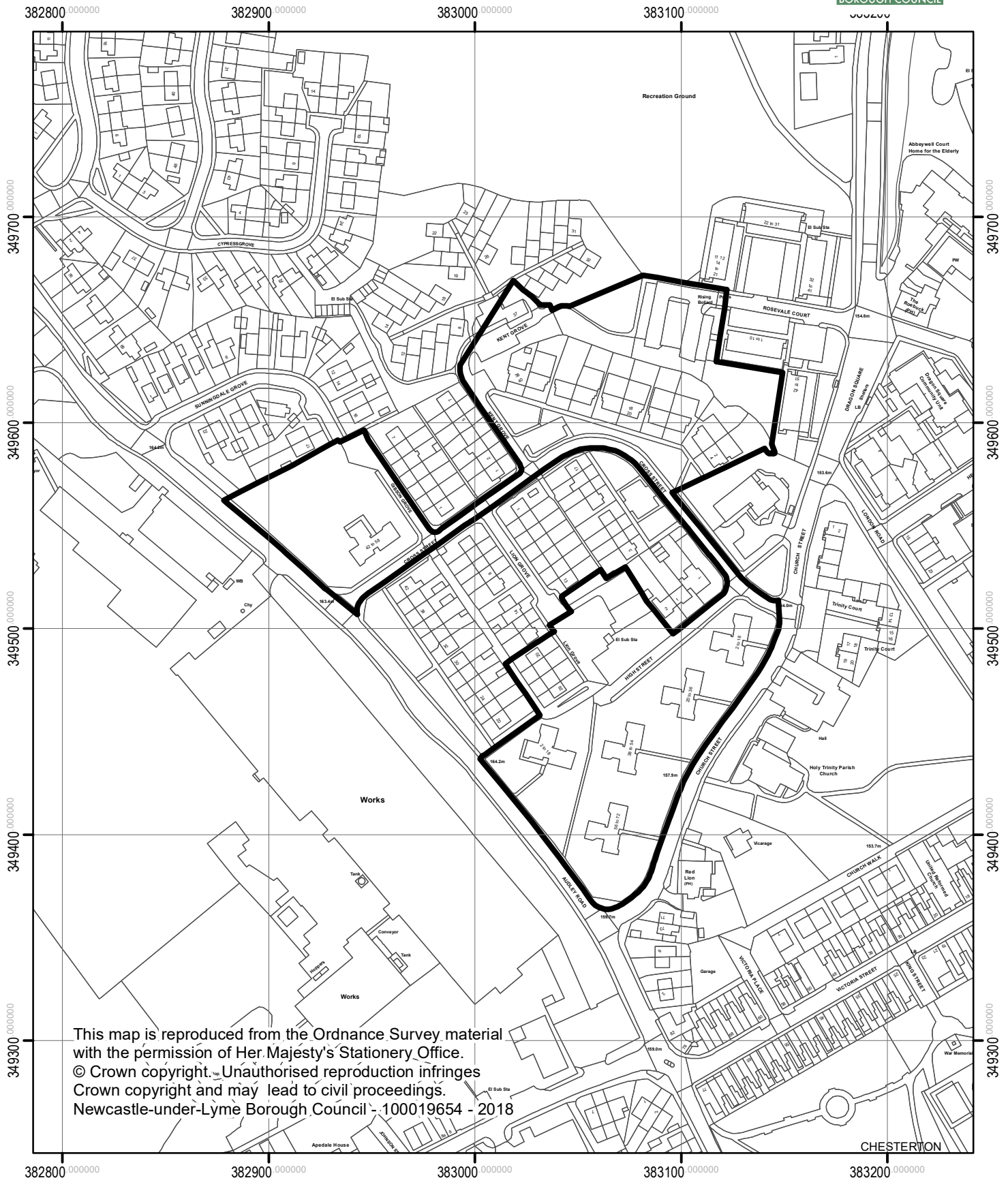
PERMIT the application subject to conditions relating to the following matters:-

- 1. Time limit for the implementation of Phase 1, the submission of applications for approval of reserved matters and the commencement of development.**
- 2. Approved plans**

3. Construction environmental and traffic management plan for the full and outline applications
4. Prior approval of a scheme for the 25% provision of affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.
5. Facing and roofing materials to be in accordance with approved plans for Phase 1
6. Boundary treatments to be in accordance with approved plans for Phase 1
7. Provision of access, parking, turning and servicing areas for Phase 1
8. Surfacing materials, means of surface water drainage and delineation of the parking bays for Phase 1
9. Implementation of Travel Plan Framework
10. Dwellings on Audley Road not to be occupied until TRO has been implemented
11. Prior approval of a tree protection plan
12. Reserved matters application to include replacement tree planting
13. Prior approval of a surface water drainage design
14. Prior approval of a foul drainage plan
15. Waste and storage collection arrangements
16. Sound insulation of facades of properties facing Audley Road.
17. Noise mitigation measures in accordance with the submitted acoustic report
18. Overheating mitigation where required.
19. Assessment of noise from kitchen extraction and other equipment in the supported living apartments
20. Control of noise and odour from kitchen facilities in the supported living apartments
21. Submission, with reserved matters application, of an assessment of the impacts of noise arising from the Red Lion public house
22. Electric vehicle charging
23. Land contamination conditions
24. Land contamination investigations and mitigation measures
25. Reserved matters application to include wildlife and habitat enhancements
26. No commencement of development until a Stage 1 Road Safety Audit of the proposed scheme to widen Gibson Grove carriageway has been approved. The highway works to proceed in accordance with the approval.
27. Provision of accesses and visibility splays in accordance with the approved plans prior to the development being brought into use.
28. Prior approval of layout, surfacing materials, and surface water drainage.
29. Alignment of utility apparatus
30. Arboricultural Method Statement (detailed)
31. Schedule of works to retained trees
32. Approval of landscaping proposals

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for off-site open space should financial circumstances then permit; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Land off Cross Street, Chesterton Newcastle-under-Lyme, ST5 7HF



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ASHFIELDS GRANGE, HALL STREET, NEWCASTLE
ASPIRE HOUSING

20/00609/FUL

The application seeks a variation of condition 2 of planning permission 19/00614/FUL to substitute approved plans with revised plans to show a proposed substation, generator and bin store.

The planning permission was granted in January for the demolition of all existing buildings, containing 72 flats, and the development of a building containing 89 supported living apartments (C3 use class), along with communal facilities, car parking, landscaping and amenity space.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as adjoining the Northern Gateway. The site area is approximately 0.96 hectares.

The 13 week period for the determination of this application expires on the 27th October 2020.

RECOMMENDATION

PERMIT the variation of Condition 2 of 19/00614/FUL to substitute approved plans with revised plans to show a proposed substation, generator and bin store,

and subject to the imposition of all other conditions attached to planning permission 19/00614/FUL that remain relevant at this time amended as necessary.

Reason for Recommendation

The revised details show that the proposed substation, generator and bin store to the front of the proposed building is acceptable, subject to conditions. The proposed development is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

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

Officers have requested further information to be submitted to address concerns and information has been submitted for consideration and approval. The development is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks a variation of condition 2 of planning permission 19/00614/FUL to substitute the approved plans with revised plans that show a proposed substation, generator and bin store.

The planning permission, reference 19/00614/FUL, was granted in January for the demolition of all existing buildings, containing 72 flats, and the development of a building containing 89 supported living apartments (C3 use class), along with communal facilities, car parking, landscaping and amenity space.

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

Given the above, the main issues for consideration in the determination of this application are:-

1. The design and impact on the visual amenity of the proposed changes,

2. The impact on the amenity of the area, including noise and air quality of the proposed changes, and
3. The impact on highway safety of the proposed changes

1. The design and impact on the visual amenity of the proposed changes

1.1 The NPPF sets out at paragraphs 124 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. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

1.3 The proposal is to substitute approved plans with revised plans to show a proposed substation, generator and bin store.

1.4 The approved scheme had a bin store to the front of the proposed building which would be directly accessed off Hall Street. The proposed substation and generator would sit to the side of the bin store and are to be set behind a timber enclosure (fencing). The substation building would extend above the enclosure but would primarily be screened from view by the fencing.

1.5 The proposed bin store and timber enclosure, which would screen the substation and generator, will have a functional appearance at the front of the building and would be visible from Knutton Lane and the A34. Therefore, it would result in some harm to the appearance of the development and the streetscene. However, soft planting is proposed on the site frontages and the planning permission secured a tree and landscape management plan, which requires full and precise details of a fully detailed soft landscaping scheme for the site, to be submitted for approval. Therefore, soft landscaping can be proposed that would minimise views of the proposed substation, generator and bin store.

1.6 The application is also supported by photomontages/ visuals and whilst the applicant accepts that these are only indicative they are confident that high levels of screening can be provided (of the proposals) from soft landscaping.

1.7 Subject to the conditions of the original permission being proposed, in particular the submission and approval of a tree and landscape management plan it is accepted that the proposed substation, generator and bin store would not result in an adverse impact on the visual amenity of the area and the proposal would not be contrary to policy CSP1 of the CSS or the guidance and requirements of the NPPF.

2. The impact on the amenity of the area, including noise and air quality of the proposed changes

2.1 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.

2.2 As discussed, the proposed substation, generator and bin store would sit to the front of the approved building, adjacent to the busy A34.

2.3 The planning permission secured a series of conditions, recommended by the Environmental Health Division (EHD), for noise and air quality for the associated plant and machinery of the building. The conditions required information to be submitted for approval prior to above slab level construction of the approved building being commenced.

2.4 EHD have raised objections to this application on the grounds of insufficient information submitted with the application. However, following the submission of additional information they have

suggested that their concerns could be addressed through conditions. Their formal comments are awaited, however.

2.5 Subject to the conditions of the original permission being proposed, along with any additional conditions recommended by EHD, it is accepted that the amenity of the area can be protected in accordance with the guidance and requirements of the NPPF.

3. The impact on highways safety of the proposed changes

3.1 Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

3.2 The approved scheme had a bin store to the front of the proposed building which would be directly accessed off Hall Street and condition 6 of the original permission required details of the bin store to be submitted for approval.

3.3 The Highways Authority has raised no objections to the proposals but the Waste Management Section (WMS) requested further technical details to be submitted. These details have now been received and the WMS are content with them.

3.4 Subject to the conditions of the original permission, it is accepted that the impact on highways safety would be acceptable in accordance with the guidance and requirements of the NPPF. However, condition 6 can be amended to ensure the bin store arrangements are completed in accordance with the approved details submitted with this application.

APPENDIX

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

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

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

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy N12	Development and the Protection of Trees
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

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

[Planning Practice Guidance](#) (2018 as updated)

[Supplementary Planning Guidance/Documents](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[Newcastle-under-Lyme Town Centre SPD](#) (2009)

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

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

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

[Relevant Planning History](#)

The site has been used for Sheltered Housing for a number of years and planning permission was granted in January 2020 for demolition of all existing buildings and the development of 89 supported living apartments (C3 use class), along with communal facilities, car parking, landscaping and amenity space reference 19/00614/FUL.

[Views of Consultees](#)

The **Highways Authority** raises no objections.

The **Environmental Health Division (EHD)** initially raised concerns regarding the level of information submitted to support the application. Their comments on additional information that has been submitted are awaited.

The **Landscape Development Section (LDS)** raises no objections subject to the incorporation into the landscaping scheme for the development.

The **Waste Management Section** are content with the details following the submission of additional information.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** advises that they have no adverse comment to make in relation to this variation of condition application.

Comments were also invited from the **Newcastle South Locality Action Partnership** but in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

No letters of representation have been received.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00609/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

29th September 2020

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2020

Agenda Item 5

Application Ref. 20/00609/FUL

Ashfields Grange, Hall Street, Newcastle

Since the publication of the main agenda the further comments of the **Environmental Health Division (EHD)** have now been received.

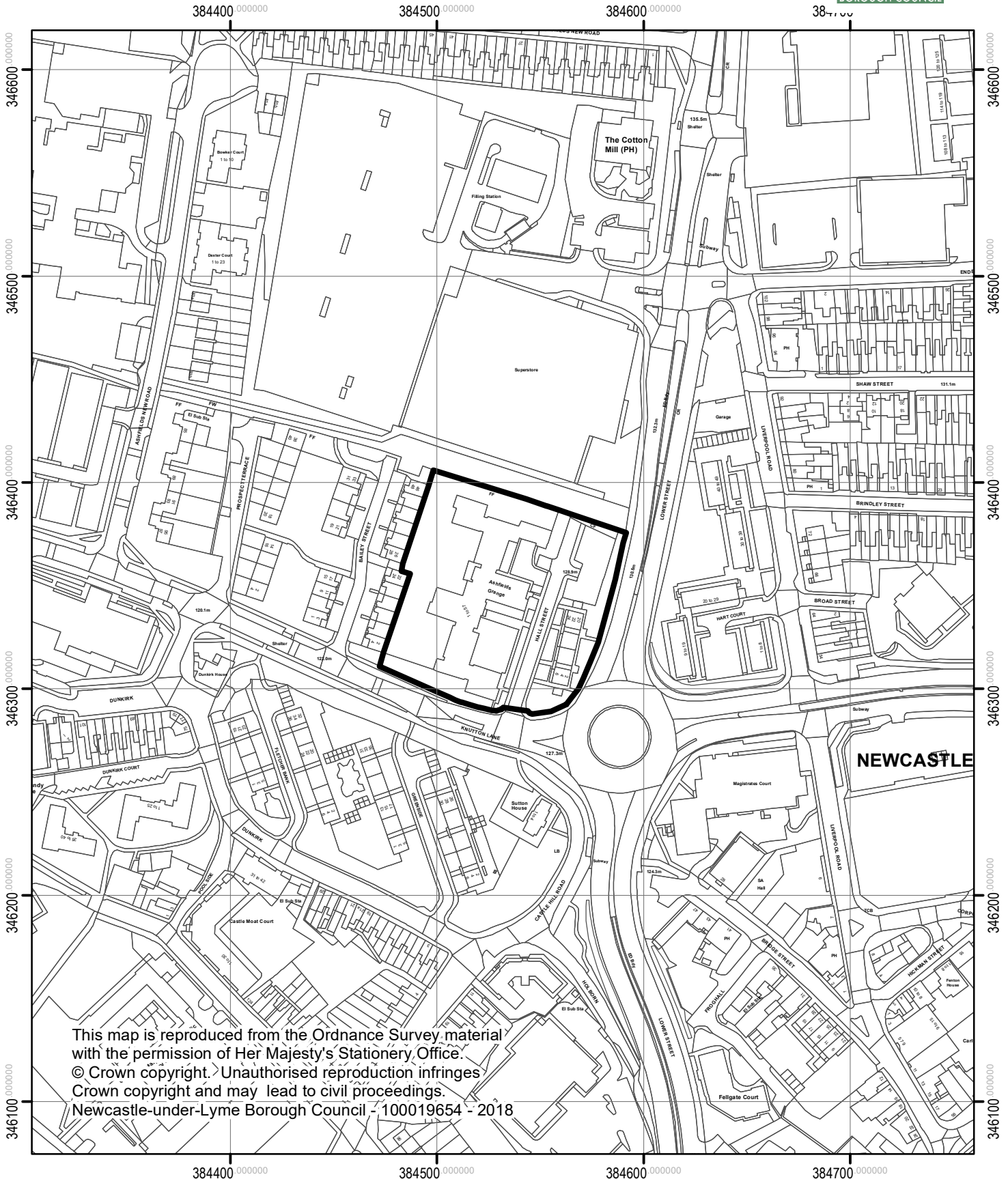
EHD advise that two additional conditions will be required to secure details to assess the noise and air quality impact from the proposed generator. Subject to these conditions the development is acceptable and would not harm the amenity of the area.

The RECOMMENDATION is revised as follows;

PERMIT the variation of Condition 2 of 19/00614/FUL to substitute approved plans with revised plans to show a proposed substation, generator and bin store, subject to conditions to secure details to assess the noise and air quality impact from the proposed generator, along with all other conditions attached to planning permission 19/00614/FUL that remain relevant at this time and amended as necessary.

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Ashfields Grange, Hall Street, Newcastle Under Lyme, ST5 2RW



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ONE LONDON ROAD, LONDON ROAD, NEWCASTLE
ABODE RESIDENCIES

20/00557/FUL

This application seeks to vary Condition 2 of permission 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the elevations of blocks 1, 2 and 3.

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 expires on the 14th October 2020.

RECOMMENDATION

A. Subject to the applicant entering into a planning obligation by 17th November that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Any other conditions attached to planning permission 16/01106/FUL that remain relevant at this time**

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 the development would not achieve appropriate open space provision and/or highway safety/adequate sustainable transport provision interests; 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 discernible impact on the character and appearance of the area. The minor reduction in the number of car parking spaces would not 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 any conditions of 16/01106/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 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the elevations of blocks 1, 2 and 3.

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 principal amendments to the site plan comprise the following:

- Reduction in number of car parking spaces
- Increased cycle storage

The amendments to the elevations of blocks 1, 2 and 3 are:

- Minor amendments to window and door positions and sizes
- Amendment to balconies and divider screens

The amendments to the fenestration and balconies are very minor and would have no discernible impact on the character and appearance of the area. Therefore the main issues in the consideration of the application are as follows:

- Is the proposed level of car parking acceptable?
- Is a planning obligation required?

Would there be any impact on car parking provision or highway safety?

The approved scheme comprised a total of 203 parking spaces and 124 cycle spaces. The revised plans show a reduction in the number of parking spaces by 9 across the site and an increase in the number of cycle spaces to 180. Of the 203 parking spaces proposed, 157 were for students, 30 were for the occupiers of the existing properties along London Road and the remaining 20 were for visitors/deliveries to the London Road residents. The number of spaces for the London Road properties would be unchanged in the revised plans and a reduced number of 148 spaces would now be allocated to students.

In accordance with the Local Plan car parking standards, a maximum of 125 car parking spaces should be provided for the students on the basis of 1 space per every 4 units. Therefore, there was some overprovision in the approved scheme and even with the loss of 9 spaces, given the sustainable location of the site and the significant provision of cycle spaces, the reduced level of car parking is considered acceptable.

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 (16/01106/FUL in this case). That previous permission was granted on the 30th October 2017 following the completion of a Section 106 agreement which secured a number of financial contributions towards public open space and public realm improvements, highways and transportation matters as well as a landscaping scheme to the Lyme Valley Parkway boundary. 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, 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

16/01106/FUL Redevelopment of the site for 499 apartments (comprising of student accommodation) Approved

Views of Consultees

The **Highway Authority** has no objections.

The **Waste Management Section** has no objections.

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

Representations

None received.

Applicant's/Agent's submission

The application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00557/FUL>

Background papers

Planning files referred to

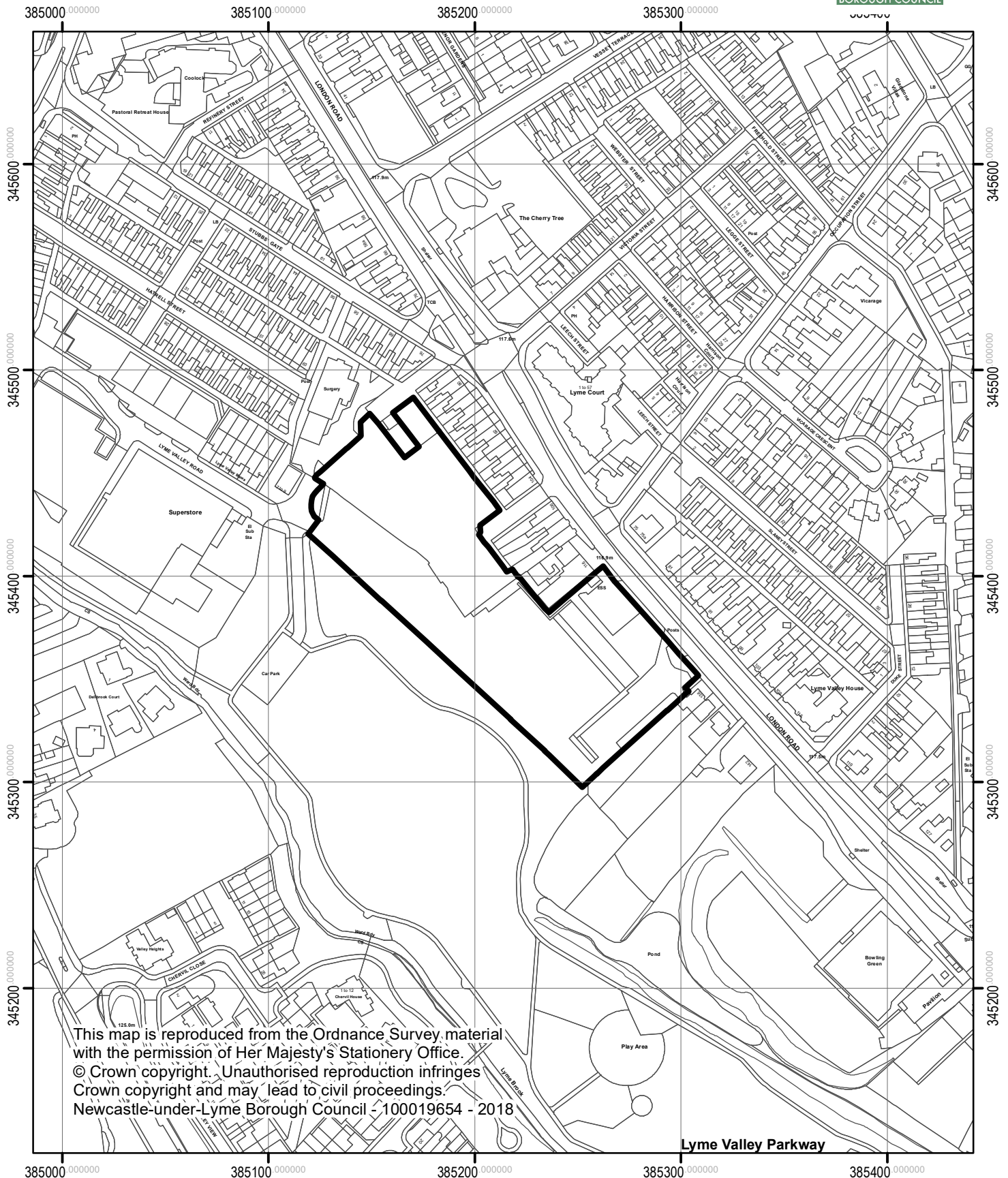
Planning Documents referred to

Date report prepared

29 September 2020

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One London Road, London Road
Newcastle-under-Lyme, ST5 1LZ



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Newcastle-under-Lyme Borough Council - 100019654 - 2018

Lyme Valley Parkway

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**THE MET (FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB), THE MIDWAY, NEWCASTLE
PRIMUS ALLIANCE NEWCASTLE LTD**

20/00532/FUL

Full planning permission is sought for the temporary variation of Condition 9 of Application Reference 18/00483/FUL which granted consent for 211 rooms of student accommodation, communal areas, a laundry and bike storage on the site of the former Savoy Cinema/Metropolis Nightclub in Newcastle Town Centre. Condition 9 restricts occupation of the building to students only and the temporary variation sought is to allow occupation of the accommodation by any person (student or non-student) until 31st July 2022.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The 13 week period for the determination of this application expired on the 7th October but an extension of the statutory period to 16th October has been agreed by the applicant.

RECOMMENDATION

PERMIT the variation of Condition 9 so that it reads as follows:

9. The development hereby approved shall be occupied by any person (student or non-student) until 31st July 2022 after which date it shall only be occupied by students unless otherwise agreed in writing by the Local Planning Authority.

and subject to the imposition of all other conditions attached to planning permission 18/00483/FUL that remain relevant at this time.

Reason for Recommendation

Given the highly sustainable town centre location of the site opposite the Midway car park and given the parking restrictions on the roads in the vicinity of the site, it is not considered that the highway safety impacts of the occupation of the development by non-students for a temporary period would be so severe to justify a refusal. Given the temporary nature of the application, it is not considered reasonable to request affordable housing provision and given that it is likely that the rooms would remain single person accommodation and that there will be no children among the occupants, it is not considered reasonable to request an additional financial contribution towards public open space.

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

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

Key Issues

Full planning permission is sought for the temporary variation of Condition 9 of Application Reference 18/00483/FUL which granted consent for 211 rooms of student accommodation, communal areas, a laundry and bike storage on the site of the former Savoy Cinema/Metropolis Nightclub in Newcastle Town Centre. Condition 9 restricts occupation of the building to students only and the temporary variation sought is to allow occupation of the accommodation by any person (student or non-student) until 31st July 2022. The development has been very recently completed.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The applicant has submitted a letter highlighting the following points:

- Primus Property Group (PPG) only specialise in student studio accommodation and did not submit this application lightly. It has been submitted solely in response to the critical impact COVID-19 has had on their target student market. Out of all 1,000+ units of student accommodation that they have developed across the UK, 100% are studio-only accommodation specifically targeted at post graduates, overseas students and those 2nd and 3rd year undergraduates who want accommodation that has very high security and safety measures, as opposed to HMO accommodation. The business has been built and structured specifically to meet this target market. They do not 'do' standard housing, and this application is a first for them. Therefore, this is not an opportunist application or a clever ruse to prise general purpose housing into the mix.
- As far back as March this year, it was becoming clear that COVID-19 was going to have a disproportionate impact on the Higher Education sector, and specifically Postgraduates and overseas students. The British Council was releasing survey research they had undertaken that showed that there would be at least 14,000 fewer new enrolments from the Far East in 2020-21, compared to 2018-19. The research noted that the biggest segment affected was the 1 year masters/postgraduate sector, who would more likely defer or reconsider their decision. This is a key market segment of The Met's.
- For Keele University and its noted reputation for research, this will have had a material impact. Moreover, for the loss of undergraduates, the carry-over on reduced numbers (and spend) will be felt for at least 2 -3 years. The impact on numbers has been further compounded by the closure of visa offices in China, recession worries, the UK's relatively high infection rate, continued uncertainties on global travel, and the very real risk of a second wave (which many see as a certainty).
- Numerous studies have shown that postgraduates and overseas students prefer studio-only accommodation (like The Met), as opposed to 'claw and cluster' student accommodation or HMOs. The Met provides Newcastle and Keele University a significant asset in this regard, to capture the significant spend this student market segment supports.
- Typically, the accommodation would be 100% let at this point in the academic year. To date they are around 50%. The issue has been compounded by tenancy withdrawals occurring at almost the same rate as new lettings.
- The positive component to this is that the scheme is uniquely suited to support groups such as key workers in town and staff at the Hospital who need to work in clusters or self-isolate as the predicted second wave hits us. Each unit contains its own kitchenette, shower, TV and high-speed internet. The processes are in place to ensure mail or deliveries are delivered to their door. There is a laundrette on site that is booked via a dedicated mobile phone app from each room. Equally room bookings can be structured to support 'bubbles' or 'clusters' of workers.
- The scheme's design and layout is well suited to the temporary mix of uses. Because it was designed to meet the needs of post graduates and overseas students, the main amenity provided is a high class lounge area with no pool tables, cinema rooms etc that would negatively impact on existing students.
- New non-student tenancies will be carefully managed by the professional letting and Management Company. No tenancy contracts will be for more than 51 weeks and these will be structured in length in the second year (if required) to the timescales of the planning approval extension.
- Moreover, the scheme benefits from being directly opposite the Council-owned Midway car park. This has very significant spare capacity. Confirmation from the Council has been received stating that there is availability for at least 100 permits if required. In addition, a capacity survey has been undertaken between the dates of Monday 7th September and Monday 21st September which currently supports a current occupancy of circa 20%. The car park's capacity is for 655 spaces, with less than 150 (on average) being currently used. The scheme's proximity to the main bus terminal is also an obvious advantage.
- This is not a 'clever ruse' to cheat the system. PPG are student accommodation specialists. That is their field and niche, and they want it to stay that way. But these are very much 'unprecedented', dark and gloomy times. As a business, they are doing their best to find a sensible and sustainable short-term solution for a brand new landmark building, which will otherwise sit half empty for the next 2 or so years.

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 reason given for the imposition of Condition 9 is as follows:

Because affordable housing requirements and additional contribution requirements to public open space would otherwise be triggered and because the lack of parking provided would not be acceptable for other types of residential occupation having regard to the interests of highway safety.

On this basis, the main issues in the consideration of the application are as follows:

- Is the lack of car parking acceptable?
- Is affordable housing required?
- Is an additional contribution to public open space required?
- Is a planning obligation required?

Is the lack of car parking acceptable?

Saved NLP Policy T17 states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include. 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. Paragraph 110 states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second to facilitating access to high quality public transport. 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.

The site has no on-site parking provision. The reason given for the imposition of Condition 9 was partly because the lack of parking provided would not be acceptable for other types of residential occupation having regard to the interests of highway safety.

In allowing the appeal for a previous student accommodation scheme on this site in 2018 (Ref. 17/00174/FUL), the Inspector agreed that the University's measures to discourage students from driving to campus and parking their vehicles will have some effect of discouraging students bringing their cars to their place of study. He acknowledged that measures can be secured through conditions and the section 106 agreement which will encourage the use of more sustainable methods of transport such as free bus passes, provision of on-site cycle storage, travel plan monitoring and real time passenger information systems.

The Inspector acknowledged that it is inevitable that some students will wish to use their own vehicles and may wish to park in unrestricted residential streets but concluded as follows:

Given the provisions of the Framework in the light of the Written Ministerial Statement and the package of measures that can be put in place to encourage the use of more sustainable means of transport I have insufficient evidence that in this particular case the proposal would be likely to have a harmful effect on highway safety resulting from additional demand for on-street parking.

The applicant's agent makes the following points regarding car parking and highway safety:

- The original permission requires residents to be offered a 'taster' bus pass that permits free travel for 3 months from the Town Centre to Keele University. The applicant is prepared to

retain that offer albeit that it places a very significant financial burden on the applicant in very uncertain times.

- 110 cycle parking spaces are to be provided.
- No car parking spaces are provided but the site is centrally located within the town centre and close to numerous car parks which have considerable capacity.
- In allowing the appeal for 17/00174/FUL, the Inspector did not rule out non-students. In requiring that occupancy should be restricted to students, he stated that unrestricted residential development *may* not be acceptable. He simply had no information to assess the possibility of wider occupation and that was not the case before him.
- Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road *will not be permitted* to provide new private parking. The policy continues to state that where development is permitted in the town centre it will be required where appropriate to contribute to improvements to travel to the development. Such improvements are enshrined within the Travel Plan and the Section 106 obligation.
- Local parking controls are in place in the town centre and accordingly any person choosing to reside in this development will be fully aware of the lack of parking within the development itself and the restrictions in local streets and car parks. The obvious implication of this is that persons wishing to use a car would not choose to live here as it would be far too inconvenient.
- Alternatively, there are numerous car parks in close proximity.
- A Travel Plan is already in place and will be updated to reflect the temporary widening of the condition.
- There is no evidence to demonstrate that the 2 year relaxation of the condition would cause undue pressure on the availability of parking spaces on nearby streets. The lack of parking within the development itself, combined with current parking controls and the availability of space in proximate car parks will not result in any material harm or create or aggravate a local on street parking or traffic problem.

The Highway Authority has no objections to the proposed variation of condition stating that the building is located within Newcastle town centre and is in a very sustainable location with good access to the main bus station, shops and other services. Conditions and S106 measures secured in relation to the previous permission are highlighted and it is noted that secure cycle parking for 110 cycles is provided for the occupiers of the flats. The Highway Authority also notes that the Midway multi storey car park is located directly adjacent to the site and it is understood that permit parking can be obtained if required and there are also parking restrictions (double yellow lines) on The Midway and all other roads within the vicinity of the site.

Although it is acknowledged that the occupation of the building by non-students is likely to lead to more residents owning a car, your Officer concurs with the views of the Highway Authority that given the highly sustainable location of the site opposite the Midway car park and given the parking restrictions on the roads in the vicinity of the site, it is not considered that the highway safety impacts of the development would be severe.

Is affordable housing required?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In relation to 18/00483/FUL, no affordable housing provision (either on-site or an off-site contribution) was required on the basis that the development was for purpose built student accommodation.

The reason given for the imposition of Condition 9 was partly because affordable housing requirements would otherwise be triggered.

The applicant's agent states that in terms of affordable housing provision, this application is seeking a short term variation of the condition in response to unprecedented times and that it is highly unlikely

that any Registered Provider would have interest in what would be a '2 year deal', at the end of which its tenants would have to be removed from the accommodation.

The Housing Strategy Officer agrees that a Registered Provider is unlikely to be interested in taking on any units but considers that a commuted sum should be sought. He asserts that it is an overly optimistic view that this would be for a temporary period and that it would then revert back to being exclusively for students as once the accommodation becomes occupied by key workers, there would be legal difficulties in removing those tenants. On this basis, a commuted sum should be sought for the equivalent value of 25% of the development being affordable and it should be apportioned as 15% social rented and 10% as shared ownership.

The concerns raised regarding legal difficulties surrounding tenancies are not relevant to the determination of this planning application. This would be a matter for the applicant. Although it is the case that occupation of the units by non-students would ordinarily trigger a requirement for affordable housing provision, given the particular circumstances here and the temporary nature of the application, it is not considered reasonable to request provision in this instance.

Is an additional contribution to public open space required?

In relation to 18/00483/FUL, the financial contribution towards public open space was reduced in recognition that all of the units would be single person accommodation. The standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and includes a play element on the basis that children are likely to be among the occupants. The adjustment that was made was to request 2/5ths of the total and to remove the play element of the contribution.

Although the reason for the imposition of Condition 9 was partly that additional contribution requirements to public open space would otherwise be triggered, it is likely that the rooms would remain single person accommodation and that there will be no children among the occupants. Therefore it is considered appropriate to maintain the adjusted contribution. In any event, this is an application for the temporary variation of the condition and there is no suggestion that the applicant would wish to seek unrestricted occupation for any longer than the 2 year period applied for.

On the basis of the above, it is not considered reasonable to request an additional financial contribution towards public open space.

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 (18/00483/FUL in this case). That previous permission was granted following the completion of a Section 106 agreement which secured a number of financial contributions. In some cases, the applicant is required to enter into a Deed of Variation to the original Section 106 agreement to ensure that the Council's interests are protected. In this instance however, there is a clause within the Section 106 which states that in the event that the Council shall at any time grant a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. On this basis, no planning obligation is now required.

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 CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

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

Policy T16: Development – General Parking Requirements
Policy T17: Parking in Town and District Centres
Policy C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

04/01319/FUL	Erection of 12 storey building comprising 92 apartments with commercial/retail at ground level	Refused
05/00103/CON	Demolition of existing buildings	Refused
16/00933/FUL	Demolition of the former Savoy Cinema and the erection of an 11-storey student accommodation building comprising 174 units, communal areas, a laundry and bike storage	Withdrawn
17/00174/FUL	Demolition of the former Savoy Cinema/Metropolis Nightclub and erection of a 13 storey student accommodation building comprising 227 units	Refused and allowed at appeal February 2018
18/00005/FUL	Demolition of the former Savoy Cinema & Metropolis nightclub and erection of an 11 storey student accommodation building comprising 217 units	Withdrawn
18/0483/FUL	Demolition of the former Savoy Cinema/Metropolis Nightclub and erection of a part 9, part 12 storey building to provide 211 rooms of student accommodation	Approved

Views of Consultees

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

The **Highway Authority** has no objections.

The **Housing Strategy Officer** states that the variation of the occupancy would ordinarily trigger the requirement for affordable housing. In the original application no affordable housing was required due to it being purpose built student accommodation. It is agreed that a Registered Provider is unlikely to be interested in taking on any units as on site affordable housing as a high rise block with a small number of affordable units would present management issues. However, a commuted sum would be sought. It is considered an overly optimistic view that this would be for a temporary period and that it would then revert back to being exclusively for students. Once the accommodation becomes occupied by key workers, there would be legal difficulties in removing those tenants. Should the variation of the condition be permitted, then it should lead to the requirement for affordable housing. A commuted sum should be sought for the equivalent value of 25% of the development being affordable. It should be apportioned as 15% social rented and 10% as shared ownership.

No comments have been received from the **Landscape Development Section** and **Newcastle South LAP**. Given that the period for comments 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 a covering letter from the agent and a further letter from the applicant.

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/20/00532/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

28th September 2020

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2020

Agenda Item 7

Application Ref. 20/00532/FUL

The Met (Former Savoy Cinema/Metropolis Nightclub), The Midway, Newcastle

Since the publication of the main agenda consideration has been given to the imposition of additional conditions.

The application states that non-student tenancies will be carefully managed. It states that no tenancy contracts will be for more than 51 weeks and that they will be structured in length in the second year to the timescales of the planning approval extension. It is considered that a condition is necessary requiring the tenancies to be managed in accordance with the submitted details.

The application states that a Travel Plan is already in place and that it will be updated to reflect the temporary widening of the condition. It is considered necessary for a condition to be added requiring the submission and approval of an updated Travel Plan that includes the securing of parking permits for The Midway car park.

Subject to the additional conditions and given the short term nature of the proposed variation and the economic benefits that full occupation of the building would bring, it is considered that Condition 9 should be varied to allow occupation of the accommodation by any person (student or non-student) until 31st July 2022.

The RECOMMENDATION is revised as follows;

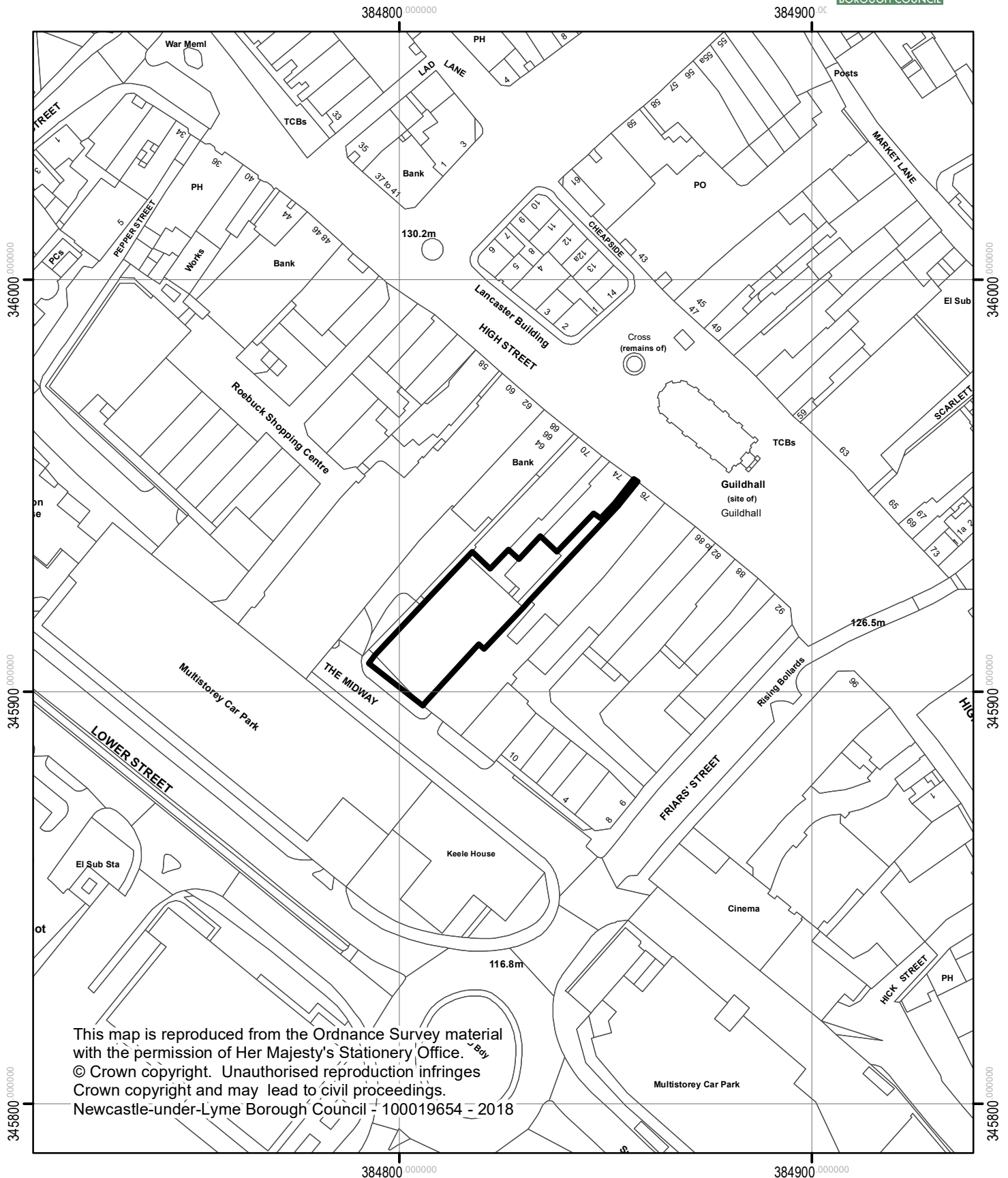
PERMIT the variation of Condition 9 so that it reads as follows:

9. The development hereby approved shall be occupied by any person (student or non-student) until 31st July 2022 after which date it shall only be occupied by students unless otherwise agreed in writing by the Local Planning Authority.

and subject to conditions requiring tenancies to be managed in accordance with the submitted details and the submission and approval of a revised Travel Plan and the imposition of all other conditions attached to planning permission 18/00483/FUL that remain relevant at this time.

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The Met (Former Savoy Cinema/Metropolis Nightclub) The Midway, Newcastle-under-Lyme, ST5 1QG



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BETLEY COURT, MAIN ROAD, BETLEY
DR NIGEL BROWN AND OTHERS

20/00685/FUL & 20/00686/LBC

The applications are for full planning permission and listed building consent for repairs and alterations associated with the reroofing works to Betley Court using leadwork and natural slates, including reinstatement of cast iron rainwater goods. In addition the applications include the installation of a lightning conductor system and fall arrest system.

Betley Court is a Grade II* Listed Building.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

The 8 week period for the determination of this application expires on the 20th October 2020.

RECOMMENDATION

Application 20/00685/FUL and 20/00686/LBC

PERMIT subject to the following conditions:

- 1. Time limit.**
- 2. Approved plans.**
- 3. Prior approval of the bricks, including the provision of samples, to be used in this repair.**
- 4. Notwithstanding the submitted details, Vermont green slates shall be used on the forward facing slopes to the road and garden (south and east) in diminishing courses, with Welsh slate on other slopes.**
- 5. In all other respects the permitted repairs and alterations shall be carried out in accordance with the submitted details.**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that subject to Vermont green slates being used on the forward facing slopes to the road and garden (south and east) in diminishing courses, with Welsh slate on all other roof slopes, the proposed repair and restoration would result in less than substantial harm, which would be outweighed by the public benefits arising from the repair to the listed building.

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

The proposed development follows pre-application discussions and is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The applications are for full planning permission and listed building consent for repairs and alterations associated with the reroofing works to Betley Court using leadwork and natural slates, including reinstatement of cast iron rainwater goods. In addition the applications include the installation of a lightning conductor system and fall arrest system. The proposed fall arrest system involves installation of low posts, mostly behind parapets, chimneys or slated roof slopes and supporting tension wires onto which a harness is clipped.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

The key issues in the determination of the planning application are considered to be:

- Is the development appropriate within the Green Belt? If it is not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?
- Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area?

The only consideration in the determination of the application for listed building consent is the impact of the proposal on the listed building.

Is the development an appropriate form of development within the Green Belt?

Paragraph 133 of the National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

According to paragraph 134 of the NPPF Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the current NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 of the NPPF states that, other than in the case of a number of specified exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. At paragraph 146, the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

The roof repair, reinstatement of cast iron rainwater goods, and installation of a lightning conductor system and fall arrest system would not affect the openness of the Green Belt and would not conflict with the purposes of including land within it. As such it is concluded that the development is appropriate within the Green Belt.

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

When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition where a planning application affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contact exists to ensure the construction of the replacement building. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

The NPPF, at paragraph 192, states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In paragraph 195 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 196 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Betley Court was significantly damaged as a result of a fire in August 2019 and the commencement of the repair of this Grade II* listed building is important as delays will put the building at risk of further damage.

Very detailed consultation responses have been received from the Council's Conservation Officer, Conservation Advisory Working Party and Historic England. These heritage experts are not raising any objections to many aspects of the proposal as they are not considered to harm the significance of the listed building as follows:

- The shape of the roof is to remain the same as the pre fire shape except for some minor alterations that address design faults causing the roof to leak.
- Repairs and rebuilding of the brickwork, required to enable the roof works, are to be undertaken on a like for like basis, i.e. chequerboard pattern of brickwork.
- Lightning conductor system
- Fall arrest system.
- Cast iron rainwater goods – sample provided.

The aspects that require more detailed consideration are the proposed roof structure and the choice of slate.

The structural element of the roof will remain the same for some sections, replacing the timber king post trusses on the rear 3 storey element and the other 3 storey parts with a softwood timber roof. The more substantial change is to the main original section where steel trusses and softwood purlins are proposed. This, no doubt, results in some loss in authenticity and therefore some harm, albeit less than substantial, arises to the significance of the building. Such harm is, however, justified when it is taken into consideration that the roof structure has been lost in the fire and the fact that it is not possible to reinstate the main roof as it was previously given the limited evidence of its design. The urgency and the need to facilitate the roof reinstatement also weigh in favour of permitting such works.

The same can't be said, however, for the use of Welsh slate over the entire roof where it is noted that the roof predominantly consisted of graduated Westmorland green slates on the forward facing slopes, with Welsh slate on the rear and inward facing elevations. The character of the Westmorland slate is different in colour, the way it appears to weather, texture, thickness to Welsh and, it is understood, is easier to graduate than the Welsh slate. The Welsh has a more utilitarian appearance and its colour is more regular. Such a change will unacceptably affect the appearance of the property.

Given the significance of this important building and its presentation to the road frontage it is important to get this aspect of the refurbishment correct and as stated by the Conservation Officer there is only one chance to do this. It is therefore considered that the use of only Welsh slate is unacceptable and shouldn't be permitted, even when the additional cost of using Westmorland slate and the time it takes to be delivered are taken into consideration.

The applicant has therefore suggested an alternative to Westmorland green slates, as a compromise – Vermont green slates. It is considered that Vermont green slates is acceptable on the forward facing slopes to the road and garden (south and east) in diminishing courses, with Welsh slate on all other roof slopes.

In the circumstances it is considered that the proposed development would result in less than substantial harm to the designated heritage assets (the Listed Building and Conservation Area). Such harm, however, is outweighed by the public benefits arising from the repair to the listed building.

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

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

Policy S3: Development in the Green Belt
Policy N18: Area of Active Landscape Conservation
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development In or Adjoining the Boundary of Conservation Areas

Other Material Considerations

[National Planning Policy Framework](#) (2019)
[Planning Practice Guidance](#) (PPG) (March 2014)

Supplementary Planning Documents/Guidance

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

Relevant Planning History

18/00943/FUL	Proposed opening of gardens as a visitor attraction; construction of a detached building to form toilets/office and facilities for light refreshments; demolition of garages and the construction of car parking. (resubmission of 18/00268/FUL)	PERMIT
20/00405/LBC	Essential safety works to unstable walls in the listed building following fire damage	PERMIT
20/00655/FUL	Variation of condition 2 (approved plans) of P/A 18/00943/FUL to permit the substitution of revised plans to reflect the details of the visitor centre as built	PENDING CONSIDERATION
20/00729/FUL	Formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court following fire damage	PENDING CONSIDERATION
20/00730/LBC	As above	PENDING CONSIDERATION

Views of Consultees

The **Conservation Officer**, commenting on both applications, states that Betley Court is a Grade II* Listed Building, an early 18th Century mansion with late 18th Century additions by Wilkinson. Additions by Nash in 1809 and further alterations by Caroe in late 19th and early 20th Century. Set back from the road behind a courtyard with elaborate wrought iron gates and brick walls, the house has a strong and characterful presence within the village and the Betley Conservation Area.

Following the devastating fire in late August 2019 which destroyed the roof, interior and subsequently some of the masonry to make the building safe, this application is to reinstate a roof on the building with associated works. The application requests changes to the pre-fire roof and consideration is required as to the level of harm, if any, which will be caused by the acceptance of these changes to the building given its Grade II* Listed status and importance within the CA. The building remains important architecturally and historically and survives as an early 18th Century house with important subsequent alterations.

The main considerations are the shape of the roof and structural materials, the proposed roof covering and how it will be laid. Repairs and rebuilding of the brickwork is required to enable the roof works and be undertaken on a like for like basis, i.e. chequerboard pattern of brickwork. Extensive information and detailed summary of the proposals has been provided in the Design Statement and it is clear where changes and alterations to the pre fire situation are being asked to be considered and a justification for this. The Heritage Statement also sets out the significance of the building and raises many questions on reinstatement which need to be subsequently explored (page 18 onwards). Certainly the house was compromised, in a poor state of repair in 1977 when the Browns purchased and subsequently restored the building, albeit not always using the highest quality of materials.

In the fire damaged areas of the house the roof coverings and structures are totally lost. Some broken examples of the Westmorland slate and copings etc. have been salvaged for assessment and comparison. The available pre-fire information about the roof structure is very limited and the applicant asserts it is not good conservation philosophy to conjecturally reinstate lost roof structures which are not supported by comprehensive factual evidence. The applicant states the new roof will be of high quality and will not detract from the historic significance of the building. Page 8 of the Design Statement shows a plan of the roof showing the roof covering which was laid out in graduated Westmorland green slates on the forward facing slopes to the roadside and the south garden with rear facing and inward facing elevations having Welsh blue slates. Hips, valleys and ridges all formed with leadwork.

The shape of the roof is to remain the same as the pre fire shape except some minor alterations to the internal flat roof sections and some aspects of the roof which had fashionable but inherent design faults and caused the roof to leak with limited ability to resolve. The re-design is in high quality code 7 lead and will not harmfully impact on the shape of the roof and the significance of the house.

The structural element of the roof will remain the same for some sections, replacing the timber king post trusses on the rear 3 storey element and the other 3 storey parts will be replaced with a softwood timber roof. The main change is to the main original section of the house which is to be replaced with steel trusses and softwood purlins and whilst the design of this roof structure was too badly lost to recreate, it almost certainly was constructed in oak. The steel and timber approach is honest and will enable the shape of the roof to remain the same. The roof covering is proposed to be all Welsh slate and sample is included, see photograph on file.

There is clearly a change and some loss in authenticity with the materials for the roof structure and some harm to the significance of the building. Relevant consideration should be given to the fact that the roof structure has been lost in the fire, this is not even a substantial repair, and the fact that it is not possible to reinstate the main roof based on any certain evidence. The Conservation Officer is minded to accept that the new structure, given the circumstances including urgency and to facilitate the roof reinstatement, will not harm the current significance of the building and will enable the restoration of other parts of the building to begin and move forwards.

There are no objections to the lightning conductor system or to the fall arrest system. Or indeed to the cast iron rainwater goods – sample provided. Moulding details have been provided for these. All cornice details are to be replicated. Red and blue chequerboard brickwork pattern is important to replicate and would like to condition the brick samples prior to this part of the work being undertaken but doesn't need to be prior to start.

The main concern is the use of Welsh slate on the whole roof rather than as the existing arrangement with Westmorland on the prominent elevations and Welsh on the rear less prominent. The character of the Westmorland slate is different in colour, the way it appears to weather, texture, thickness to Welsh and, it is understood, is easier to graduate than the Welsh slate. The Welsh has a more utilitarian appearance and its colour is more regular. The views of CAWP are supported, that the design intention at the time was to contrast the green colour of the roof with the red brickwork on the elevations on show. It is a visible aspect of the authenticity which we can also be assured of through salvaged samples and photographs.

Given the significance of this important building and its presentation to the road frontage it is important to get this aspect of the refurbishment correct and we only get this one chance. Given the nature of this devastating fire, this is an important point in the buildings history and we should be authentic as possible to its history prior to the fire whilst still taking on board the issues as they are presented. So the question is, does the change to the colour texture and type of slate have a significant effect of the building. The justification says that this is marginal and the change to the visual impact is not substantial harm. Is the change discernible and is the harm justified given the delay that would be caused to the project?

In the opinion of the Conservation Officer the correct approach is to install Westmorland slates to match the existing (pre fire) to the road frontage including the side bows either edge of the porch and front elevation which will preserve the character and prominence of this aspect of the house. Ideally this would extend around to the south garden elevation, but this may be cost prohibitive and affect the timing of the project and cause disruption and delay which is important to accept is a factor.

The nature of the reinstatement work is that it is being done in phases and correctly the roof and the enveloping work is the place to start. However the incremental nature of the phasing means that the questions over funding and conservation and restoration are compartmentalised to each aspect of work and submitted application and the level of harm to be assessed is diluted and not then applied correctly when looking at the whole restoration of the house. This first change can be justified on the basis on expediency for the roof and its total loss with difficulty replicating it. Justification on this basis will be more difficult with other aspects of the restoration. There is only so far one can consider that the less than substantial harm to a Grade II* Listed Building will not amount in the end to substantial harm to the significance of the building.

The **Conservation Advisory Working Party** is sympathetic to the new roof design solution to deal with the notorious internal gully and problems with the fashionable roofs of the period and has no objections to the internal changes and roof structure by removing the well and using a stepped lead roof. It also accepts the enormous cost of the project and agrees that the timing issue is relevant to preserve the structure. It regrets the proposal to use Welsh slate rather than replace the Westmorland on the relevant frontage roof slopes. The difference between the slates is colour, texture and thickness with the green colour chosen to compliment the brickwork. The group feels that the Welsh has a more utilitarian colour size and texture and regrets the entire substitution given the very apparent road frontage elevation. They also feel that the graduated slates for the new roof are crucial to the appearance of the refurbished building and its conservation. As a Grade II* house of great importance, this monumental task of rescuing the building needs to get it right.

Historic England (HE), commenting on the application for listed building consent, has concerns regarding the application on heritage grounds. It is greatly concerned by the condition of the fire damaged Grade II* Betley Court, and supports the intention to reinstate a permanent roof.

HE also have no objection to the slight alteration of the form of the new roof to address the central 'well' and internal drainage issues, and acknowledge the reasons put forward to use modern materials for the internal structure.

However, it does have reservations regarding the wholesale use of Welsh slate. Although both were present on the building pre-fire, it appears that the Westmorland slate was the

more historic, and was used on the principle elevations. As well as quality and durability, the Westmorland would also have been chosen for its aesthetic contribution to the appearance of the property.

HE is very conscious of the considerable benefits a watertight permanent roof will bring to the stabilisation, drying out and ease of repair of the rest of the building. We therefore do not wish to hinder this being brought forward. However, it is vitally important that the historic integrity and authenticity of this important grade II* listed building is maintained. It therefore asks that the reinstatement of Westmorland slates on the primary elevations facing the adjacent road and the garden is considered.

The views of the **Betley, Balterley and Wrinehill Parish Council** have been sought and will be reported if received.

Representations

None received to date

Applicant/agent's submission

The applications are supported by the following documents;

- Heritage Statement
- Design and Access Statement
- Schedule of Work for Phase 1 – Repairs and Alterations
- Rainwater Pipe Renewal Schedule
- Photographic Schedule for Masonry Wall Repairs
- Trade Specifications for Repairs and Alterations to the Roofs
- Roof Slate Sample Photographs

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00685/FUL>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00686/LBC>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

1st October 2020

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2020

Agenda Item 8

Application Ref. 20/00685/FUL & 20/00686/LBC

Betley Court, Main Road, Betley

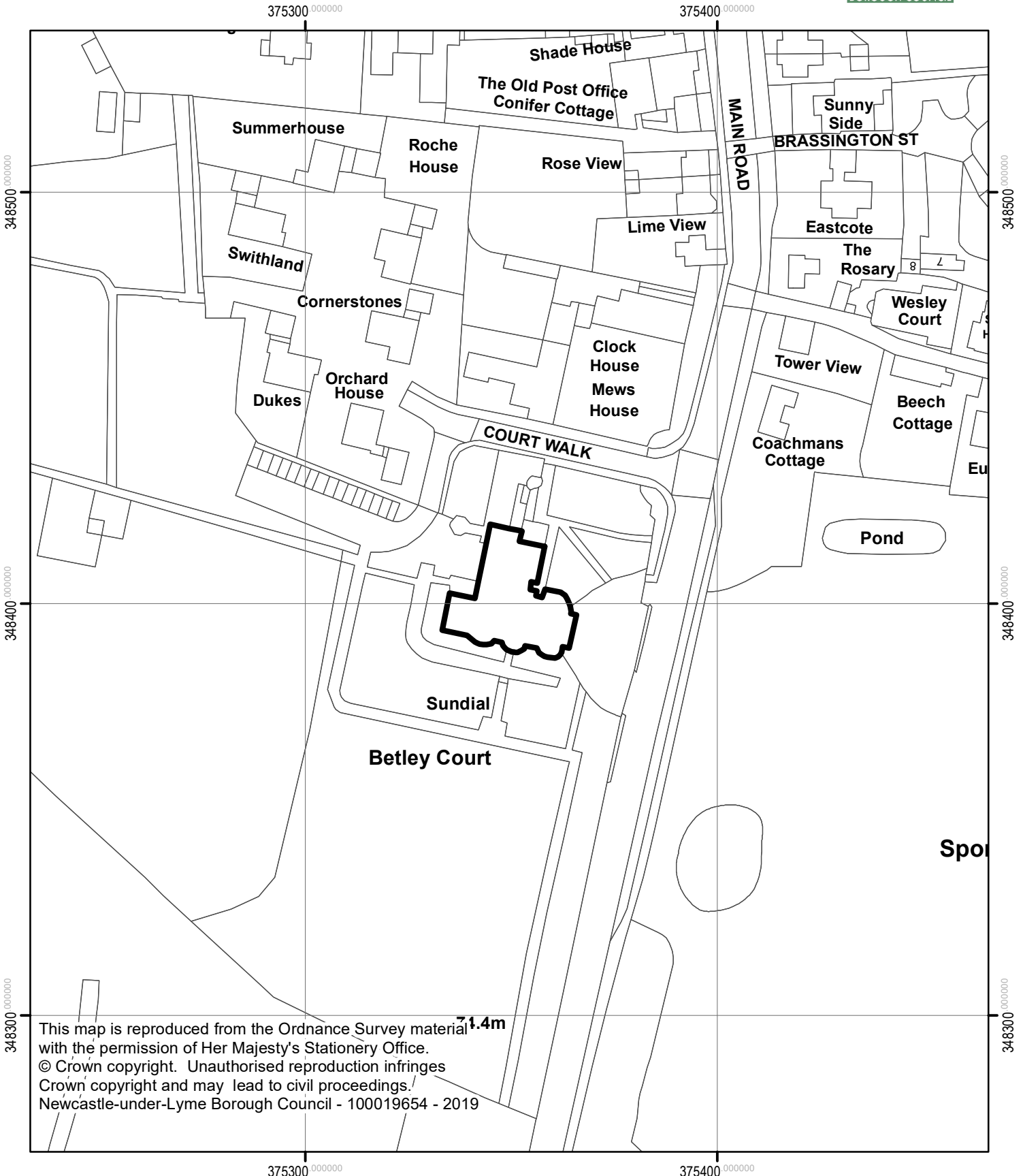
Since the publication of the main agenda the further comments of the Betley, Balterley and Wrinehill Parish Council and the Conservation Advisory Working Party have been received.

Betley, Balterley and Wrinehill Parish Council fully support the proposal set out in the application to reinstate the roofing as quickly as is practicable, noting that any delay in carrying out this essential work could further imperil the fabric of this important Listed Building. The Council is less concerned about the geographical origin of the slating than that the size, style and colouring of the replacement slates should be appropriate and give an effect similar to that displayed before the fire. The Council recognises that the detail of materials to be used will need to be agreed between the applicant, the Planning Authority and statutory consultees but notes that requiring a specific source may lead to a longer lead time in procuring slates which could lead to delay in carrying out this important work.

Such matters are addressed within report and the **RECOMMENDATION remains as set out in the main agenda report.**

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220/00685/FUL & 20/00686/LBC
Betley Court, Main Road, Betley CW3 9BH



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BETLEY COURT, MAIN ROAD, BETLEY
DR NIGEL BROWN AND OTHERS

20/00729/FUL & 2/00730/LBC

The applications are for full planning permission and listed building consent for the formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court following fire damage. The works involve the demolition of a section of the boundary wall.

Betley Court is a Grade II* Listed Building.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

The 8 week period for the determination of this application expires on the 2nd November 2020.

RECOMMENDATION

A. Application 20/00729/FUL

Subject to no objections being received from the Highway Authority and the Landscape Development Section that cannot be addressed through the imposition of appropriate conditions, PERMIT subject to the following conditions:

- 1. Time limit.**
- 2. Approved plans.**
- 3. Dismantling of wall to be undertaken in accordance with submitted methodology unless otherwise agreed**
- 4. Reinstatement of wall when restoration of building completed in accordance with details that shall have been approved beforehand using original materials or materials that have been approved.**
- 5. Removal of construction compound and restoration of site when restoration of building completed.**
- 6. Implementation of tree protection measures for all trees to be retained.**
- 7. Replacement tree planting**

B. Application 20/00730/LBC

PERMIT subject to the following conditions:

- (i) Time limit.**
- (ii) Approved plans.**
- (iii) Dismantling of wall to be undertaken in accordance with submitted methodology unless otherwise agreed**
- (iv) Reinstatement of wall when restoration of building completed in accordance with details that shall have been approved beforehand using original materials or materials that have been approved.**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the proposed temporary access would result in some harm to the setting of the Listed Building and the character and appearance of the Conservation Area, such harm would be less than substantial and would be outweighed by the public benefits arising from the repair to the listed building and the minimisation of noise and disruption to residents of Court Walk arising from the chosen location for the access

It is concluded that the proposal would be appropriate development in the Green Belt. Subject to confirmation from the Highway Authority and Landscape Development Section that they have no objection no other harm has been identified. As such it is considered that planning permission can be granted.

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

The proposed development follows pre-application discussions and is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The applications are for full planning permission and listed building consent for the formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court, which is a Grade II* Listed Building, following fire damage. The works involve the dismantling of a section of the boundary wall and reinstatement at a later date, amounting to partial demolition and rebuilding of a listed structure.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

The key issues in the determination of the planning application are considered to be:

- Is the development appropriate within the Green Belt? If it is not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?
- Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area, including consideration of its impact on trees?
- Would there be an unacceptable impact on highway safety?

The only consideration in the determination of the application for listed building consent is the impact of the proposal on the listed building.

Is the development an appropriate form of development within the Green Belt?

Paragraph 133 of the National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

According to paragraph 134 of the NPPF Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the current NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 of the NPPF states that, other than in the case of a number of specified exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. At paragraph 146, the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

The demolition of a section of the boundary wall and the formation of a construction compound would not affect the openness of the Green Belt and would not conflict with the purposes of including land within it. As such it is concluded that both these elements of the development are appropriate within the Green Belt.

Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area, including consideration of its impact on trees?

When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition where a planning application affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contact exists to ensure the construction of the replacement building. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

The NPPF, at paragraph 192, states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In paragraph 195 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is

necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 196 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Betley Court was significantly damaged as a result of a fire in August 2019 and the commencement of the repair of this Grade II* listed building is important as delays will put the building at risk of further damage.

The proposal involves the demolition of a section of approximately 17m of the east boundary wall of Betley Court to form an entrance for construction deliveries during the repair and reinstatement of Betley Court. In addition nearby self-set trees and bushes will be removed and an adjacent yew tree pollarded. A temporary construction compound will be formed on the north end of the south wall. The intention is to reinstate the dismantled section of the wall once the restoration works are complete, on a like for like basis, reusing the removed bricks, stone copings and lime mortar.

The east boundary wall abuts the kerb of the public highway, Main Road, on a stretch where there is no pavement or verge. The wall, at 2.1m tall in a red and blue brick chequerboard pattern, is visually prominent and forms a distinctive part of the character of Betley Conservation Area.

The section of the wall identified for demolition is failing and will require repair through rebuilding in any event, and as such the removal of this section of the wall for the duration of the construction works has least impact. The proposal involves the least amount of loss necessary to form a safe and functioning access. The loss of trees is inevitable wherever the access is formed and it appears that the most visually significant trees along this boundary can be retained. Conditions can be imposed that secures the reinstatement of the wall, protection of trees and replacement planting.

The submission sets out the alternative options for deliveries have been reviewed and ruled out. The removal of walls and railings directly in front of the listed building was considered, but such works would lead to greater harm to the listed building. Alternatively access to the site could be achieved via Court Walk, but this would cause damage to mature, visually significant trees and would impact on the amenity of local residents.

In the circumstances it is considered that the proposed development would result in less than substantial harm to the designated heritage assets (the Listed Building and Conservation Area) as a consequence of the loss of a section of wall for a temporary period, which is damaged and requires rebuilding, and the loss of trees. Such harm, however, is outweighed by the public benefits arising from the associated repair to the listed building and the minimisation of noise and disruption to residents of Court Walk.

Impact on highway safety

At paragraph 109 the NPPF indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As there is no verge or pavement adjoining the wall, there will be substandard visibility for vehicles leaving the site. To achieve the required visibility splays would result in the need to

remove an extensive section of the boundary wall which would result in substantial harm to the heritage asset that could not be justified or supported. The access will be used infrequently for deliveries only and will be open when deliveries are due. It is intended to either have temporary traffic lights or banksmen using stop/go signs to minimise disruption on the highway and allow vehicles to exit the site safely. Subject to the Highway Authority confirming such arrangements are acceptable it is can be concluded that the proposal would not result in highway safety concerns.

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 CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy N12: Development and the Protection of Trees
Policy B13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N18: Area of Active Landscape Conservation
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B13: Design and Development in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas
Policy B14: Development In or Adjoining the Boundary of Conservation Areas

Other Material Considerations

[National Planning Policy Framework](#) (2019)
[Planning Practice Guidance](#) (PPG) (March 2014)

[Supplementary Planning Documents/Guidance](#)

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

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

18/00943/FUL	Proposed opening of gardens as a visitor attraction; construction of a detached building to form toilets/office and facilities for light refreshments; demolition of garages and the construction of car parking. (resubmission of 18/00268/FUL)	PERMIT
20/00405/LBC	Essential safety works to unstable walls in the listed building following fire damage	PERMIT
20/00655/FUL	Variation of condition 2 (approved plans) of P/A 18/00943/FUL to permit the substitution of revised plans to reflect the details of the visitor centre as built	PENDING CONSIDERATION
20/00685/FUL	Repairs and alterations associated with the reroofing works to Betley Court using leadwork and natural slates, including reinstatement of cast iron rainwater goods. Installation of a lightning conductor system and fall arrest system.	PENDING CONSIDERATION
20/00686/LBC	As above	PENDING CONSIDERATION

Views of Consultees

The **Conservation Officer**, commenting on both applications, states that the application is for temporary removal of the wall but amounts to partial demolition and rebuilding to allow for an appropriate access to undertake the repairs to Betley Court following the devastating fire last year. There are many walls within the garden area and the front boundary wall is a distinctive feature within the overall setting of the house and grounds and former associated farm built by the Fletcher-Twemlows.

The wall has a blue and red brick chequerboard pattern and is thought to be mid 19th century and plays an important part in the relationship of the house and grounds within the village and Betley Conservation Area. It is noted that there is a section of wall within the area to be removed above a drain which has dropped and at some point would need to be rebuilt.

Pre-application discussions have been undertaken with the applicant and their agents and the proposal is the least amount possible to accommodate the necessary vehicles during the repair works. Whilst regrettable the wall is proposed to be carefully dismantled, bricks dressed and reused in the rebuilding of the wall after the repair works and the requirement for large delivery vehicles. The specific brick pattern is set out in the heritage statement at paragraphs 24 – 31. A method statement for dismantling and storing the bricks and coping stones is set out in 39 – 45 and includes creating the temporary access.

Whilst the dismantling of the wall is regrettable to create the access, some of this wall already needs substantial repair and the current arrangement for a compound is inappropriate given the location and proximity to nearby residents. The reinstatement works to the Grade II* building are welcome and the wall too will be reinstated. So the overall harm to the setting of the house and grounds and indeed to the CA is temporary and relatively short-lived. There are no objections subject to the work being undertaken in accordance with the methodology within the heritage statement.

Historic England, commenting on the application for listed building consent, understands that the proposed temporary access, and associated compound area is required to enable works to be carried out to the fire damaged Grade II* Listed Betley Court. In view of the architecturally and historically importance of this once fine early 18th century house, and the surrounding Betley Conservation Area, attention is drawn to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (NPPF). In particular the importance of protecting the significance of listed buildings, conservation areas and their setting is highlighted.

Obviously the dismantling of part of the existing wall is unfortunate. However, it is understood that this is the minimum necessary to accommodate access in to the site for construction vehicles, and the wall and grounds will be reinstated to the satisfaction of the Council's conservation adviser once the works are complete.

Historic England is obviously keen to see repairs progress, and subject to the above has no objection to the proposed access and compound.

The views of the **Highway Authority, Landscape Development Section, Conservation Advisory Working Party** and **Betley, Balterley and Wrinehill Parish Council** have been sought and will be reported if received.

Representations

None received to date

Applicant/agent's submission

The applications are supported by the following documents;

- Heritage Statement
- Construction Management Plan
- Tree Survey

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00729/FUL>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00730/LBC>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

30th September 2020

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
13th October 2020

Agenda Item 9

Application Ref. 20/00729/FUL & 20/00730/LBC

Betley Court, Main Road, Betley

Since the publication of the main agenda the further comments of the Betley, Balterley and Wrinehill Parish Council, the Conservation Advisory Working Party, the Highway Authority, and the Landscape Development Section have been received.

Betley, Balterley and Wrinehill Parish Council strongly supports the application for the creation of the compound and the necessary associated works. The Parish Council considers it would be ideal if the compound could also be used for off-road staff parking to minimise danger and disruption to other road users and the local community. Suitable parking is not available elsewhere, within reasonable distance, bearing in mind that site workers often have heavy tools and personal equipment they need to bring to the site. The restricted access in Court Walk means that it is not suitable for parking as it would seriously impede the entry and exit by residents' vehicles and vehicles delivering to the houses.

Any grant of permission should be conditioned to require the reinstatement of any section of wall removed to permit access, in similar height, style and construction (including the brick bond uses) to the existing.

The **Conservation Advisory Working Party** accept the poor state of this section of wall and wish to ensure that investigation is undertaken to fix the problem with the nearby drain before the wall is reinstated. They do not object to the proposal.

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

- The temporary access and construction compound shall be used in accordance with the Construction Management Plan at all times.
- Prior approval of details of wheel wash facility and surfacing and drainage of the access and turning area.

The **Landscape Development Section** (LDS) advise that Trees on this site are affected by Tree Preservation Order 24 and are within Betley Conservation Area.

It is unfortunate that access across the frontage of the site is required, as this will create a visual break in the band of protected roadside trees, however the arboricultural information provided demonstrates that the position of the access has been considered in a way that will have the least impact on trees.

Visually prominent trees that will be affected include a category B Lime tree (T7), the future of this tree is limited due to it being in direct contact with the wall, and a Yew tree (of a poorer form, which is to be retained and pollarded), along with three smaller low category trees. Information provided demonstrates that highly visually prominent category A trees either side of the proposed access can be retained and protected.

Replacement tree planting is proposed.

As such no objection is raised to the proposal and the following planning conditions should be applied:

Published 9 October, 2020

- That a planning condition be applied requiring that the Tree Constraints Plan matches the General Arrangement drawing as there appears to be a few discrepancies.
- Approval of a Dimensioned Tree Protection Plan (BS5837:2012)
- Approval of an Arboricultural Method Statement (BS5837:2012) for works within the RPAs of retained trees (including ground protection for T4 Yew)
- Full landscaping proposals to include replacement tree planting.

Trees should be fully protected in accordance with BS5837:2012 throughout the rebuilding process for Betley Court (construction access, materials storage, site cabins etc. should not compromise root protection areas of the numerous protected trees on this site).

Officer comment

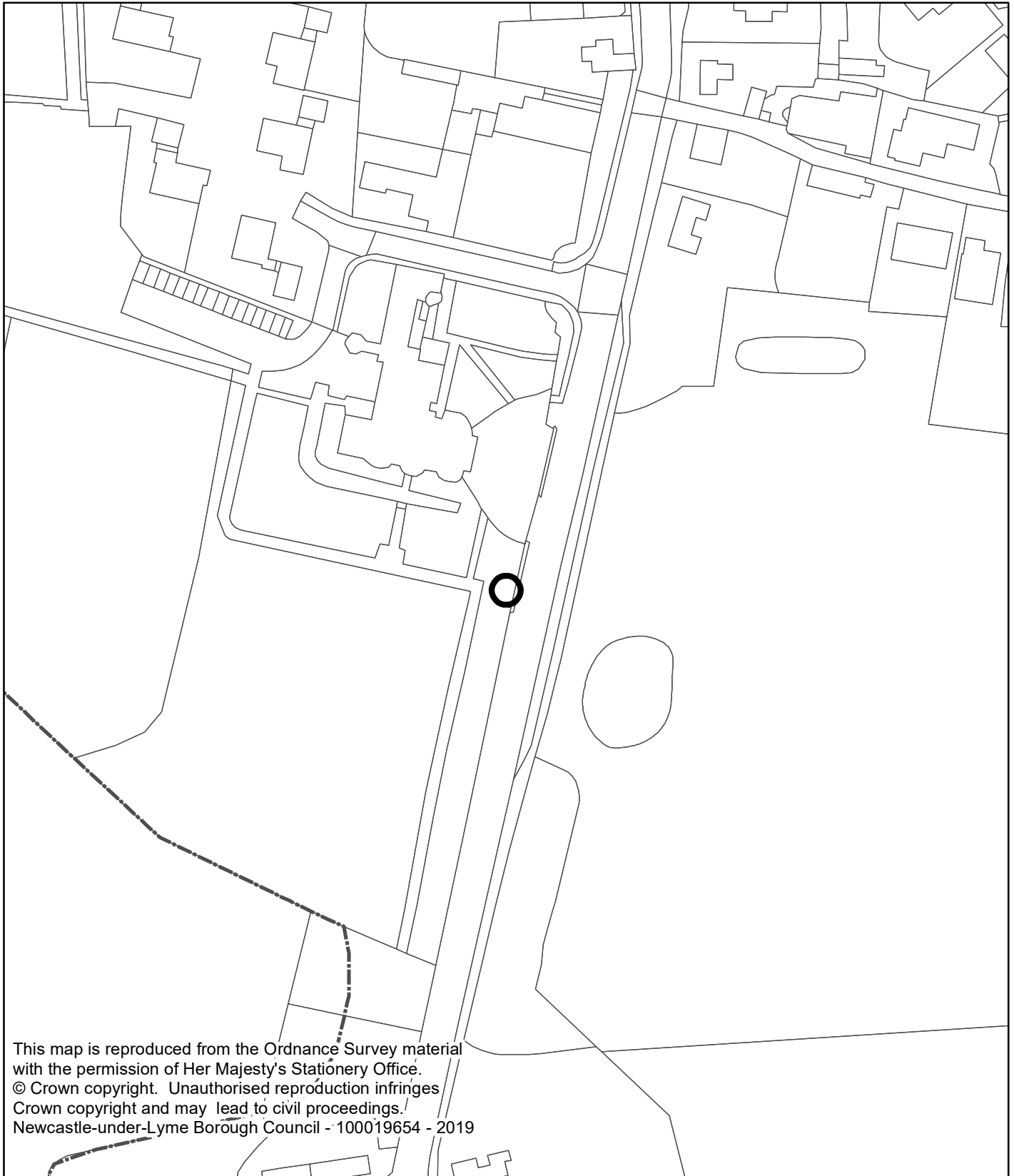
The Parish Council request that the staff parking is provided and accessed from the new access point. This is, however, contrary to the advice of the HA who stipulate that the access and construction compound are used in accordance with the Construction Management Plan. As indicated in the report the proposed access provides substandard visibility and is only suitable for limited and carefully controlled use. Any increase in its use to provide parking for construction staff would increase highway danger and as such is unacceptable.

The conditions requested by the HA and LDS are considered necessary and appropriate. As such the **RECOMMENDATION** in respect of 20/00729/FUL is amended as follows:

PERMIT subject to the following conditions:

1. **Time limit.**
2. **Approved plans.**
3. **Dismantling of wall to be undertaken in accordance with submitted methodology unless otherwise agreed**
4. **Reinstatement of wall when restoration of building completed in accordance with details that shall have been approved beforehand using original materials or materials that have been approved.**
5. **Removal of construction compound and restoration of site when restoration of building completed.**
6. **Approval of a Dimensioned Tree Protection Plan (BS5837:2012) to be implemented during dismantling and rebuilding of the wall.**
7. **Approval of an Arboricultural Method Statement (BS5837:2012) for works within the RPAs of retained trees (including ground protection for T4 Yew)**
8. **Full landscaping proposals to include replacement tree planting.**
9. **Tree Constraints Plan to match the General Arrangement Plan**
10. **The temporary access and construction compound shall be used in accordance with the Construction Management Plan at all times.**
11. **Prior approval of details of wheel wash facility and surfacing and drainage of the access and turning area.**

Betley Court, Main Road
Betley, CW3 9BH



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Newcastle-under-Lyme Borough Council - 100019654 - 2019

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BROOKHOUSE FARM, NEWCASTLE ROAD, MADELEY
MR PETER WAKELIN

20/00619/FUL

The application is for full planning permission for a replacement workshop building.

The site is located within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on the 24th September but the applicant has agreed to an extension of time until the 16th October 2020.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Restriction on outside storage areas**
- 5. External lighting**

Reason for Recommendation

Whilst the development represents inappropriate development within the Green Belt, it is accepted that there are very special circumstances which would outweigh the associated harm to the openness of the Green Belt from this development. In all other respects the development accords with local and national planning policy.

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

Additional information has been requested during the consideration of the application and the applicant has submitted details to satisfy any concerns. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

The application is for full planning permission for a replacement workshop building for the established rural business which repairs farm machinery.

The site is located within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map.

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

- Is the proposal appropriate development within the Green Belt?
- Design and impact on the character and appearance of the landscape, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 133 of the NPPF details that "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

The NPPF further indicates in paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, buildings for agriculture and forestry, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The existing buildings and structures are in use as part of a rural business which repairs farm machinery.

The existing buildings and structures have an approximate floor area of 372 square metres and an approximate volume of 1,235 cubic metres.

The applicant indicates that the existing buildings and structures are not fit for purpose due to the age, size and height. The business also repairs farm machinery which is getting bigger and repairs now have to take place outside. Therefore, whilst the floor area of the proposed purpose built building would be 374 squares (2 square metres bigger than the existing) it would have a volume of approximately 2,310 cubic metres because of its increased height.

On the basis of the above the proposed building would be materially larger than the existing buildings and structures to be replaced. The proposed development therefore represents inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

Design and impact on the character and appearance of the landscape

Paragraph 124 of the National Planning Policy Framework (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.

Paragraph 127 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

As discussed, the site operates as an existing business which repairs farm machinery. The existing buildings are functional and in a state of disrepair. The site also has a large amount of outside storage because machinery is unable to fit into the buildings. Therefore the site has an unsightly appearance.

The proposed building would have a similar footprint to the existing buildings and structures but would have a height that is much greater – the height of the existing building is approximately 4 metres and the new building would have a height of 7.1 metres.

The proposed building would have a traditional modern appearance with metal profile sheeting, coloured green, and a cement fibre roof.

The design and appearance of the building is considered acceptable for this rural location and whilst large it would have minimal views from any main vantage points due to its location. It is also set amongst and adjacent to other neighbouring buildings in agricultural and equestrian uses. It would therefore be viewed within the context of the area.

On balance it is considered that the proposed building would not harm the character and appearance of the landscape and it accords with Policy N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

Do very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt, and any other harm?

As the development is considered to represent inappropriate development in the Green Belt, very special circumstances are required that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

Paragraph 144 of the NPPF sets out that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The building is materially larger than the building it replaces due to its height and subsequent volume increase.

The applicant has submitted a case for very special circumstances which sets out that the existing buildings are impractical because farm machinery has become so much bigger and this has affected working conditions for employees. A lot of work has to be undertaken outside because the machinery cannot fit inside the existing buildings and structures. The location and arrangement of the existing buildings and structures also make it very difficult to manoeuvre machinery and tractors into the workshop.

The existing business employs 4 full time staff and the new building would ensure that the existing business can expand and adapt.

Paragraph 83 of the NPPF sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Your officers accept that there is a genuine need for the size of building proposed in order to meet the needs of this established rural business. It is also considered that the new building would avoid the need for the large amount of machinery being stored outside which harms the appearance of the landscape. A condition which restricts the level of outside storage is considered justified without harming the business.

The proposed building has an acceptable appearance and given the circumstances and justification provided, it is considered that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

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 CSP3: Sustainability and Climate Change

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

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration

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](#)

05/01144/COU Change of use of building from use as farm workshop/implement store to light industrial use/use as a workshop/implement store for purposes unrelated to use of the land for agriculture Permitted

[Views of Consultees](#)

Madeley Parish Council raises no objections.

The **Highways Authority** raises no objections.

The **Environmental Health Division** raises no objections subject to a condition regarding external lighting.

Cadent (National Grid) raises no objections but provide advisory notes to the applicant.

[Representations](#)

None received

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

The submitted plans and very special circumstances justification for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00619/FUL>

[Background papers](#)

Planning files referred to

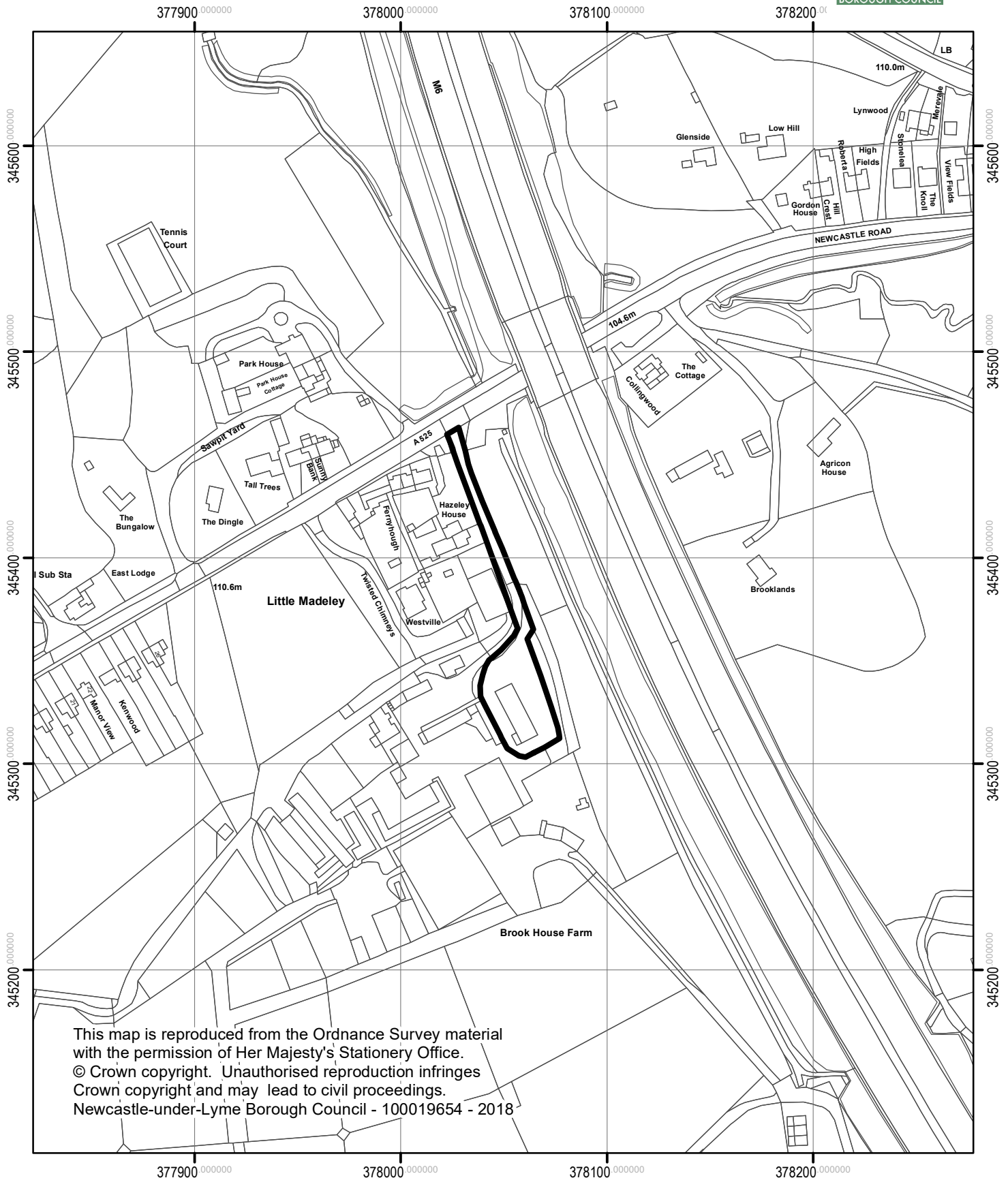
Planning Documents referred to

Date report prepared

29th September 2020

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**Brookhouse Farm, Newcastle Road
Madeley, CW3 9JT**



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APPEAL BY MR & MRS DOWLER AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR TWO DWELLINGS AT CROSSWINDS, WOOD LANE, NEWCASTLE-UNDER-LYME

<u>Application Number</u>	20/00002/FUL
<u>LPA's Decision</u>	Refused on 4th March 2020
<u>Appeal Decision</u>	Allowed
<u>Date of Decision</u>	1st September 2020

Appeal Decision

The Inspector identified the main issue to be the effect of the development on the character and appearance of the area.

The Inspector considered that the development would not harm the character and appearance of the area and the appeal was allowed with conditions.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00002/FUL>

Recommendation

That the appeal decision be noted.

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Classification: NULBC UNCLASSIFIED

APPEAL BY MR MCCARTHY AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE DEMOLITION OF AN INDOOR MODEL CAR RACING BUILDING AND ERECTION OF A DETACHED DWELLING AT BUILDING NORTH OF THE OLD STABLE AND TAWNEY COTTAGE, BARTHOMLEY ROAD, AUDLEY

<u>Application Number</u>	19/01016/FUL
<u>LPA's Decision</u>	Refused on 28th February 2020
<u>Appeal Decision</u>	Dismissed
<u>Date of Decision</u>	9th September 2020

Appeal Decision

The Inspector identified the main issues to be whether the site represents a suitable site for housing having particular regard to its accessibility to shops and services, and the effect of the proposal on the character and appearance of the area.

The Inspector considered that the appeal site would not be a suitable site for new housing having particular regard to its accessibility to shops and services.

The Inspector considered that visual impact would be similar, if not less than the current building and that the design would be sympathetic to the rural character of the area. She concluded that the proposed development would not harm the character and appearance of the area.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/01016/FUL>

Recommendation

That the appeal decision be noted.

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APPEAL BY MR & MRS MILLARD AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR A DWELLING ON LAND ADJACENT 50 AND 52 HIGH STREET, HARRISEAHEAD

<u>Application Number</u>	19/00463/OUT
<u>LPA's Decision</u>	Refused on 16th October 2019
<u>Appeal Decision</u>	Dismissed
<u>Date of Decision</u>	9th September 2020

Appeal Decision

The Inspector identified the main issue to be the effect of the proposed development on highway and pedestrian safety.

The Inspector considered that the access to the site is substandard in a number of respects. The appeal site would require cars to travel much further along it than any of the existing dwellings, and would increase the vehicular movements both along it, and utilising the junction with High Street. Intensification of the use of a substandard access, even if only limited, would increase the potential for conflict with pedestrians and would be detrimental to highway safety. Therefore, the proposal would have an unacceptable impact on highway and pedestrian safety and it would conflict with paragraphs 109 and 110 of the National Planning Policy Framework.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00463/OUT>

Recommendation

That the appeal decision be noted.

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LAND AT RAVENSDALE, CHEMICAL LANE, TUNSTALL

S.TAFFORDSHIRE WASTE LTD

SOTCC ref 64513/FUL (NuIBC ref 348/268)

The Borough Council have been consulted by the City Council on an application for a change of use from a use as a former recreation ground to use as a B8 open storage depot, erection of security fencing and gates, formation of hardstanding, parking, landscaping and associated infrastructure.

The site is located within the Stoke-on-Trent Outer Urban Area as indicated on the Local Development Framework Proposals Map.

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 14th October.

RECOMMENDATION

That the City Council be informed that the Borough Council has no objections to the proposed development subject to any appropriate conditions that the City Council deem necessary, with particular regard to highway matters and air quality.

Reason for Recommendation

The supporting information indicates that the development will not affect the interests of the Borough by virtue of highway impacts, air quality or noise.

Key Issues

As indicated above, the Borough Council has been consulted by the City Council on amendments to an application for full planning permission for a change of use from a use as a former recreation ground to use as a B8 open storage depot, erection of security fencing and gates, formation of hardstanding, parking, landscaping and associated infrastructure.

It would appear from the submission that the site is already being used for the storage of rail-related materials for, amongst others, Network Rail and HS2 Ltd. The materials are currently brought into site by road, however, upon re-activation of the railway sidings on the adjacent Chemical Lane site, materials may also arrive by rail.

The site area is 5.8ha. The boundary between the Borough and the City lies to the west of the application site.

The Borough Council has been asked for its views on this proposal – the City Council being the Planning Authority. The only considerations are the issues which might affect the interests of the Borough. Such issues do not include a consideration of the principle of the development, however highway impacts and environmental matters are issues that potentially affect the interests of the Borough and are considered below.

The response of the Borough Council to the initial consultation was that it had no objections to the proposed development subject to appropriate conditions that the City Council deemed necessary, with particular regard to highway matters and air quality.

Impact on the highway network

The site will continue to be accessed via the existing access point in the north-west corner of the site.

A Transport Assessment has been submitted which considers the movement of plant, machinery and materials between three sites on Chemical Lane which are operated by Land Recovery Group, which the applicant is part of, and are inextricably linked. It acknowledges

that there are scenarios where materials are received at one site and exported from another. The Assessments suggests a condition that the operator monitors the number of HGVs in a log of arrivals and departures to the site which could be shared with the Council. It goes on to state that junctions within the vicinity of the site would not be significant and the development would not materially affect the operation of the strategic road network.

Assuming that the Transport Assessment and its conclusions are accepted by the relevant Highway Authority it considered that the proposal does not raise any highway safety concerns that could affect the interests of the Borough.

Environmental Issues

Assessments have been submitted in respect of air quality, dust and noise impact. The assessments conclude that the proposed change of use would not result in any adverse environmental impacts.

In light of these conclusions, it is not considered that the development would result in any environmental impacts on the Borough.

APPENDIX

Policies and proposals in the Development Plan relevant to this recommendation

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP2: Stoke-on-Trent Outer Urban Area Spatial Policy
Policy CSP9: Comprehensive Area Regeneration

Other Material Considerations include:

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

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

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

Relevant Planning History

Permission has been granted for the following developments on the site:

59353/OUT	Outline permission for a 165,000sqft B8 warehouse, storage and office development – Approved 2017
51067/REN	Renewal of planning permission ref. 47686 (employment area) – Approved 2011
SOT/47686/OUT	Employment Area comprising B1 offices and workspaces, B2 industrial units, B8 warehousing, leisure facilities, open space and associated footpaths and landscaping (subject to variation of conditions attached to planning permission ref. SOT/42894) – Approved 2008
SOT/42894/OUT	Employment area (Classes A3, B1, B2, B8 and D2) and associated highways, footpaths and landscaping works (outline) – Approved 2007

Applicant's Submission

The application is supported by a number of documents which are available to view on Stoke City Council's website <https://planning.stoke.gov.uk/online-applications> using the City Council reference 64513/FUL.

Background Papers

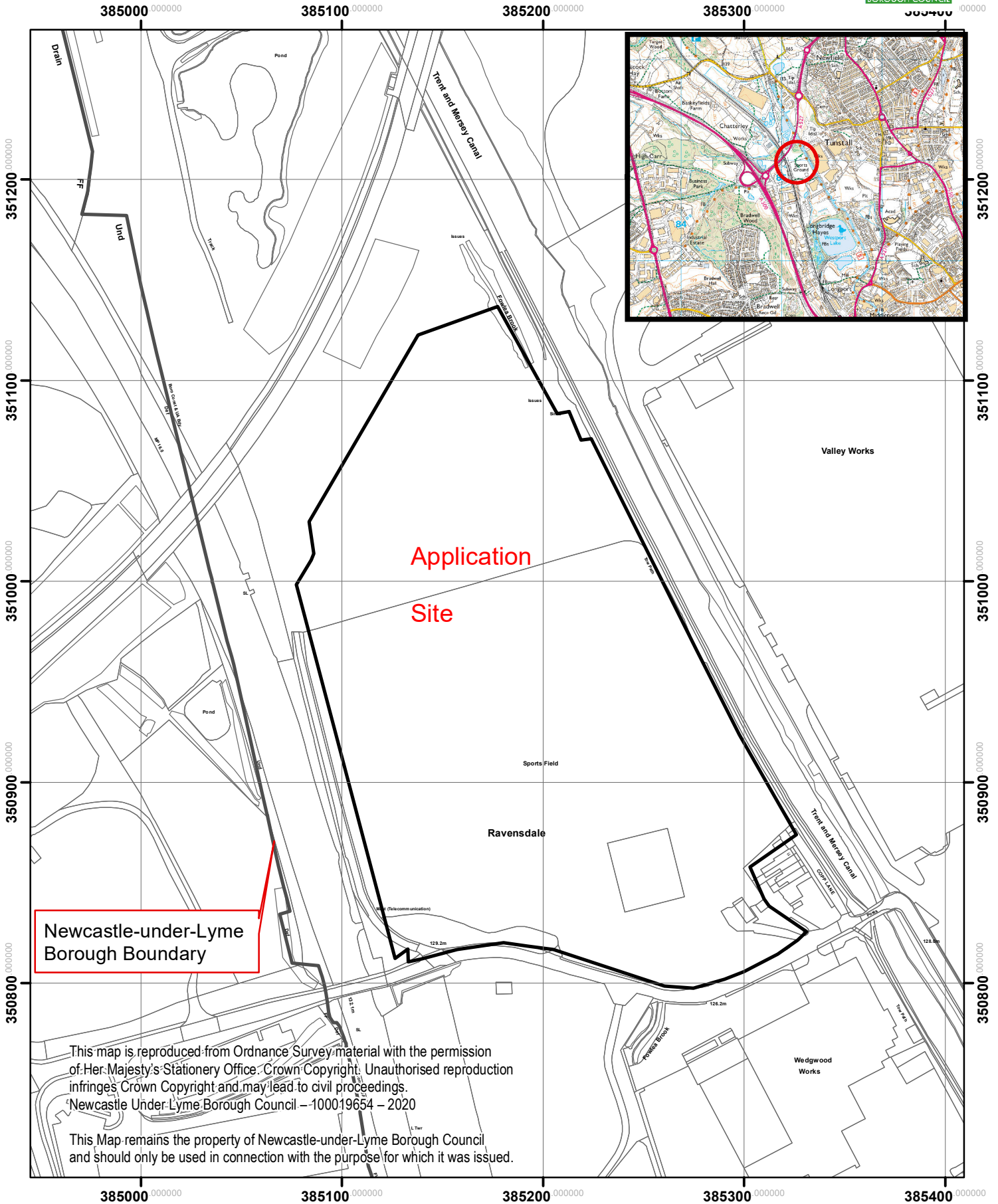
Planning Policy documents referred to
Planning files referred to

Date Report Prepared

1st October 2020

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348/268
Land at Ravensdale, Chemical Lane,
Tunstall, Stoke-on-Trent



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Classification: NULBC UNCLASSIFIED

FORMER SEVERN TRENT WATER SITE, HAREWOOD STREET, TUNSTALL, STOKE-ON-TRENT
LAND RECOVERY LIMITED

SOTCC ref 65226/FUL (NuIBC ref 348/272)

The Borough Council has been consulted by the City Council on an application for a temporary permission (7 years) for groundworks (retrospective), a change of use of the site from a water treatment works to open storage depot (B8 storage distribution), the erection of containment areas and the formation of associated hardstanding, landscaping and infrastructure.

The site is located within the Stoke-on-Trent Outer Urban Area as indicated on the Local Development Framework Proposals Map.

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 24th June.

RECOMMENDATION

That the City Council be informed that the Borough Council has no objections to the proposed development subject to any appropriate conditions that the City Council deem necessary, with particular regard to highway matters and air quality.

Reason for Recommendation

The supporting information indicates that the development will not affect the interests of the Borough by virtue of highway impacts, air quality or noise.

Key Issues

As indicated above, the Borough Council has been consulted by the City Council on an application for full planning permission for the change of use of the site from use as a former waste treatment works to B8 open storage use to support the aggregates recycling facility on adjacent land (the site known as “the Chemical Lane site”). Planning permission is requested on a temporary basis for a period of seven years.

The site area is 5.7ha. The boundary between the Borough and the City lies to the west of the application site on the other (Western) side of the West Coast Main railway line.

The Borough Council has been asked for its views on this proposal – the City Council being the Planning Authority. The only considerations are the issues which might affect the interests of the Borough. Such issues do not include a consideration of the principle of the development, however highway impacts and environmental matters are issues that potentially affect the interests of the Borough and are considered below.

Impact on the highway network

The site will continue to be accessed via the existing access point in the north-west corner of the site.

The Transport Assessment that accompanies the application concludes that the proposed B8 open storage use at the site can suitably be accommodated on the surrounding highway network. Furthermore, the access point and internal circulation routes would provide suitable space for access/egress and manoeuvring of vehicles in a safe and efficient manner. It is stated that given the limited number of HGV movements associated with the B8 open storage operation, there would be no material impact on the local highway network. It goes on to state that in time, once the recently implemented rail infrastructure on the adjacent Chemical Lane site is more established, the majority of materials will be moved to/from the site via rail further reducing the reliance on the local highways infrastructure.

The proposal does not, therefore, raise any highway safety concerns that could affect the interests of the Borough.

Environmental Issues

Assessments have been submitted in respect of air quality, dust and noise impact. The assessments conclude that the proposed change of use would not result in any adverse environmental impacts.

In light of these conclusions, it is not considered that the development would result in any environmental impacts on the Borough.

APPENDIX

Policies and proposals in the Development Plan relevant to this recommendation

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP2: Stoke-on-Trent Outer Urban Area Spatial Policy
Policy CSP9: Comprehensive Area Regeneration

Other Material Considerations include:

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

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

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

Relevant Planning History

Permission has been granted for the following developments on the site:

51067/REN	Renewal of planning permission ref. 47686 (employment area) – Approved 2011
SOT/47686/OUT	Employment Area comprising B1 offices and workspaces, B2 industrial units, B8 warehousing, leisure facilities, open space and associated footpaths and landscaping (subject to variation of conditions attached to planning permission ref. SOT/42894) – Approved 2008
SOT/42894/OUT	Employment area (Classes A3, B1, B2, B8 and D2) and associated highways, footpaths and landscaping works (outline) – Approved 2007

Applicant's Submission

The application is supported by a number of documents as follows:-

- Transport Assessment
- Travel Plan
- Flood Risk assessment
- Coal Mining Risk Assessment
- Noise impact Assessment
- Dust Risk Assessment
- Ecological Impact assessment
- Heritage Impact Assessment
- Phase 1 Geo-Environmental Investigation

All these documents are available to view on Stoke City Council's website <https://planning.stoke.gov.uk/online-applications> using the City Council reference 65226/FUL.

Background Papers

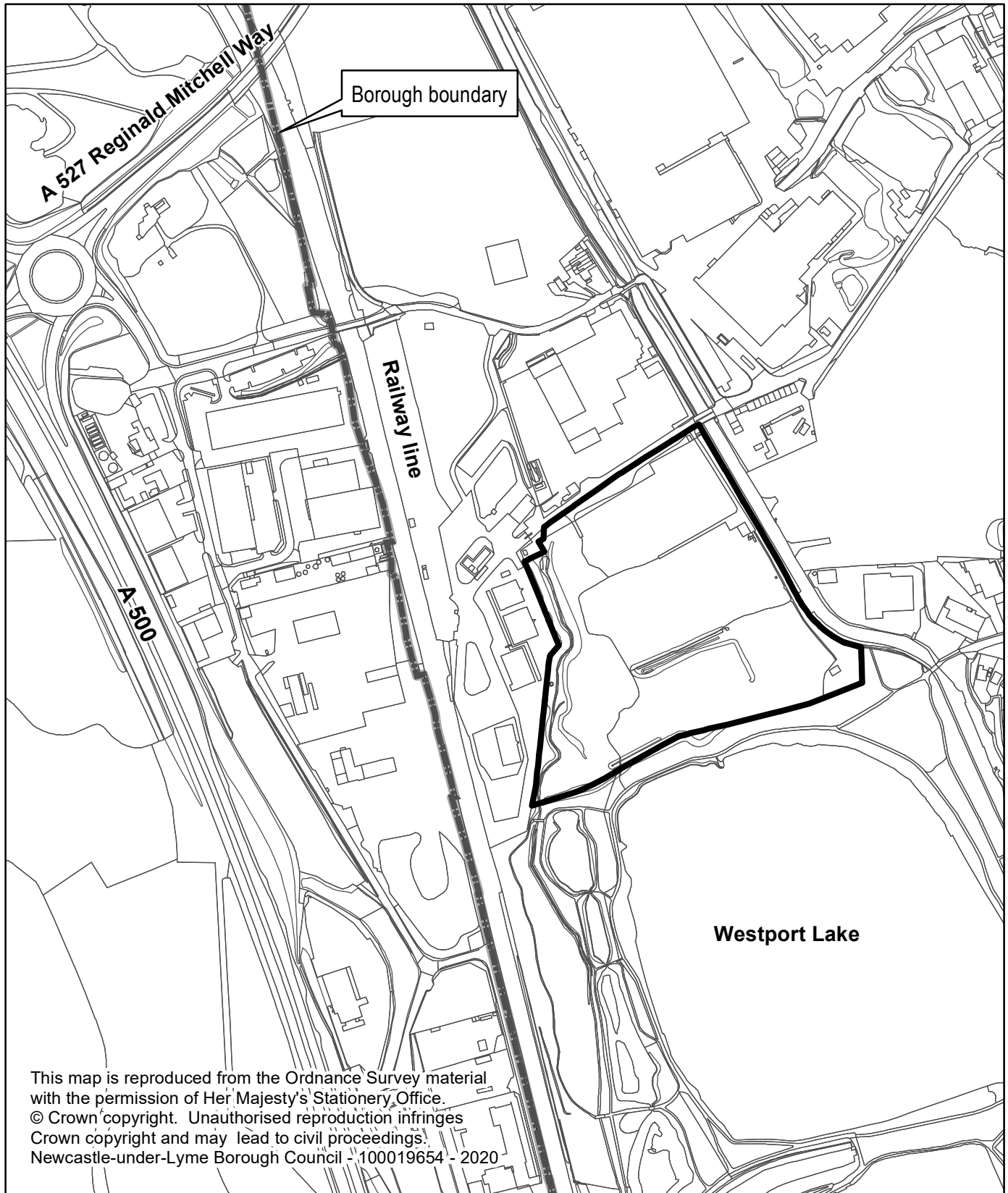
Planning Policy documents referred to
Planning files referred to

Date Report Prepared

3rd June 2020

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**Cross boundary consultation Stoke City Council
Ref. 65226/FUL - Former Severn Trent Water Site,
Harewood Street, Tunstall, Stoke-on-Trent, ST6 4NU**



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