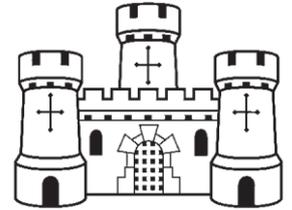


Public Document Pack

Date of meeting Tuesday, 2nd March, 2021
Time 7.00 pm
Venue Hybrid Meeting - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 14)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CHEMICAL LANE, TUNSTALL. RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD. 20/01047/FUL** (Pages 15 - 26)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - PLOT 3, KEELE UNIVERSITY SCIENCE & INNOVATION PARK, KEELE ROAD, KEELE. NOVINITI DEV CO 5 LTD & KEELE UNIVERSITY. 20/01083/FUL** (Pages 27 - 36)
This item includes a supplementary report.
- 6 APPLICATION FOR MINOR DEVELOPMENT - ASHES FARM, 103 HIGH STREET, HARRISEAHEAD. MR NIGEL PORTER. 20/01065/FUL** (Pages 37 - 46)
- 7 APPLICATION FOR OTHER DEVELOPMENT - KEELE UNIVERSITY, THREE MILE LANE, KEELE. MR ASHLEY HULME, KEELE UNIVERSITY. 20/01076/FUL** (Pages 47 - 54)
This item includes a supplementary report.

- 8 **APPLICATION FOR OTHER DEVELOPMENT - OAKLEY HALL, OAKLEY, MARKET DRAYTON. MR AND MRS GHANI. 21/00056/LBC** **(Pages 55 - 64)**

This item includes a supplementary report.

- 9 **APPLICATION FOR OTHER DEVELOPMENT - KNUTTON COMMUNITY CENTRE AND INFANT WELFARE CENTRE & CLINIC, KNUTTON LANE, KNUTTON. NEWCASTLE BOROUGH COUNCIL. 20/00958/CN01,20/01087/CN01 & 20/01087/CN02** **(Pages 65 - 72)**

This item includes a supplementary report.

- 10 **5 BOGGS COTTAGES, KEELE. 14/00036/207C3** **(Pages 73 - 74)**

- 11 **LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** **(Pages 75 - 76)**

- 12 **HALF YEARLY REPORT ON PLANNING OBLIGATIONS** **(Pages 77 - 86)**

- 13 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** **(Pages 87 - 90)**

- 14 **APPEAL DECISION - 17 BOYLES HALL ROAD, BIGNALL END. 20/00590/FUL** **(Pages 91 - 92)**

- 15 **DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraph 6 in Part 1 of Schedule 12A of the Local Government Act 1972.

- 16 **5 BOGGS COTTAGES, KEELE. 14/00036/207C3**

Potential discussion in closed session.

- 17 **UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE** **(Pages 93 - 94)**

- 18 **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:	Stephen Sweeney	Sylvia Dymond
	Bert Proctor	Mike Stubbs
	Simon Tagg	June Walklate
	Barry Panter	

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.

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PLANNING COMMITTEE

Tuesday, 5th January, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	Marion Reddish	Silvia Burgess	Mark Holland
	John Williams	Jennifer Cooper	Kenneth Owen
	Paul Northcott	Helena Maxfield	
	Gillian Williams	Sue Moffat	

Officers:	Elaine Moulton	Development Management Team Manager
	Nick Bromley	Senior Planning Officer
	Becky Allen	Landscape Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
Dorian Weller	ICT Officer	

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

1. **APOLOGIES**

Apologies were received from Councillor Dave Jones.

2. **DECLARATIONS OF INTEREST**

Councillor Northcott declared an interest in agenda item 5, application number 20/932/FUL, as a member of the Aspire Board.

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

Resolved: That the minutes of the meeting held on 8 December, 2020 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF WEST AVENUE. PERSIMMON HOMES. 20/00501/FUL**

Resolved: That a decision on the application be deferred until the 2nd February meeting, to allow additional information to be submitted and the views of the Lead Local Flood Authority (LLFA) to be obtained and for such

views to be taken into consideration by the Planning Committee in its decision.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF BIRCH HOUSE ROAD, HOLLY ROAD AND WHITETHORNE WAY. ASPIRE HOUSING. 20/00932/FUL

Resolved: That the variation of Condition 8 of 17/01033/FUL be permitted so that it reads as follows:

8. *Plots 1, 2 and 27 to 30 shall not be occupied until the following off-site highway works have been constructed in accordance with the approved plans:*

- *the widening of Laburnum Place to 5.5m and improvements to the turning head as broadly detailed on drawing no: D50 rev A; and*
- *provision of two off road visitor parking bays;*

and subject to the imposition of all other conditions attached to planning permission 17/01033/FUL that remain relevant at this time amended as necessary to reflect where details have been approved.

6. APPLICATION FOR MINOR DEVELOPMENT - THE NOOK, NEWCASTLE ROAD, MADELEY. MR JEFF ALLEN. 20/00969/REM

Amended recommendation proposed by Councillor Northcott and seconded by Councillor John Williams.

Councillor Gary White spoke on this application.

Resolved: That a decision on the application be deferred until the 2nd February meeting, to allow additional advice to be obtained from the Councils Conservation Officer on the impact of the amended roof design. Officers to also explore the acceptability of removing permitted development rights for future roof alterations and extensions.

7. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3

Members were advised that correspondence was still awaited from the Planning Inspectorate.

Resolved: That the Information be received and a further update report be brought to the 2nd March Planning Committee.

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

Councillor Gary White spoke on this item.

Members were advised that officers had tried to contact Cheshire East Council for an update but there had been no response. The owner of the land was unwilling to submit an application to this Authority until the Planning Application fee paid to Cheshire East Council had been returned.

The Chair asked Councillor Northcott if, in his position of Portfolio Holder for Planning and Growth, he could contact his counterpart at Cheshire East to seek a resolution. Councillor Northcott advised that he would be happy to try this.

Resolved: That the Information be received and a further update report be brought to the 2nd March Planning Committee.

9. **UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE**

Resolved: That the Information be received and a further update report be brought to the 2nd March Planning Committee.

10. **APPEAL DECISION - WELLBANK COTTAGE, OLD ROAD, WRINEHILL. 20/00481/FUL**

Resolved: That the appeal decision be noted.

11. **TREE PRESERVATION ORDER - LAND AT RENFORD HOUSE, 24 HIGH STREET, WOLSTANTON, NEWCASTLE. TPO210**

Resolved: That Tree Preservation Order No 210 (2020), Land at Renford House, 24 High Street, Wolstanton, Newcastle under Lyme be confirmed and that the owners of the site be informed accordingly.

12. **URGENT BUSINESS**

There was no Urgent Business.

Chair

Meeting concluded at 7.50 pm

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PLANNING COMMITTEE

Tuesday, 2nd February, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	Marion Reddish	Silvia Burgess	Sue Moffat
	John Williams	Dave Jones	Mark Holland
	Paul Northcott	Jennifer Cooper	Kenneth Owen
	Gillian Williams	Helena Maxfield	

Officers:	Rachel Killeen	Senior Planning Officer
	Elaine Moulton	Development Management Team Manager
	Darren Walters	Team Leader Environmental Protection
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer

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

1. **APOLOGIES**

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 12 January, 2021 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS. RENEW LAND LIMITED & KEYWORKER HOMES (MACCLESFIELD) LIMITED. 20/00201/REM**

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

- (i) Link to outline planning permission and conditions
- (ii) Approved plans

- (iii) Provision of internal roads, private drives and parking areas
- (iv) Retention of garages for parking
- (v) Provision of visibility splays
- (vi) Details of surfacing materials and surface water drainage for private drives and parking areas
- (vii) Details of bin collection areas
- (viii) Private drives to have a minimum length of 6m and a gradient not exceeding 1:10
- (ix) Garages to be retained for parking
- (x) Details of materials

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF WEST AVENUE. PERSIMMON HOMES. 20/00501/FUL

Resolved: (A) That, subject to the applicant first entering into a Section 106 obligation by the 10th March 2021 to secure a residential travel plan monitoring fee of £7,000, a management agreement for the long term maintenance for the open space on-site, the provision of affordable housing, and a review mechanism of the scheme's ability to make a more or fully policy compliant provision of affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the provision of such affordable housing if then found financially viable,

the application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of development;
- (ii) Approved plans;
- (iii) Facing and roofing materials
- (iv) Boundary treatments
- (v) Hardstandings
- (vi) Full landscaping scheme to include provision of play facilities, treatment of public right of way, treatment of retaining structures and semi-mature evergreen specimens within the rear gardens of plots 9-26
- (vii) Off-site improvements to public right of way
- (viii) Woodland and open space management plan
- (ix) Arboricultural Method Statement
- (x) Dimensioned Tree Protection Plan
- (xi) Utilities and services connection plans
- (xii) Waste collection and storage arrangements
- (xiii) Provision of access, internal roads, private drives and parking courts
- (xiv) Provision of appropriate visibility splays
- (xv) Surfacing materials, surface water drainage and delineation of the parking bays for the parking courts
- (xvi) Secure weatherproof parking for the 24 cycles for plots 27 to 44
- (xvii) Garages/ car ports retained for vehicle parking
- (xviii) Electric vehicle charging provision
- (xix) Residential Travel Plan Framework
- (xx) Highway & Environmental Construction Management Plan (CMP)

- (xxi) Implementation of Noise Mitigation Measures
- (xxii) Construction and demolition hours
- (xxiii) Prior approval of noise assessment for the Pumping Station and Substation
- (xxvi) Surface water drainage scheme
- (xxv) Hydraulic modelling and flood risk mitigation of the existing surface water sewer
- (xxvi) Water quality pollution mitigation
- (xxvii) Detailed Sustainable Drainage Strategy
- (xxviii) Land contamination investigations and mitigation measures
- (xxix) Unexpected land contamination
- (xxx) Coal mining/ land stability intrusive site investigations and remediation (if necessary)
- (xxxi) Ecology mitigation and enhancements

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

6. APPLICATION FOR MAJOR DEVELOPMENT - LAND UNDER WOLSTANTON, PORTHILL, DIMSDALE AND BASFORD. GT ENERGY UK LTD. 20/00986/FUL

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

- (i) Time limit
- (ii) Approved plans
- (iii) Submission and approval of a micro seismic survey.
- (iv) Implementation of all mitigation measures outlined in the Environmental Statement.
- (v) Boreholes to be filled in accordance with approved details if not used for intended purpose.

A note to be put onto the permission stating that any impacts arising from the works on mine gas pathways should be monitored and addressed.

7. APPLICATION FOR MAJOR DEVELOPMENT - MARKS AND SPENCER, WOLSTANTON RETAIL PARK. MARKS AND SPENCER PLC. 20/00985/FUL

Resolved: That the variation of condition 3 of 11/00611/FUL be permitted so that it reads as follows:

The permission hereby granted relates to a single storey retail unit of 13,010m² gross internal floorspace with a sales area floorspace of no more than 8,962m², of which no more than 7,973m² shall be for the display of comparison goods and no more than 2,074m² shall be for the display and sale of convenience goods only.

and subject to the imposition of all other conditions attached to planning permission 11/00611/FUL that remain relevant at this time.

8. APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE. ABODE RESIDENCIES. 20/01002/FUL

Resolved: (A) That, subject to the applicant entering into a planning obligation by 5th March that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL,

(i) Permit the variation of condition 7 so that it reads as follows:

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

(ii) And subject to 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.

9. APPLICATION FOR MINOR DEVELOPMENT - THE NOOK, NEWCASTLE ROAD, MADELEY. MR JEFF ALLEN. 20/00969/REM

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

- (i) Link to outline planning permission and conditions
- (ii) Approved plans
- (iii) Provision of access and parking prior to occupation
- (iv) Approved Materials
- (v) Construction Hours
- (vi) Construction vehicles to access the site via Crewe Road only
- (vii) Approved Noise mitigation details

10. APPLICATION FOR MINOR DEVELOPMENT - BALTERLEY EQUESTRIAN CENTRE, BALTERLEY GREEN ROAD, BALTERLEY. MISS T DAVIES. 20/01019/FUL

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

- (i) Time limit condition
- (ii) Approved plans
- (iii) Occupancy restriction
- (iv) Materials
- (v) Removal of existing caravan
- (vi) Restriction on additional external lighting

11. APPLICATION FOR OTHER DEVELOPMENT - KNUTTON COMMUNITY CENTRE, KNUTTON LANE, KNUTTON. NEWCASTLE BOROUGH COUNCIL. 20/01087/DEEM3

Councillor Jones stated that he did not support the demolition of the Community Centre without any clear plans of how the facility would be replaced but felt inclined to vote with the recommendation, in favour, in order to protect the environment for his residents. Councillor Jones proposed that the recommendations of the Environmental Health Division regarding protection of the highway from mud and debris, be added. The proposal was seconded by Councillor Reddish.

Resolved: That prior approval be granted subject to the undermentioned conditions:

- (i) Prior approval of an Environmental Management Plan.
- (ii) Prior approval of measures to protect the highway from mud and debris.
- (iii) Removal of demolition materials and securing the site.

(The Environmental Management Plan to be reported to Committee for approval)

12. APPLICATION FOR OTHER DEVELOPMENT - CLOUGH HALL PARK BOWLS PAVILION, CLOUGH HALL PARK, KIDSGROVE. NEWCASTLE BOROUGH COUNCIL . 20/01089/DEEM3

Resolved: That prior approval be granted.

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

Councillor Jones thanked the officers for the satisfactory conclusion.

Resolved: That the information be received.

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

The Council's Development Management Team Manager, Elaine Moulton advised that further correspondence had been received from the Planning Inspectorate in respect of 5 Boggs Cottages. The Hearing, due to take place this week had been rescheduled to 14 June to allow for a site visit to be undertaken safely at this time.

The Chair suggested that a letter be sent to the Inspectorate, from this Committee expressing its disappointment. Councillor Jones suggested that the letter also

included a question as to what was likely to change between now and June in respect of current restrictions.

Elaine Moulton read the letter to Members which did not guarantee that the Hearing would take place in June.

The Chair stated that he would be happy for a letter to be sent, in his name as Chair, expressing the Committees disappointment and expressing a strong wish that this not be delayed further than the June date. Councillor Northcott stated that he would be happy to add his name alongside the Chair, in his role as Portfolio Holder.

- Resolved:**
- (i) That the information received.
 - (ii) That a letter be sent to the Planning Inspectorate from the Chair of the Planning Committee and Portfolio Holder for Planning and Growth expressing disappointment that appeal hearing regarding 5 Boggs Cottages enforcement notice has been delayed and requesting that there are no further delays.
 - (iii) That an update report on 5 Boggs Cottages be brought back to this Committee in two meeting's time.

15. OPEN ENFORCEMENT CASES

Elaine Moulton advised Members that the number of enforcement cases had risen again. It was hoped that the numbers would be shown to be reducing in the next quarterly report. The Chair stated that the increase was partly due to the pandemic and that the numbers needed to be watched closely and ensure that the numbers start to decrease as soon as possible.

Resolved: That the information be received.

16. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - 1 GLADSTONE VILLAS, VICTORIA ROAD, NEWCASTLE. 20/21005/HBG

Resolved: That a grant of £1,390 be given towards roof repairs.

17. APPEAL DECISION - LAND ADJACENT TO THE OLD HALL FARM, MAIN ROAD, BETLEY, NR CREWE. 19/00491/FUL

Resolved: That the appeal decision be noted.

18. URGENT BUSINESS

There was no Urgent Business.

**CLLR ANDREW FEAR
Chair**

Meeting concluded at 8.50 pm

LAND OFF CHEMICAL LANE, TUNSTALL
RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD
20/01047/FUL

The application seeks full planning permission for a proposed distribution warehouse (Use Class B8) with associated offices, parking and vehicle wash.

The site is located off Chemical Lane in the urban area and is designated locally as Saved Policy E6, Chemical Lane. It is also located within a Mineral Safeguarding Area as defined in the Minerals Local Plan for Staffordshire (2015-2030).

The boundary between the Borough and Stoke-on-Trent City Council lies on the eastern boundary of the application site, which also adjoins the West Coast Main railway line.

The application site measures 2.6 hectares in size and the building would have a gross internal floor area of 6,887 square metres.

Vehicle access to the site is proposed by a single access point off an unnamed road off Chemical Lane.

The 13 week period for the determination of this application expires on the 9th March 2021.

RECOMMENDATIONS

A. Subject to the receipt of no objections from the Lead Local Flood Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd March 2021 upon receipt and consideration of the Lead Local Flood Authority comments, and

B. Subject to the applicant first entering into a Section 106 obligation by the 16th April 2021 to secure a travel plan monitoring fee of £2,443, PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Soft landscaping scheme, to include replacement tree planting**
- 4. Tree protection measures**
- 5. Provision of access, parking, servicing and turning areas**
- 6. Visibility splays**
- 7. Surfacing materials, surface water drainage and delineation of the parking spaces and servicing areas**
- 8. Access barrier**
- 9. Secure, weatherproof parking for 12 cycles**
- 10. Implementation of Travel Plan**
- 11. Construction Management Plan**
- 12. Construction hours**
- 13. External lighting**
- 14. Contaminated land**
- 15. Electric vehicle charging provision**
- 16. Flood risk mitigation measures and Sustainable Drainage Strategy**
- 17. Land contamination investigations and mitigation measures**
- 18. Bat and Bird Boxes**
- 19. Recommendations of the Preliminary Ecological Appraisal**

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

Reason for Recommendation

The redevelopment and regeneration of this vacant site for employment uses, within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety implications. Subject to flooding issues being suitably addressed and subject to a number of conditions, the development represents a sustainable form of development that accords with the guidance and requirements of the NPPF and should be supported.

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

Officers of the Authority have requested further information throughout the application process to address concerns of consultees. The applicant has subsequently provided amended and additional information. This has resulted in an acceptable form of development now being proposed.

Key Issues

1.1 The application seeks full planning permission for a proposed distribution warehouse (Use Class B8) with associated offices, parking and vehicle wash, with a gross internal floor area of 6,887 square metres.

1.2 The site is located off Chemical Lane in the urban area and is designated locally as Saved Policy E6, Chemical Lane. It is also located within a Mineral Safeguarding Area as defined in the Minerals Local Plan for Staffordshire (2015-2030). It is also located within a High Risk Coal Mining area.

1.3 The boundary between the Borough and Stoke-on-Trent City Council lies on the eastern boundary of the application site, which also adjoins the West Coast Main railway line.

1.4 The application site measures 2.6 hectares in size.

1.5 Vehicle access to the site is proposed by a single access point off an unnamed road off Chemical Lane.

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

- Principle of the proposed development,
- Design and Appearance,
- Impact on Highway Safety,
- Flood Risk, and
- Coal Mining Legacy and contamination.

2.0 Principle of the proposed development

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

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

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

2.4 The application site is designated in the local plan as Policy E6, Chemical Lane, which states that the development of 2.8 ha of land off Chemical Lane, as shown on the Proposals Map, will be permitted for Class B uses provided that viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4,5 & 6. The potential for access to the site by non-car modes should be fully assessed and exploited.

2.5 The proposed development is for a proposed distribution warehouse, which falls within use class B8, and the application is supported by a Travel Plan which seeks to achieve sustainable access to the development. The application is also supported by a Mineral Safeguarding Statement (MSS) which identifies that the application site has a resource of Etruria Formation clays, approximately 76,300 tonnes (38,150 m³), and that it may be of sufficient quality for brick production. However, overburden, totalling at least 78,830 m³, would require removal and temporary or

permanent off-site storage to allow extraction of the mineral resource. The costs of removing the overburden, extracting the mineral resource and restoring the site development area is likely to far exceed the market value of the mineral resource.

2.6 Paragraph 206 of the NPPF and Policy 3 of the Minerals Local Plan for Staffordshire aim to protect mineral resources from sterilisation by other forms of development.

2.7 The County Council, as the Minerals and Waste Planning Authority, have provided detailed comments on the application and set out that given the sites overburden to mineral ratio, along with the unknown quality of the clay and the shortage of space for the storage of overburden, it is considered that the MSS has demonstrated that it is unlikely to be practicable or financially viable to recover the resource prior to the development. They therefore raise no objections to the application on the basis that the proposed development would not lead to the sterilisation of an otherwise significant recoverable clay resource.

2.8 Following the advice of the Minerals and Waste Planning Authority, it is accepted that the principle of the proposed development is acceptable and would provide a number of significant economic and employment benefits. It is therefore in accordance with development plan policies and the guidance and requirements of the NPPF.

3.0 Design and appearance

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

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

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

3.4 The proposed development is for a large distribution warehouse on a piece of land that is largely vacant, although there is a residential caravan located close to the northern boundary of the site.

3.5 The application site is located within an industrial area with the A500 to the west and the West Coast Main railway line to the east. Reginald Mitchell Way and the Chatterley Valley employment site is also located to the north. There are a variety of B1, B2 and B8 uses within the vicinity and immediately adjacent to the application site.

3.6 As discussed, the proposed development is for a large distribution warehouse building with associated car parking and service yard areas. The application site benefits from soft landscaping on the northern, eastern and western boundaries, which is primarily within the adopted highway. The proposed building has a functional appearance, typical of a development of this nature. The proposed elevations of the building have design detailing to break up the appearance and the roof line is broken up by two roof pitches. It is considered that the design of the building is appropriate for its location and the existing soft landscaping would help to soften the appearance of the building and provide some screening.

3.7 Tree removal will be necessary within the application site in order to accommodate the proposed development. The Councils Landscape Development Section (LDS) has requested tree

protection measures and a soft landscaping scheme, to include replacement tree planting, which will further supplement existing soft landscaping within the adjacent adopted highway. Soft landscaping to break up the large areas of frontage car parking would also enhance the appearance of the development.

3.8 Overall, the proposed development would have an acceptable design, subject to a soft landscaping scheme and it would not result in significant harm to the visual amenity of the area. It is therefore considered to comply with Policy CSP1 of the CSS and the guidance and requirements of the NPPF.

4.0 Impact on highway safety?

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

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

4.3 Access is proposed off an unnamed adopted highway off Chemical Lane and the submitted layout plan shows a car parking area to the front of the building for 86 cars, with a HGV parking (69 spaces) and a servicing area further within the site.

4.4 The planning application has been supported by a Transport Assessment (TA), including a Travel Plan Framework, and following objections from Highways England (HE) and the Highways Authority (HA), an Additional Highways Technical Note (AHTN) and a Stage 1 Road Safety Audit (RSA) have been submitted to overcome the concerns raised with regards to the impact of the proposed development on highway safety and the highway network.

4.5 HE raised concerns with the quality of the information provided within the TA and requested further information and data to be submitted. The HA raised similar concerns but requested a RSA to be carried out due to the proximity of the proposed access to a railway bridge located roughly 80m to the east of the site access. The HA also raised concerns due to the "humped" nature of the bridge and its possible impact on visibility and turning movements at the proposed site access.

4.6 The submitted RSA concludes that acceptable visibility splays can be achieved but vegetation and existing signage would need to be altered so that they do not impede visibility. The proposed access would also need to include suitable surface water drainage.

4.7 The further comments of HE and HA have been received and they now raise no objections to the application. HE advises that the proposed development is unlikely to have a significant impact on the safe operation or free flow of the A500 strategic road, subject to a condition which secures detailed design information for the access and in particular the surface water and foul drainage scheme. HA have advised that the impact of the additional vehicle trips has been assessed within the TA at the proposed access and shows that Chemical Lane can accommodate the additional development traffic. The TA has also demonstrated that the site can be accessed by alternative travel modes including walking, cycling and public transport. A cycle store is proposed for 12 cycles and a Travel Plan has been included to further promote the sustainability of the development. HA therefore request conditions which secure the details of the access, parking, turning and servicing areas, surfacing, visibility splays, drainage, access barrier, cycle storage, travel plan and a construction management plan.

4.8 The application now demonstrates that the proposed development would not result in an unacceptable impact on highway safety and that an appropriate level of car parking can be provided, whilst also promoting alternative travel modes. A S106 Obligation to secure a travel plan monitoring fee will need to be secured before a decision can be made.

4.9 The Environmental Health Division has requested that electric vehicle charging provision is secured for the car parking areas, in order to meet sustainable development objectives. They have requested that at least 1 parking space per 1000 square meters of commercial floor space is provided with a fully operational dedicated electric vehicle charging point, with all other parking spaces being provided with passive wiring to allow future charging point connection. This amounts to a provision of 7 car parking spaces with a fully operational dedicated electric vehicle charging point, which is considered acceptable for the size of development.

4.10 Subject to the requested conditions and the S106 Obligation, the development is considered to comply with the guidance and requirements of the NPPF.

5. Flood Risk

5.1 The application site is located within Flood Zone 1 and a Flood Risk Assessment (FRA) has been submitted to support the application. Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF.

5.2 The FRA concludes that the development site is not considered to be at risk from fluvial or groundwater flooding. The FRA also identifies that there is no known history of the site flooding but that nearby roads have a medium risk of surface water flooding.

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

5.4 The development of the site will increase the potential impact of surface water flooding unless an acceptable sustainable drainage scheme is proposed.

5.5 The Lead Local Flood Authority (LLFA) are not currently in a position to support the application due to insufficient information. However, the applicant has submitted further detailed information and the further comments of the LLFA should be received prior to the committee meeting. Conditions which secure acceptable flood mitigation and the provision of SUDs will be necessary to make the development acceptable and in accordance with local and national planning policy,

6. Coal Mining Legacy and contamination

6.1 The site lies within a High Risk Coal Mining Area and the application is supported by a Coal Mining Risk Assessment and a ground investigations report which identifies that there are mine shafts on the site but that the risk of other unrecorded mine entries is low.

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

6.3 The Coal Authority (CA) originally submitted a holding objection to the application until further information was submitted to confirm that the proposed building would be over 5 metres from the centre of each shaft and evidence provided that these have been treated to current industry standards.

6.4 The applicant has submitted further information and the CA have now confirmed that they are satisfied that the applicant has demonstrated that the site is suitable for the development proposed

and the development will be safe and stable, in accordance with paragraphs 178 and 179 of the NPPF.

6.5 The site is also the subject of land contamination and the submitted report has identified a number of potential sources of land contamination but that the risks are low. The Environmental Health Division (EHD) do not agree with this conclusion and have requested further site investigations works and possible remediation by condition. Similar comments and requested conditions have also been received from the Environment Agency. Subject to these conditions the application would comply with paragraph 178 and 179 of the NPPF.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP10: Planning Obligations

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

Policy E6: Chemical Lane
Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy N2: Development and Nature Conservation – site surveys
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

[Minerals Local Plan for Staffordshire \(2015-2030\)](#)

Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

The site has primarily been left vacant for a significant amount of time but a static caravan has been located on the northern part of the site.

Views of Consultees

The **Highways Authority** raises no objections following the submission of additional information. They recommend conditions which secure the following matters;

- Provision of access, parking, servicing and turning areas,
- Visibility splays,
- Surfacing materials, surface water drainage and delineation of the parking spaces and servicing areas,
- Access barrier
- Secure, weatherproof parking for 12 cycles,
- Implementation of Travel Plan, and
- Construction Management Plan

They have also requested a S106 obligation for a travel plan monitoring fee of £2,443.

Highways England has advised that they are now satisfied that the proposed development is unlikely to have a significant impact on the safe operation or free flow of the A500 strategic road because the trip generation is immaterial. However, they have requested a pre commencement condition which secures detailed design information of the Development Surface Water and Foul drainage system to be provided at the site.

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

- Construction hours restriction
- Prior approval of external lighting,
- Contaminated land, and
- Electric vehicle charging provision,

Staffordshire County Council as the **Lead Local Flood Authority** recommend that planning permission is not granted until an acceptable drainage strategy is proposed.

The **Coal Authority** has withdrawn its holding objection following the submission of further information to address coal mining legacy issues on the site. They now raise no objections.

The **Environment Agency** raises no objections subject to a pre commencement condition which secures further site investigations and remediation to address any risk posed to controlled waters by this development.

The Council's **Waste Management Section** advises that no details for the containment or storage of any waste/recyclable material generated on this site has been submitted.

The **Landscape Development Section** raises no objections subject to a condition which secures the implementation of tree protection measures and all of the recommendations of the Arboricultural Report. A condition which secures the submission and approval of a landscaping scheme for all sides of the site, including substantial tree replacement planting, is also advised.

Network Rail originally submitted a holding objection on the grounds that the applicant had included Network Rail land within the application site. However, an amended site location plan has been submitted and Network Rail now removes its objection, subject to any outstanding matters being dealt with by Network Rail Asset Protection.

Staffordshire County Council as the **Waste and Minerals Planning Authority** raises no objections to the application on the basis of the conclusions of the findings and conclusions set out in the Mineral Safeguarding Statement, which has been submitted with the application.

The **Police Crime Prevention Design Advisor** sets out that the site is ideally located for a distribution warehouse being a reasonable shape and size, and very close to major local and national arterial roads. Some indication of what measures are to be incorporated within the proposal to deter criminal opportunity would have been expected. It is recommended that the Local Planning Authority satisfy itself that this issue has been adequately considered and suitably addressed by the applicant before planning permission is granted. A number of crime prevention design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Comments were also invited from **Council's Economic Regeneration Section** and **Stoke-on-Trent City Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

None received.

Applicant's/Agent's submission

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

All of the application documents are available for inspection at

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/01047/FUL>

Background papers

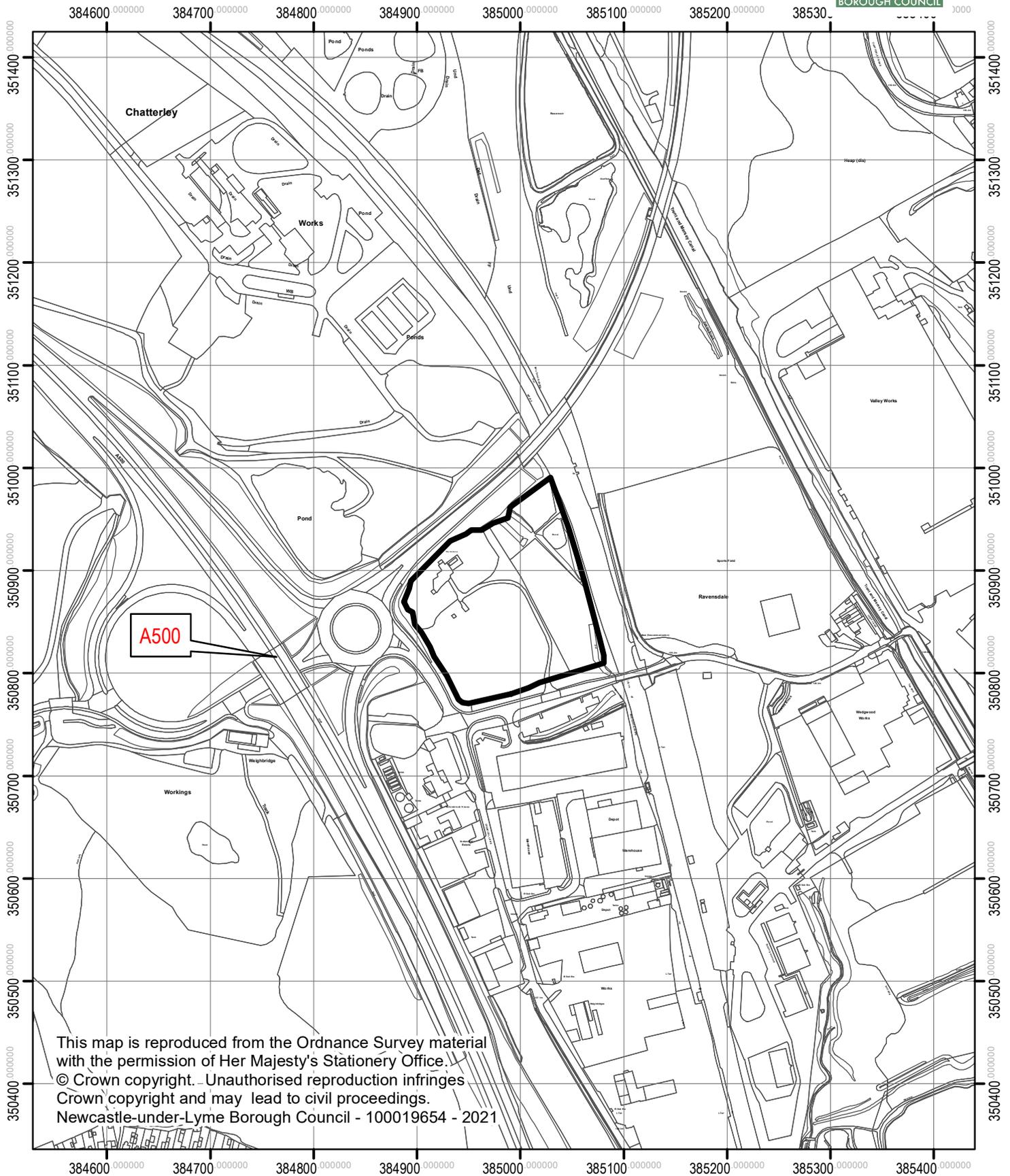
Planning files referred to

Planning Documents referred to

Date report prepared

18th February 2021

Land off Chemical Lane, Tunstall Newcastle-under-Lyme



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Newcastle-under-Lyme Borough Council - 100019654 - 2021

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PLOT 3, KEELE UNIVERSITY SCIENCE & INNOVATION PARK, KEELE ROAD, KEELE
NOVINITI DEV CO 5 LTD & KEELE UNIVERSITY **20/01083/FUL**

This application seeks to vary Condition 2 and remove Condition 8 of permission 18/01011/FUL which granted consent for the construction of a new veterinary training school incorporating a specialist veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping. Condition 2 lists the approved drawings and the variations sought are to allow for the introduction of phased drawings to enable the development to be carried out in two distinct phases; minor elevational changes to the buildings; and the inclusion of detailed landscaping drawings allowing the removal of Condition 8.

The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The 13 week period for the determination of this application expires on the 17th March 2021.

RECOMMENDATION

- A. Subject to the applicant entering into a planning obligation by 2nd April 2021 that preserves the Council's position in respect of obligations secured prior to the grant of permission 18/01011/FUL, PERMIT subject to conditions relating to:**
- 1. Variation of condition 2 to list the revised plans**
 - 2. Variation of condition 8 to require the landscaping to be carried out in accordance with the approved details within 12 months of the commencement of the development and to require replacement of any planting that dies or becomes seriously damaged within 5 years.**
 - 3. Any other conditions attached to planning permission 18/01011/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 fail to secure measures to ensure that the development achieves sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

Reason for Recommendation

The proposed amendments to the elevations are very minor and would have no discernible impact on the appearance of the development. The high quality contemporary design and materials would be unchanged and the introduction of the phased construction would have no adverse impact on the character and appearance of the area. The landscaping is acceptable. 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 18/01011/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 seeks to vary Condition 2 and remove Condition 8 of permission 18/01011/FUL which granted consent for the construction of a new veterinary training school incorporating a specialist

veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping. Condition 2 lists the approved drawings and the variations sought are to allow for the introduction of phased drawings to enable the development to be carried out in two distinct phases as well as minor elevational changes to the buildings. The application also seeks the removal of Condition 8 which requires the approval and implementation of a landscaping scheme and replacement of any planting lost within a five year period. The submission therefore includes detailed landscaping drawings.

In considering an application to vary or remove a condition, the Authority has to consider only the question of the conditions that are the subject of the application, it is not a complete reconsideration of the application. 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 or removed it should refuse the application.

The applicant is seeking to vary the condition (2) which lists the approved drawings and remove Condition 8. The principle of the development is not therefore for reconsideration. No change to the amount or timing of the provision of the car parking is proposed and therefore the application raises no issues of its impact on highway safety and capacity and the level of car parking.

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

- Would the introduction of the phased construction or the elevational changes have any impact on the design of the proposed development?
- Is the proposed landscaping acceptable?
- Is a planning obligation required?

Would the introduction of the phased construction or the elevational changes have any impact on the design of the proposed development?

The approved building comprises three wings laid out in a triangular form. The revised drawings show the building to be constructed in two separate phases. Phase 1 would involve the creation of a two-winged building (north and west) and Phase 2 would involve the addition of the final wing of the building creating a Veterinary First Opinion practice and laboratory space. All infrastructure, landscaping and parking works would form part of the Phase 1 works. This would allow construction of part of the approved development while the remaining funding for Phase 2 is secured. Once secured, the Phase 2 element would be implemented, resulting in the same development that was originally approved.

The elevational changes are minor in nature. The approved development comprises predominantly a mix of smooth and textured fibre cement cladding and ceramic backed opaque glass panels. The same materials would be utilised but some of the window and cladding panels would be reorganised and louvres would also be added.

The proposed amendments to the elevations are very minor and would have no discernible impact on the appearance of the development. The high quality contemporary design and materials would be unchanged and the introduction of the phased construction would have no adverse impact on the character and appearance of the area.

Is the proposed landscaping acceptable?

The original planning permission for this scheme was subject to a condition (No. 8) which required the submission and approval of full landscaping proposals. Details were subsequently submitted and approved in August last year. Landscaping drawings have been submitted with this application (which are identical to those previously approved) but they now also include a landscaping scheme to cover Phase 1.

The Landscape Development Section raises no objections to the proposals and the scheme is considered acceptable.

The application seeks to remove Condition 8 however it is considered necessary to retain that part of the condition which requires the planting to be carried out within 12 months of the commencement of the development, and the replacement of any planting which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased. The applicant has confirmed that a variation of the condition, rather than its removal, would be 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 (18/01011/FUL in this case). That previous permission was granted on the 11th July 2019 following the completion of a Section 106 agreement which secured a travel plan monitoring sum. 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
Policy CSP4: Natural Assets
Policy CSP10: Planning Obligations

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

Policy E8: Keele University and Keele Science Park
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas
Policy T16: Development – general parking requirements
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 \(March 2014\)](#)

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

Relevant Planning History

- 05/01146/OUT (A) Full planning permission for engineering operations including plateau formation, earthworks, layout of road network, cyclepaths and footpaths, drainage works and other ancillary works
(B) Outline planning permission for development for (a)academic function's; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved
- 17/00934/OUT Proposed development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure - for the use of students, staffs, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods – Approved
- 18/01011/FUL Construction of a new veterinary training school incorporating a specialist veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping detail – Approved

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding provision of the access, parking, turning and servicing areas, details of secure weatherproof parking for 38 cycles and submission and approval of a Travel Plan.

Keele Parish Council makes no comment.

The **Landscape Development Section** raises no objection and requests that landscaping be installed in accordance with the information provided.

The **Police Crime Prevention Design Advisor** has no objections but states that the phased implementation would enable intrusion on foot by anyone into the central area until the southern section is constructed and therefore the applicant should put in place any appropriate security measures.

No comments have been received from the **Environmental Health Division** by the due date and therefore it must be assumed that they have no comments to make.

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/20/01083/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

11 February 2021

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd March 2021

Agenda Item 5

Application Ref. 20/01083/FUL

Plot 3, Keele University Science & Innovation Park, Keele Road, Keele

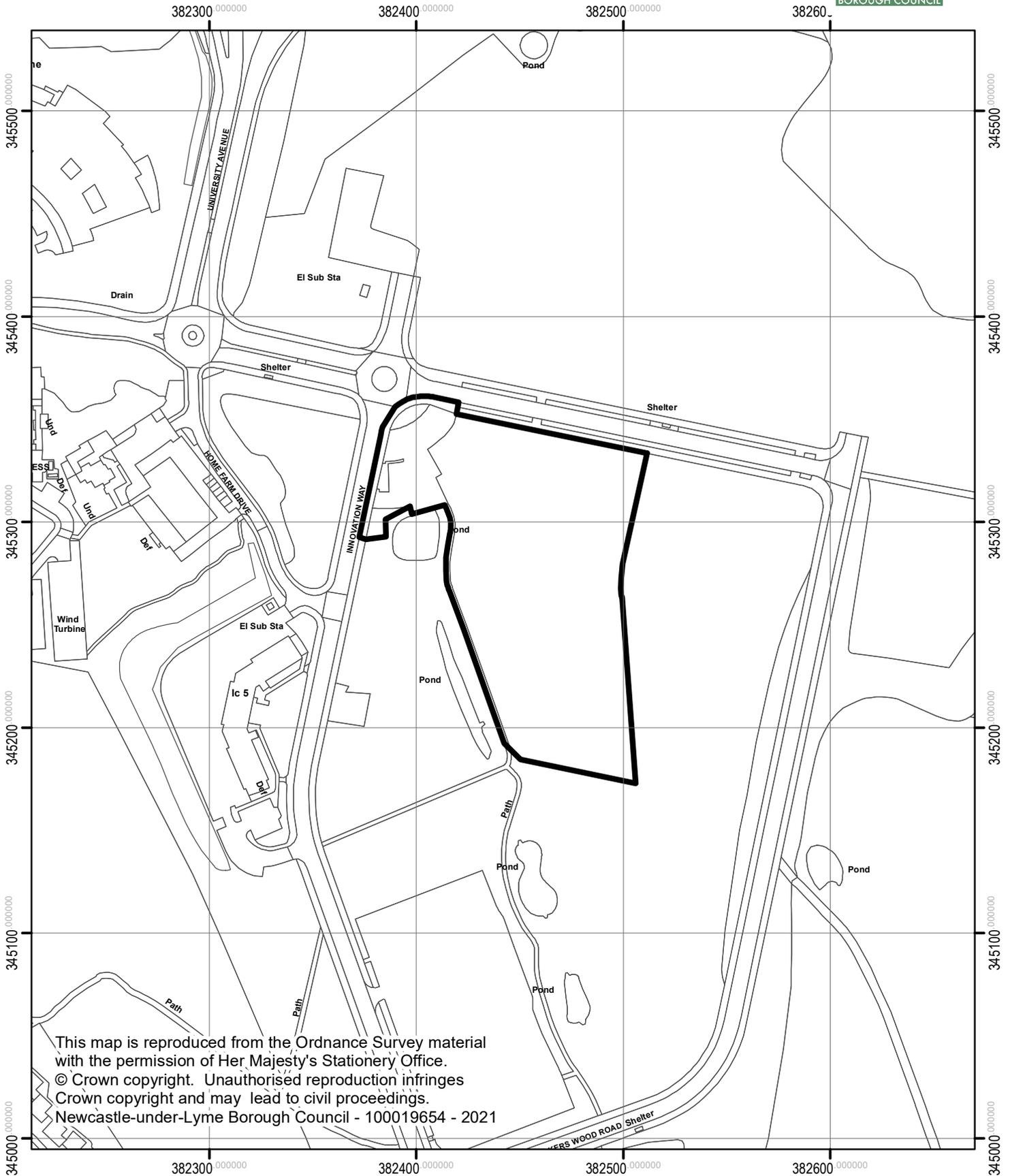
In response to the comments of the Police Crime Prevention Design Advisor, the applicant's agent has advised that the applicant and operator have no security concerns with the revised proposals for the following reasons:

1. Security systems (cameras) and lighting will be in place to notify user and building management of any movements outside of normal hours. The campus is monitored 24hours by the University Security Services.
2. The Staffordshire Police Crime Prevention Design Advisor/Architectural Liaison Officer have been previously consulted and their recommendations have been incorporated, such as ensuring that all entrance doors conform to security standards.
3. The site is relatively isolated so doesn't suffer from intruders walking into the site by chance.
4. It is hoped that Phase 2 will come forward in the short term, effectively blocking off access to the central courtyard so any concern is a short-term one.

The RECOMMENDATION remain as set out in the main agenda report.

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Plot 3 Keele University, Science & Innovation Park
Keele Road, Keele



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ASHES FARM, 103 HIGH STREET, HARRISEAHEAD
MR NIGEL PORTER

20/01065/FUL

The application seeks full planning permission for the conversion and change of use of former farm buildings to two residential dwellings, the demolition of an existing building and its replacement with two detached domestic garages.

The site is located on the edge of the urban area but 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 determination period expired on the 16th February and the applicant has agreed an extension of time to the statutory determination period to the 8th March 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Window, door and guttering details**
- 5. Boundary treatments**
- 6. Hardstandings**
- 7. Soft landscaping**
- 8. Provision of parking and turning areas**
- 9. Tree protection**
- 10. Bat and bird boxes**
- 11. Land contamination**
- 12. Construction hours**
- 13. Electric vehicle charging provision, and**
- 14. Waste storage and collection arrangements**

Reason for Recommendation

The conversion of the existing redundant buildings represents a sustainable form of development that would be appropriate development within the Green Belt. Whilst the detached garages represent inappropriate development within the Green Belt, they would replace a much larger building and it is concluded that the very special circumstances required have been identified. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of existing and future occupiers or cause highway safety implications. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

Officers sought additional information and amendments to address concerns and improve the development and revised plans have been submitted. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the conversion and change of use of former farm buildings to two residential dwellings, the demolition of an existing building and its replacement with two detached domestic garages.

The site is located on the edge of the urban area but 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.

Access to the application site is off an existing access point off High Street which serves the three existing buildings and two residential dwellings.

Public Footpath No.69 Kidsgrove runs beyond the western boundary of the application site.

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

1. Is the proposal appropriate development within the Green Belt?
2. The principal of living accommodation and its location,
3. Design and impact on the character and quality of the landscape,
4. Access and the impact on highways safety,
5. Impact on residential amenity,
6. Impact on the Public Right of Way, and
7. Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

1. 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".

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

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 provision of appropriate facilities for outdoor sport and outdoor recreation, 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.

Paragraph 146 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the exceptions listed is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The application site consists of three redundant former farm buildings that previously formed part of Ashes Farm.

The proposed development seeks to convert two of the existing buildings into living accommodation and the demolition of a third building.

The existing buildings for conversion consist of an old stone barn with a clay tile roof located to the west of the site and a brick barn with a curved roof located to the south of the site.

The application is supported by structural survey information which sets out that the buildings can be converted with minimal works. No extensions are proposed to either of the buildings also. On this basis, the proposed conversion of the buildings constitute appropriate development within the Green Belt. However, two detached garages are proposed, which do not meet any of the exceptions listed at paragraphs 145 & 146 of the NPPF and they therefore represent inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

The principal of living accommodation and its location

The site is located on the edge of the urban area but within the open countryside.

The proposed development is for the conversion of two existing redundant buildings into independent living accommodation.

Local Plan Policy H9 indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises, subject to Policy E12. It concludes by listing a series of criteria that include the requirement that the building does not require reconstruction, extension or substantial alteration and its form bulk and general design is in keeping with its surroundings.

The NPPF does not discourage the conversion of rural buildings into living accommodation and existing legislation set out in the General Permitted Development Order 2015, as amended, allows the conversion of certain existing buildings to residential units provided that a number of criteria are satisfied and a prior approval application is submitted to the Local Planning Authority for consideration.

The application is also supported by an ecological impact assessment which identifies that the existing buildings are not being used as a place of breeding, resting, shelter or protection by bats. However, bird nests were found and suitable mitigation measures will be required before, during and after the conversion works.

As discussed, the application is supported by structural survey information which sets out that the buildings can be converted with minimal works. No extensions are proposed to either of the buildings and whilst two detached garages are proposed these would not conflict with policy H9 or the guidance and requirements of the NPPF.

The application site is immediately adjacent to the urban area and it is considered that the conversion and re-use of two existing redundant buildings is a sustainable form of development and on this basis the proposed development accords with local and national planning policy and the principle of residential conversion is acceptable.

Design and impact on the character and quality 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.

The application site is occupied by three existing buildings and the proposal is to convert two of the buildings to residential accommodation and demolish the third, larger, building.

The existing buildings for conversion consist of an old stone barn with a clay tile roof and a Dutch barn with a curved roof. The two buildings are in a state of disrepair but have an attractive appearance. They are modest in size and are located in a backland location with minimal views from any main vantage points.

The building to be demolished is much larger and of a visually poor quality with concrete walls and a corrugated sheet roof.

The site lies within an Area of Landscape Restoration (Policy N21) as indicated by the Local Development Framework Proposals Map. This policy seeks development that will restore the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The old stone barn building will require minimal works to convert it and existing openings will be utilised. A small number of proposed windows, including rooflights, are required and these are detailed as being a mixture of timber and metal. These details, along with reclaimed bricks and tiles, guttering and downpipes, can be secured by condition.

The Dutch barn, with a curved roof, will require greater external works to convert the building due to the existing open fronted appearance. In particular the rear elevation is proposed to have a number of new glazed openings. The front elevation would also be built up and finished with timber cladding, windows and doors. A new galvanised sheet roof will be required. These details, along with window and door materials, guttering and downpipes, will need to be secured by condition in order to secure an acceptable appearance.

The proposed development also includes a detached two storey garage for each conversion. The design and size of one of the garages has been amended during the application following concerns raised by your officers.

An objection has also been received raising concerns about the height of the garages and the impact on the visual amenity of the area. The proposed garages do have a height of 7 metres but on balance it is not considered that an objection can be sustained and overall they represent an acceptable appearance that would complement the development and not harm the character and appearance of the landscape or harm the visual amenity of the area.

Subject to conditions which secure the acceptable appearance of the buildings it is considered that the design and appearance of the proposed development is acceptable and accords with Policy N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

Access and the impact on highways safety

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.

Access to the existing buildings is served off High Street, in between no. 97 and 105. The existing access and driveway serve no. 101 and 103 also.

The proposed residential conversions will each have its own detached garage which provides parking for at least two vehicles.

The access arrangements and level of proposed off street car parking is acceptable and the Highways Authority has raised no objections to the application, subject to a condition that secures the parking and turning areas within the site. As a result the proposal would comply with the requirements of Policy T16 of the Local Plan as well as the provisions of the NPPF.

The two garages will be required to have electric vehicle charging provision and this can be secured by condition.

An objection has been received regarding waste collection arrangements and the proposed development resulting in additional waste bins being left on the highway because a refuse truck cannot access the site.

It is acknowledged that the long driveway could result in waste bins being left on the highway but there is opportunity at the site entrance for these to be stored without causing obstruction to the highway. These details can be secured by a suitably worded condition also.

Impact on residential amenity

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.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

The existing buildings and no. 101 and 103 are in the same ownership and acceptable separation distance between the proposed dwellings and existing dwellings will be achieved to ensure no significant loss of residential amenity will be caused to neighbouring occupiers. The proposed residential conversions will each have their own private amenity space also.

The proposed development would therefore protect the living conditions of existing and future occupiers and is in accordance with the guidance and requirements of the NPPF.

Impact on the Public Right of Way

As discussed, Public Footpath No.69 Kidsgrove runs beyond the western boundary.

Paragraph 98 of the NPPF states that Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

The Dutch barn is sited on the boundary of the application site and the rear elevation of the building defines the boundary.

There are windows proposed at ground floor and first floor on the rear elevation and there is no boundary treatment to protect the amenity of future occupiers from users of the footpath. This issue has been raised by an objector to the application.

The point has been raised with the applicant and revised window arrangements have been proposed at ground floor. These revisions do not fully address the relationship but it does result in some improvement.

The issue does not adversely affect the public footpath and it is not considered that a reason for refusal could be sustained on these grounds. Therefore, the proposal is not contrary to the NPPF.

Do the required very special circumstances exist (to justify inappropriate development)?

As the two proposed detached garages are 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 proposed development also includes the demolition of a large barn which has concrete walls and a corrugated sheet roof. This has a visually poor appearance.

The two detached garages would cumulatively have a volume which is approximately 50% smaller than the barn to be demolished. Therefore, the proposed garages would have less of an impact on the openness of the Green Belt than the existing barn and this is considered to be the very special circumstances required to justify the development in accordance with the guidance and requirements of the NPPF.

APPENDIX

Policies and proposals in the 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
Policy CSP4: Natural Assets

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy S3: Development in the Green Belt
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 N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations

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

None relevant

Consultation Responses

The **Highways Authority** raises no objections subject to a condition that secures the proposed parking and turning areas within the site.

The **Environmental Health Division** objects to the application on the grounds that a contaminated land assessment of the site and buildings has not been submitted with the planning application. However, they state that if the Local Planning Authority is minded to grant permission then conditions which secure site investigations and remediation can overcome the concerns. Conditions which secure the following matters are also advised;

- Construction hours,
- Electric vehicle charging provision, and
- Waste storage and collection arrangements.

The **Landscape Development Section** raises no objections subject to tree protection in accordance with BS5837:2012 being implemented as necessary for the trees on the adjacent site during the construction phase.

The **County Council Public Rights of Way Officer** advises that the application does not recognise the existence of Public Footpath No.69 Kidsgrove, which runs through the western section of the proposed application site. The attention of the applicant should be drawn to the existence of the path

and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

Comments were also invited from **Kidsgrove Town Council** 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

One representation has been received raising the following objections;

- The access is too narrow for two vehicles to pass,
- Three properties already use the access,
- Public footpaths and bus stops near the access increase the busy nature of this part of High Street,
- There are existing street car parking problems on High Street which is congested,
- The access needs to be amended,
- Holiday lets are objected to,
- A refuse truck cannot access the application site and refuse bins would need to be left on High Street which would cause obstruction,
- The proposed garages would be visible and harmful to the visual amenity of the area,
- The height of the garages should be reduced,
- The garages could be converted to living accommodation in the future,
- Concerns about access to power supply,
- Significant excavations will be necessary to carry out certain conversions works and this would harm the Green belt,
- The development encroaches into the Green Belt,
- The nearest public footpath would need to be modified the right of way, and
- Conditions to control construction will be required to protect neighbouring amenity levels.

Applicants/agents submission

The requisite plans and application forms have been submitted and a detailed planning statement, heritage statement, structural survey and ecological impact assessment have been submitted which identifies a number of key points for consideration in the determination of the application.

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/20/01065/FUL>

Background Papers

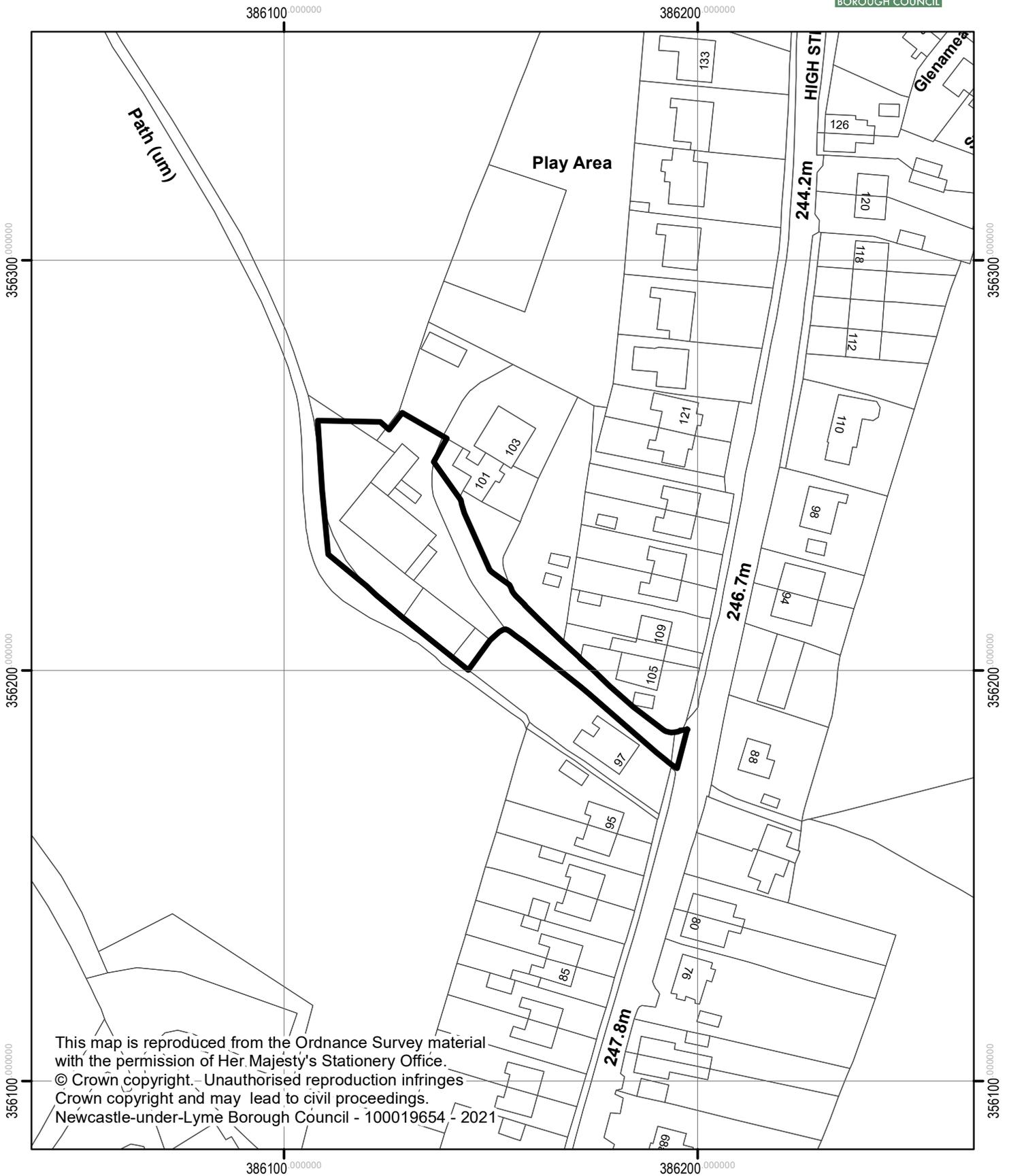
Planning files referred to

Planning Documents referred to

Date report prepared

16th February 2021

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Newcastle-under-Lyme Borough Council - 100019654 - 2021

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

20/01076/FUL

This application seeks permission for the permanent installation of electrolyser and grid entry unit adjacent to the university sports field.

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

The period for the determination of the application expires on 16th February 2020.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Approved plans.**
- 2. Removal of posters within 2 months of the date of the decision**

Reason for Recommendation

The proposal is, in part, inappropriate development within the Green Belt. It will result in less than substantial harm to the visual appearance of the area which is within a Grade II Registered Parkland and will affect the openness of the Green Belt to a modest extent. Although the compound would remain on site permanently, the proposal is linked to an important research initiative of wider public environmental benefit and it is concluded that the benefits derived from the development outweigh any harm identified. As such it is considered that very special circumstances exist to justify inappropriate development in the Green Belt and the public benefits of the proposal outweigh the harm to the designated heritage asset.

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

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

Key Issues

Planning permission was granted in 2018 for a compound area at the University's sports field to contain an electrolyser, electrical input container, grid entry unit, a cylindrical hydrogen storage vessel and substation (Ref. 18/00456/FUL). The development was in connection with an experimental project at the University designed to investigate the potential for hydrogen gas (as a zero carbon gas) to be used as an alternative to fossil fuel use and was permitted for a one year trial period. A second application was approved which extended the time period up to the date 31/03/2021 after which the apparatus was to be removed from the site.

This application now seeks permission to allow equipment to remain on site indefinitely. The applicant states that the permanent placement of the equipment will allow Keele University and the Newcastle under Lyme region to be the national hub for Hydrogen research.

The site is within the Green Belt and in considering the original application it was concluded that the proposal is, in part, inappropriate development within the Green Belt. However it was also concluded

that given that the proposal is linked to an important research initiative of wider public environmental benefit, the benefits derived from the development outweighed the harm identified. As such it was considered that there were very special circumstances to justify approval of the scheme in this case.

Whilst the development can no longer be said to be an important research initiative there are still public environmental benefits associated with it, as the hydrogen gas produced provides an alternative to fossil fuel. As such very special circumstances exist that justify the granting of permission for the retention of inappropriate development in the Green Belt permanently.

The application site is also located within a Registered Park and Garden.

Paragraph 192 of the Framework states that in determining applications, local planning authorities should take account of:

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

At paragraph 196 the Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

At the request of the Councils Conservation Officer a detailed heritage statement has been submitted in support of the proposal. The heritage statement concludes that the application site has been significantly affected by previous development associated with the university to such point that the area no longer displays any historic or architectural characteristics relevant to the registered park and garden.

It is agreed that the immediate area surrounding the application site holds limited historic value, and given that the site is in a secluded position to the rear of the University sports hall and is relatively small in scale, it is concluded that therefore there would be no significant detriment to the historic qualities that make the Registered Park and Garden special. The impact of the development can be further reduced through the removal of the posters that are attached to the compound boundary treatment and which currently draw attention to the compound from longer distance views. This can be secured through condition. Such less than substantial harm would be outweighed by the public benefits of the proposal outlined above.

Overall taking into account that the proposal brings with it a clear public benefit, it is considered that very special circumstances exist to justify inappropriate development in the Green Belt and such benefits outweigh the less than substantial harm to the designated heritage asset that has been identified.

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (February 2019)

Planning Practice Guidance (2018)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

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

20/00291/FUL Variation of condition 3 of p/a 18/00456/FUL to allow equipment to remain on site until 31/03/2021 - Approved

Views of Consultees

The **Conservation Officer** notes that the heritage statement has now been provided which makes assessment of the significance of the park and garden as a heritage asset and evaluates the level of harm to that significance.

The statement bases its assessment on the fact that the posters around the compound will be removed as a form of mitigation to the impact of the proposals on the setting of the parkland. This certainly will go some way to helping not to draw attention to the compound from longer distance views. It certainly is viewed within the context of the sports centre buildings, pitches, poles, posts fencing and floodlighting. The summary points made are acknowledged in the statement at 6.1.4 which set clearly the reasons why they have assessed no harm is caused to the asset or to its

setting. There is no disagreement with these points made, the green colour makes the buildings recede and they are relatively speaking small in scale etc.

It is considered that the development results in minor less than substantial harm rather than no harm at all and then the public benefits of the scheme would need to be weighed into the balance.

Historic England make no comments on the proposal.

The Gardens Trust object to the proposal as they consider that the permanent siting of the plant would consolidate the degradation and harm to the significance of the heritage asset and are opposed to this

No representations have been received by the **Environmental Health Division**

Keele Parish Council have no comments on the proposal.

Representations

None received to date.

Applicant's/Agent's submission

The submitted documents are available for inspection on the Council's website by searching under the application reference number 20/01076/FUL on the website page that can be accessed by following this link; <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/01076/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th February 2020

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd March 2021

Agenda Item 7

Application Ref. 20/01076/FUL

Keele University, Keele, ST5 5BW

A representation has been received from the **Conservation Advisory Working Party** who raise the following points:

- The CAWP have accepted the proposal but felt that hard and/or soft landscaping should be used to further conceal the site and help to mitigate any harmful effects to the historic parkland.
- It is also requested that the posters associated with the equipment to be removed.

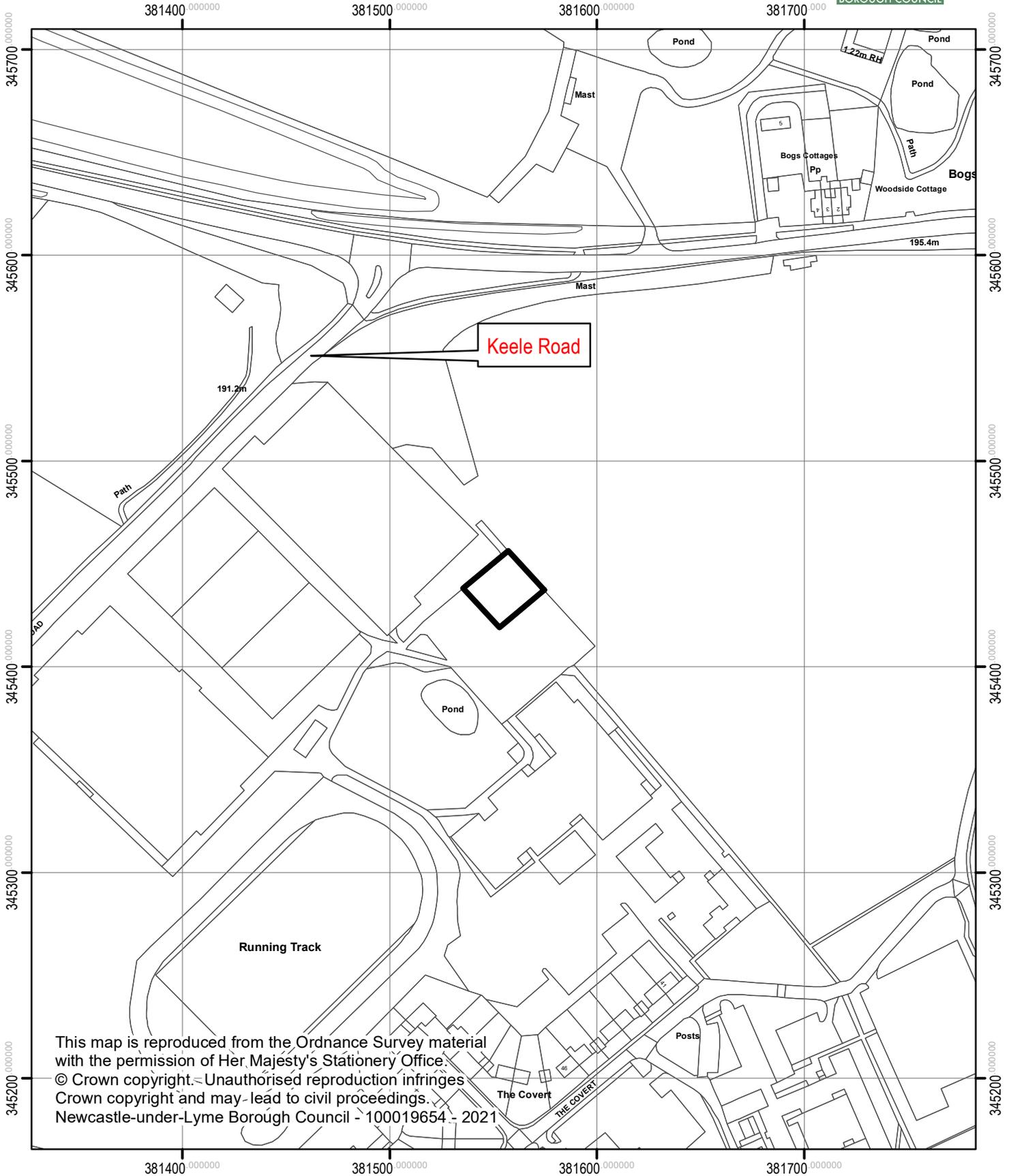
Officers Comments

Whilst the historic value of the surrounding area is noted, it is considered that as the site is in a secluded position to the rear of the University sports hall and is relatively small in scale, that the overall harm of the proposal is minimal. It is not considered that a requirement to provide soft or hard landscaping is justified and that permission should be withheld on the basis that none has been included as part of the proposal.

The second point raised by the CAWP is noted and a condition is included within the recommendations requiring the posters to be removed.

The RECOMMENDATION remain as set out in the main agenda report.

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OAKLEY HALL, OAKLEY, MARKET DRAYTON
MR AND MRS GHANI

21/00056/LBC

The application is for listed building consent for repairs refurbishment and alterations to the rear façade and interior of Oakley Hall.

Oakley Hall is a Grade II* Listed Building set within a rural estate and parkland.

The site is located in within the open countryside as defined by the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on the 18th March 2021.

RECOMMENDATION

Application 21/00056/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 and reinstatement of the rear elevation including method statement for structural repair of the rear gable.**
- 4. Prior approval of full details for the proposed window and door**
- 5. In all other respects the permitted repairs and alterations shall be carried out in accordance with the submitted details.**

Reason for Recommendation

It is considered that the proposed restoration and alterations would result in less than substantial harm, which would be outweighed by the public benefits arising from the repairs to the listed building and reinstatement of the rear elevation to appropriate proportions.

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

The proposed development follows pre-application discussions, including revisions following those 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 application is for listed building consent for alterations and refurbishment to the ground floor rear elevation and internal alterations to three rooms on the rear aspect of the ground floor which include the kitchen, back porch and utility areas.

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

- Is the proposal acceptable in terms of its impact on the Listed Building?

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

When making a decision on an 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.

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. 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 Policy B5: of the NLP states that the Council will resist development proposals that would adversely affect the setting of a listed building and Saved Policy B6: of the NLP states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

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.

At the time of writing the report, no consultation responses have been received.

The proposals in more detail are as follows:

- Removal of rear kitchen window installed in 1970's. The proposal seeks repair and reinstatement of the external wall with openings which reinstate classical proportions and restore the symmetry and rhythm of the rear façade (see photograph on page 17 of the Heritage Statement).
- This will be done by reinstating the left sash window to historic proportions, repairing its adjacent brickwork which requires structural support (see explanation on page 18 of the Heritage Statement) and replace the right window with a similar proportioned door (including step formed and finished with York stone) to match the style of window designs to allow access onto the rear terrace.

- Proposed “slim” double glazed new window and door to the rear elevation (further details to follow).
- Remove internal stud partition plasterboard walls erected in the 1970s within rooms on ground floor between kitchen and utility room and boot room.
- Block up a doorway.
- Partially demolish brick internal wall between kitchen and utility to form opening and create large kitchen diner.

Considerable alterations and changes have been made to the building most particularly in the 1970's when much of the interior was changed in some way or added to, and perhaps the most significant change being the stripping of internal plaster walls to brick, lining with plasterboard to create a cavity which has been filled with polystyrene insulation and pipework for a heating system. Considerable work has been undertaken to understand the changes for the purposes of this application however the applicant plans to engage a historic building specialist to unpick these changes further which will inform all future work. Changes were also made to the windows on the rear elevation including changing the size, making them longer by extending them into the stone plinth.

A description of works is set out in the bullet points above and on submitted plans. Proposed works are restricted to three of the rear service rooms of the Hall. Much of the work is removing development undertaken in the 1970s including stud walls and the inappropriate window to the rear. The cavity wall is to remain unchanged given the disruption that would be caused. The proposal includes partial loss of an original internal wall and replacement with bifold doors to create an opening into a large kitchen dining room and partial removal of another small section of wall.

Existing windows are glazing bar sash windows with moulded stone surrounds except for two which were removed in the 1970s to create a large window to the back kitchen. This proposal (see above) proposes to reinstate the window surrounds and sash window to the west (rear) elevation and add a doorway. Given the significance of this important building as an early 18th century country manor house built in the classical style with 11 bays and a symmetrical form this proposal, no doubt, results in some loss in authenticity and therefore some harm, albeit less than substantial, to the significance of the building but it also proposes to reinstate that symmetry.

Historic England in its general advice to owners of historic building has much to offer on changing historic windows. Indeed, it sees the loss of traditional windows from historic buildings one of the major threats to our heritage. The windows not affected by this proposal at Oakley Hall are single glazed sash windows of large proportions with glazing bars but are not original. They were replaced probably in the 1970's. An assessment of the significance of a window or windows and the contribution they make to the overall significance of a building is the key first step in deciding the right course of action. Replicas or recreations of fenestration of aesthetic quality will maintain this value and so whilst the windows at Oakley are not original they are good and sensitive copies which match the quality and fine details of the originals ie the glazing bars are slim and so retain the significant aesthetics of the building.

The proposed replacement window and door are for slim double glazed timber windows which can retain the proportions of the windows whilst providing some additional energy efficiency measures. To enable a full evaluation of this aspect of the proposal and how it will affect the significance of the house further details and assessment are required. It is therefore proposed to add a condition to the application for the applicant provide further details on the glazing units. This and perhaps a sample will make it possible to decide if this is the right approach for the two new openings.

Policy B4 relates to total or substantial demolition of a Listed Building which in this case does not apply. Policy B5 refers the setting of a Listed Building and arguably much of the work is internal and does not apply. The wider setting is the presence of the Georgian Hall within its parkland setting by the lake and the external change is the reinstatement of the window proportions to the rear elevation. This aspect of the proposal does not affect the wider setting

of the hall within its parkland, and if it has any local effect from the lakeside view then it is a positive effect by reinstatement of the window proportions.

In the circumstances it is considered that the proposed development would result in less than substantial harm to the designated heritage asset (the Listed Building). Such harm, however, is outweighed by the public benefits arising from the repair to the listed building on the rear elevation and to removing the insensitive window which damaged the symmetry of the rear façade and created a structural problem.

APPENDIX

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

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

Policy CSP2: Historic Environment

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

Policy B4: Demolition of Listed Buildings

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extensions or Alterations to Listed Buildings

Other Material Considerations

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

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

[Historic England: Traditional Windows: their care, repair and upgrading \(2017\)](#)

Relevant Planning History

NNRLB9 (1972)	General improvements and restoration to the Hall	PERMIT
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Views of Consultees

The **Conservation Advisory Working Party** consider the application at its meeting on 23 February.

The views of the **Historic England, Georgian Group; Twentieth Century Society; Victorian Society; The Society for the Protection of Ancient Buildings; Loggerheads Parish Council**; and Shropshire Council have been sought and will be reported if received.

Representations

A representation has been received from a local resident in the form of a letter of support for all aspects of the proposals.

Applicant/agent's submission

The applications are supported by the following documents;

- Design and Access and Heritage Statement

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00056/LBC>

Background Papers

Planning File

Planning Documents referred to

Date Report Prepared

16 February 2021

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2 March 2021

Agenda item 8

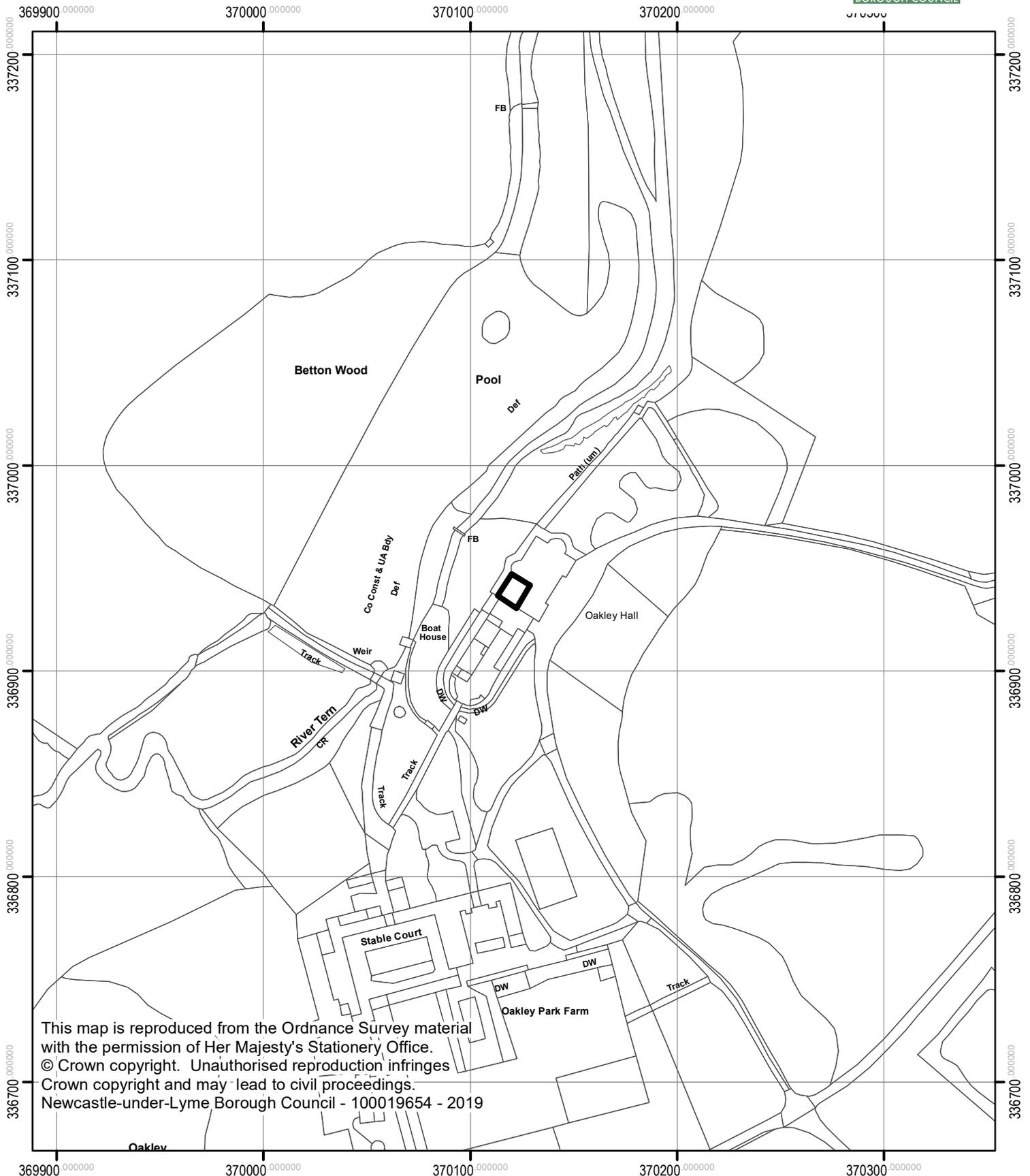
Application Ref. 21/00056/LBC

Oakley Hall, Oakley, Market Drayton

The application has been **WITHDRAWN**

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**21/00056/LBC
Oakley Hall, Oakley,
Market Drayton
TF9 4AG**



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**KNUTTON COMMUNITY CENTRE AND INFANT WELFARE CENTRE & CLINIC,
KNUTTON LANE, KNUTTON
NEWCASTLE BOROUGH COUNCIL**

**20/00958/CN01,
20/01087/CN01 & 20/01087/CN02**

The applications are for approval of:

20/00958/CN01 - an Environmental Management Plan as required by condition 1 of prior approval of the method of demolition of the former health care centre, and any proposed restoration of the site (reference 20/00958/DEEM3).

20/01087/CN01 - an Environmental Management Plan as required by condition 1 of prior approval of the method of demolition of the former community centre, and any proposed restoration of the site (reference 20/01087/DEEM3).

20/01087/CN02 – facilities to prevent mud, debris etc. being deposited on the public highway as required by condition 2 of prior approval of the method of demolition of the former community centre, and any proposed restoration of the site (reference 20/01087/DEEM3).

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

The 8 week period for the determination of these applications expire on the 8th April 2021.

RECOMMENDATION

Subject to confirmation from the Environmental Health Division that the submitted information satisfies the requirements of the conditions, APPROVE the following condition applications:

- **20/00958/CN01**
- **20/01087/CN01**
- **20/01087/CN02**

Reason for Recommendation

The views of the Environmental Health Division have not yet been received.

Key Issues

Prior approval was granted for the method of demolition of the former health care centre and proposed restoration (20/00958/DEEM3) by Planning Committee at its meeting of 5th December 2020, subject to a condition requiring the prior approval of an Environmental Management Plan.

Prior approval was granted for the method of demolition of the former health care centre and proposed restoration (20/01087/DEEM3) by Planning Committee at its meeting of 2nd February 2021, subject to conditions requiring the prior approval of an Environmental Management Plan and facilities to prevent mud, debris etc. being deposited on the public highway.

In response to such conditions a Construction Phase Plan and Traffic Management Plan have been submitted. This supporting information includes the following:

- Works and deliveries will be between 8am and 5pm Monday to Friday, 8am to 1pm Saturdays with no work on Sunday. Any deviations due to emergencies will be approved by the Council.

- Removal and disposal of asbestos containing materials.
- Removal and disposal of other hazardous materials
- Controlled mechanical demolition of redundant buildings including fully scaffolding buildings
- Removal of all demolition hardcore from site
- Site to be left clear and tidy upon completion
- Letters to the neighbouring dwellings to be sent with a programme of works prior to the demolition with further letters sent if there are changes to the programme
- No burning on site
- No lighting required
- Noise levels at 1m from the façade of the nearest occupied building to be managed so as not to exceed a level of 75dB during working hours
- A jet distributing a fine misting spray hose to be available on site to suppress dust if required and during periods of dry and windy weather any stockpiles of material that may produce dust will be dampened down.
- Provision of a wheel was facility at the access gates

The submitted information is comprehensive and appears to put in place the measures that are required by the conditions in question. The views of the Environmental Health Division have, however, been sought on the adequacy of the information provided. Their views will be reported and if further information is required by them it will be requested.

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](#)

None

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

None

Other Material Considerations include:

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

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

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

Relevant Planning History

20/00958/DEEM3 – Prior approval granted for the demolition of the Infant Welfare Centre & Clinic.

20/01087/DEEM3 – Prior approval granted for the demolition of the Knutton Community Centre.

Views of Consultees

Any views received from the **Environmental Health Division** will be reported.

Applicants Submission

- Construction Phase Plan
- Traffic Management Plan

These documents are available to view on the Council's website via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00958/CN01>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01087/CN01>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01087/CN02>

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

19th February 2021

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd March 2021

Agenda Item 9

Application Refs. 20/00958/CN01, 20/01087/CN01 & 20/01087/CN02

Knutton Community Centre & Infant Welfare Centre and Clinic, Knutton Lane, Knutton

The consultation responses of the **Environmental Health Division** have now been received.

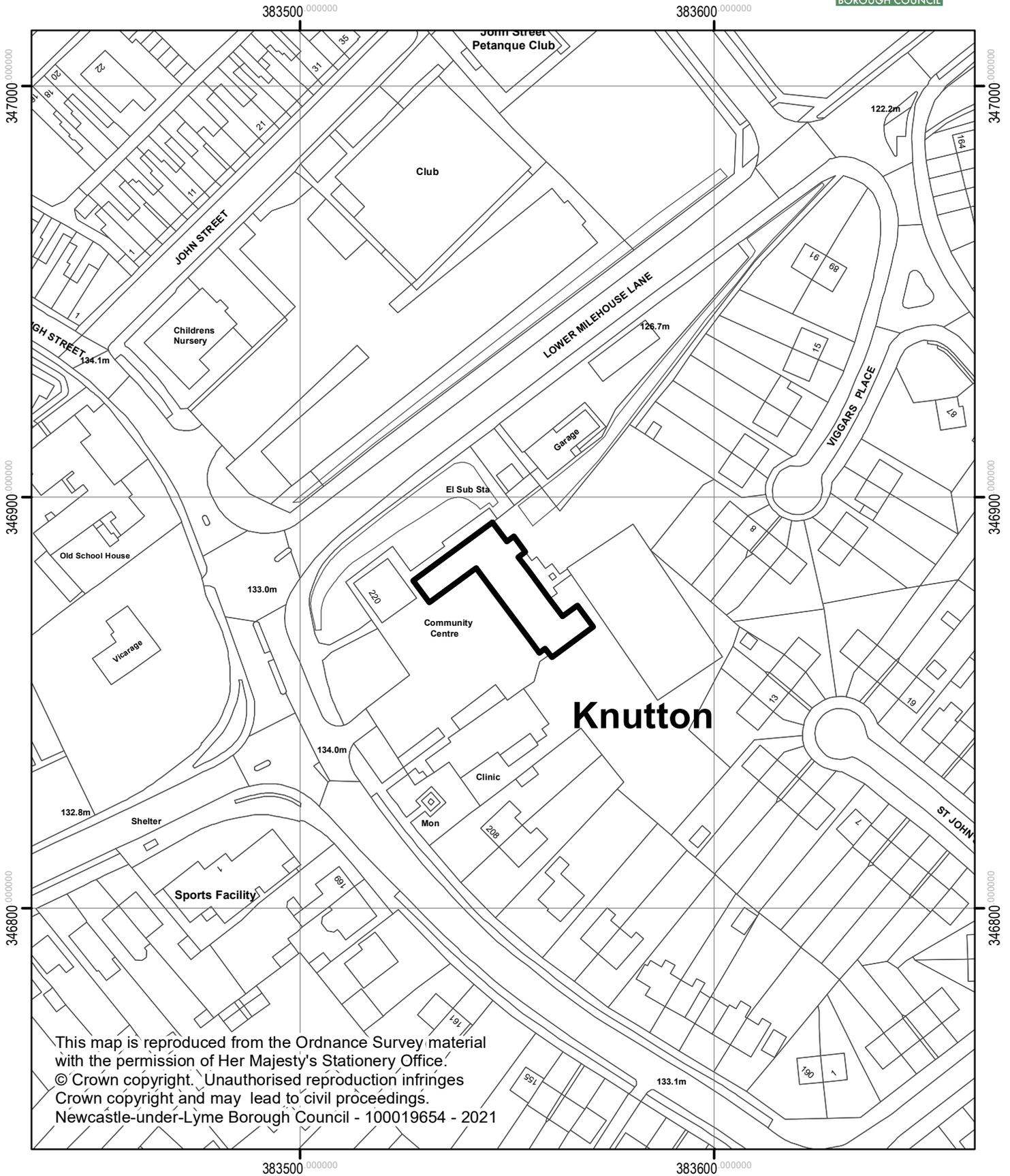
In respect of condition 1 of 20/00958/DEEM3 and 20/01087/DEEM3 (Environmental Management Plan) the response confirms that the information submitted is acceptable. They further advise that no comments are made in respect of the removal of the asbestos from the community Centre (20/01087/CN01) as this is a matter regulated by the Health and Safety Executive.

In respect of condition 2 of 20/01087/DEEM3 (measures to prevent mud, debris etc. from being deposited on the public highway) the response confirms that the information submitted is acceptable. They comment that a road sweeper should be made available, or at least sourced, in the event that any fine mud or slurry is tracked from the site.

The RECOMMENDATION remain as set out in the main agenda report with a note on the decision relating to condition 2 of 20/01087DEEM3 regarding fine mud or slurry.

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Knutton Community Centre, Knutton Lane, Knutton



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 Newcastle-under-Lyme Borough Council - 100019654 - 2021

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd January 2019 (since repeated), of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

RECOMMENDATION

That the information be received.

Since the last meeting, confirmation has been received from the Planning Inspectorate that the appeal hearing date has been fixed. The scheduled date is 4th February 2021.

The Inspectorate have informed the Council that it will forward details of the event and the information required to notify interested parties in due course.

Date report prepared: 17th December 2020

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

The purpose of this report is to provide Members with an update on the progress of the works being undertaken following a planning application for the retention and completion of a partially constructed agricultural track, reference 18/00299/FUL, which came before the Planning Committee on the 6th November 2018.

RECOMMENDATION

That the information be received.

Latest Information

A site visit with the owner was undertaken in mid-October and he has been reminded of the conditions of the planning permission, in particular condition 6, which prevents the importation of all material associated with the construction and completion of the track within 24 months from the date of the decision i.e. by the 8th November 2020.

The works to complete the track have not been completed by the 8th November 2020 and the track remains unfinished.

The owner has advised your officers that he intends to submit a planning application to extend the period for the completion of the track as a S73 variation of condition application. However, the owner submitted the application to Cheshire East Council, rather than the Borough Council, because part of the track falls within Cheshire East

The Borough Council are still waiting for a valid planning application to be submitted and the owner is being chased on a regular basis to submit the application.

The acceptability of a further extension to complete the track will be assessed by the Borough Council once a valid planning application is received.

Date Report Prepared – 18th December 2020

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HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Purpose of the Report

To provide Members with a report on planning obligations which have been secured over the 6 month period referred to in this report, obligations which have been modified either by application or agreement, works that have been funded in part or in whole by planning obligations within this period, and compliance with their requirements

Recommendation

- a) That the report be noted

Introduction

The last half yearly report on planning obligations was provided to the Committee at its meeting on the 23rd June 2020 and covered the period between the 1st October 2019 to the 31st March 2020. This report now covers the period between 1st April to the 30th September 2020 and sets out planning obligations which have been secured during this 6 month period, obligations which have been amended either by application or by agreement, works that are known to have been funded during that period in whole or in part by planning obligations, contributions that have been received as a result of planning obligations, and compliance with their requirements. Members should however note that the information on payments received and funded expenditure may be incomplete. Members will also note that the level of information in this report is limited. Your officers assume that this is as a result of the COVID-19 pandemic whereby developments have not progressed due to the uncertainty and restrictions in place at that time.

Planning obligations can be secured by agreement or by unilateral undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended.

As with previous half yearly reports the relevant Section 106 information is reported in various Tables. However, the format of this report and the method of reporting it may change over the next few months following a change to the Community Infrastructure Regulations and recent planning guidance published in September 2019 which requires local planning authorities, that have received developer contributions, to publish an infrastructure funding statement (IFS) summarising their developer contributions data. The first IFS should have been published by the 31st December 2020 and should be reported at least once a year. The first IFS must cover a period that starts on the 1st April 2019.

The Council has not published an IFS and limited progress has been made in preparing the necessary information to be included in the IFS. In the meantime your officers will continue to prepare this half yearly report.

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (1st April to 30th September 2020)

This Table identifies developments where planning obligations by agreement or by undertaking have been entered into by developers/owners. It does not include the obligations entered into by the public authorities, except where they are the landowner/developer. The cases involve both financial contributions, the provision of development such as affordable housing and obligations which restricts the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment "trigger"), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution and payment should not therefore be assumed.

Application reference and date of agreement or undertaking	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
20/00123/OUT 30 th June 2020	Land West Of Pit Head Close, Lymedale Business Park, Newcastle Under Lyme.	Erection of business/industrial development of B1(c), B2 and/or B8 uses with all matters reserved except access on the site of the former Loomer Road Speedway Stadium.	Travel Plan Monitoring fee	£2,407 (Index Linked) SCC

Table 2 – Developments where planning obligations by developers/owners of land have been agreed to be modified or discharged by application or by agreement (1st April to 30th September 2020)

This Table identifies developments where planning obligations by agreement or undertaking have been modified or discharged. The list includes decisions made under Section 106A (to vary or discharge the terms of an obligation), and where the Council has, without a formal application having been made, agreed to amend or modify an existing agreement.

Application Number (if applicable) & Reference Number of original related permission and date of modified /discharged agreement	Location of Development	Application	Decision
Nil	-	-	-

Table 3 - Development where financial contributions have been made (1st April to 30th September 2020)

This Table identifies the developments where a planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution, or the application of indexation. Whilst some information has been received from the County Council the Table may be incomplete due to difficulties experienced in obtaining this information.

Permission reference	Location of development	Development	Purpose of the obligation(s) subject of contributions received	Contribution made and to whom
16/00958/FUL	(Marks and Spencer) Wolstanton Retail Park, Newcastle	Variation of condition 3 (To increase the amount of floorspace within the M&S store that can be used for convenience goods sales to 1,496sqm) of planning permission 11/00611/FUL - Demolition of existing retail warehouse units, distribution unit and redundant methane pumping station. Construction of new retail store with ancillary refreshment facilities, new and altered car parking, servicing and sewerage facilities.	Business Improvement Contribution – seventh annual payment	£11,782.14 NBC
20/00123/OUT	Land West Of Pit Head Close, Lymedale Business Park, Newcastle Under Lyme.	Erection of business/industrial development of B1(c), B2 and/or B8 uses with all matters reserved except access on the site of the former Loomer Road Speedway Stadium.	Travel Plan Monitoring fee	£2,407.00 SCC
18/00916/FUL	Kidsgrove Working Mens	Full planning permission for the	Travel Plan Monitoring fee	£2,407.00

	Club & Hardingswood Kidsgrove	Institute, Road,	demolition of existing buildings and construction of retail store (2,206sqm GEA) (Use Class A1) and associated means of access, parking, landscaping and associated infrastructure works.		SCC
				Signal Controlled Pedestrian Crossing Provision	£10,000.00
					SCC

Table 4 - Development where financial contribution have been spent. (1st April to 30th September 2020)

This Table identifies those developments where the spending authority has advised the Planning Authority that they have spent within the above period a financial contribution secured via planning obligations. The Table is intended to cover expenditure both by the County Council and by the Borough Council and accordingly may be incomplete particularly with respect to the former. In the next 6 monthly report an update will, hopefully, be provided. The Table only refers to the spending of financial contributions, it does not refer to on-site affordable housing that has been provided as a consequence of planning obligations.

Permission associated with the planning obligation as a result of which funding was received	Location of development referred to in the permission	Development	Amount received as a result of planning obligation and purpose of contribution as indicated in the planning obligation	How the contribution has been spent
Nil	-	-	-	-

Table 5 - Developments where apparent breaches of planning obligations has been identified

This Table identifies developments where either the triggers for the payment of financial contribution have been reached and no payment has yet been received, or there is some other current breach in terms of the obligation/undertaking. It also includes cases brought forward from previous periods, which have not yet been resolved, and cases reported in the last half yearly report which have now been resolved and can be considered "closed".

Permission reference & Date of Obligation & enforcement case reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
12/00701/FUL 13 th May 2013 16/00219/207C2	Former Randles Ltd, 35 Higherland, Newcastle	Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access	A financial contribution of £36,017 (index linked) towards the Newcastle (urban) Transport and Development Strategy (NTADS) is required to have been paid prior to the commencement of the development. That has not happened	The ground floor of the building has been operating as a Tesco food store for a considerable amount of time. The County Council and the Borough Council have requested the outstanding amount which will need to have index linking applied, and in the event of payment still not being made further action may need to be taken. The matter was passed to the County Council's legal/ monitoring section to progress and they have now confirmed that the decision has been taken not to pursue the NTADS sum secured under this Unilateral Undertaking. In doing so the County Council wish to set out that it is not the intention to set a precedent. This case has now been closed.
03/00880/OUT	Site of Former Packmoor Sports	Residential development	Non-compliance with Clause 4.5 of S106 agreement which	The development has been built out and inquiries have been made recently about

26th July 2005 19/00118/207C2	and Social Club, Turnhurst Road, Newchapel		required a strip of land 1.5m wide either side of the centre line of certain Footpaths to be dedicated as highways immediately after the grant of planning permission.	this breach with the landowner's agent. An update will be provided when there is further information available.
17/00252/FUL 21 st July 2017 19/00123/207C3	Former Jubilee Baths Nelson Place, Newcastle (now the Sky Building)	Demolition of former swimming baths and construction of 273 room student development with associated communal area and car parking, alternative to Planning Approval 15/00166/FUL	Non-payment of part of the Residential Parking Zone Contribution (£48,000 index linked), and the Travel Plan Monitoring Fee (£2,200 index linked) required by Section 106 Agreement	The payment of the complete residential parking zone contribution was by either occupation of the building or by 30th September 2017 (whichever is the earliest), and the Travel Plan Monitoring Fee by 7th August 2017. Clarification has been sought from the County Council. An update will be provided when there is further information available.
11/00284/FUL 6 th February 2013 19/00129/207C3	Former Site Of Silverdale Station And Goods Shed Station Road, Silverdale	Erection of twenty three houses	Non-compliance with obligation requiring payment of financial contributions - £66, 689 (index linked to public open space, £55, 155 (index linked) towards primary school places and £26,244 (index linked) towards the Newcastle-under-Lyme Urban Transport Development Strategy (NTADS)	Non-compliance with obligation requiring payment of financial contributions, as follows, have been reported to Committee <ul style="list-style-type: none"> • £66, 689 (index linked to public open space, • £55, 155 (index linked) towards primary school places and • £26,244 (index linked) towards the Newcastle-under-Lyme Urban Transport Development Strategy (NTADS) <p>In addition the S106 agreement secured a financial viability review mechanism should development not be substantially commenced by a certain date, which might lead to a contribution to affordable housing</p>

				<p>off site.</p> <p>The District Valuer has conducted a financial viability appraisal to determine whether the development could support policy compliant planning obligations or any level of contributions towards off-site affordable housing provision. The report received concluded that the development would not be viable to contribute further payment for off-site affordable housing provision and this conclusion is accepted by your Officer. On this basis it is the payments set out above that are required.</p> <p>The final payment (which requires indexation and the addition of interest due to late payment) has now been calculated and a letter has been sent to the developer on 10th December 2020 informing them what the due payments are and seeking confirmation as to when they will be paid to the relevant Council. To date a response has not been received.</p>
18/00693/FUL	Orchard House, Clayton Road, Newcastle Under Lyme	Specialist accommodation for the elderly comprising of 75 Residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over.	Non-compliance with obligation requiring payment of financial contributions - first instalment of £103,341 (index linked to public open space.	<p>The first instalment of the public open space contribution was due within three months of the commencement date of the approved development.</p> <p>It is believed that the commencement date was in early 2019 and so the payment is at least 24 months overdue.</p> <p>The applicant has been approached about the non-payment and advises that they are</p>

				<p>not in a position to make payment at this moment in time but they hope to resolve the matter as soon as possible.</p> <p>In the current economic climate your officers do not consider that it is appropriate to take formal enforcement action. The overdue payment is subject to interest from the date when the trigger for payment was achieved and this will be applied when the developer is in a position to make the payment.</p>
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QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

Recommendations

a) That the report be noted

b) That the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

Introduction

The Committee, when resolving to permit an application subject to the prior entering into of a planning obligation, usually also agree to authorise the Head of Planning to extend the agreed period of time for an applicant to enter into the Section 106 obligations, if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought. It also does not include those situations where obligations are secured "in time".

This report covers the period between 8th December 2020 (when the Committee last received a similar report) and the date of the preparation of this report (17th February 2021).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or in subsequent agreed extensions, and extensions have been agreed with respect to some 4 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Indeed it can be in their interests to delay matters in some cases, particularly where the Council has agreed to accept less than policy compliant contributions on the basis of a viability appraisal. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made "in time" insofar as the speed of determination criterion for designation of poorly performing LPAs is concerned.

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended

period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

As from the 1st June 2018 the Service has signed up to a Staffordshire wide initiative to promote the use of a standardised Section 106 template agreement, with template schedules, which is being publicised so applicants are clear what documentation is required of them to complete the application process – with the aim of reducing delays and costs for applicants and to simplify the planning process.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the engrossment of the final document he retains the right to bring the matter back to the Planning Committee. Milestones are now being set in some cases. Applicants are also requested to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period is defined by the government as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

(1) Morston House, Newcastle-under-Lyme 20/00282/FUL

This application for full planning permission for the conversion of the lower ground and upper ground floors of Morston House to 31 no. studio flats for students came before the Planning Committee at its meeting on the 23rd June (at around week 11). The resolution of the Committee required an obligation to secure financial contributions of £60,357 towards the enhancement of public open space and £2,443 towards travel plan monitoring. The resolution included the requirement that the agreement should be completed by the 31st July.

The agreement was not completed by the 31st July due to delays by all parties and whilst these delays continued the Obligation was eventually completed on the 6th January and the decision notice was issued on the 7th January 2021

The decision was issued 'in time' some 40 weeks after receipt of the application.

(2) Former Newcastle Baptist Church, London Road, Newcastle 20/00336/FUL

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

The Planning Committee at its meeting on the 21st July (at around week 10). The resolution of the Committee required an obligation to preserve the Council's position in respect of obligations secured prior to the grant of permission 14/00477/FUL. The resolution included the requirement that the agreement should be completed by the 28th August.

The Obligation was not completed by the 28th August due to delays on behalf of the Council and whilst these delays continued the Deed of Variation was eventually completed on the 17th December and the decision notice for the application was issued on the 24th December 2020.

The decision was issued 'in time' some 32 weeks after receipt of the application.

(3) One London Road, London Road, Newcastle 20/00557/FUL

This application is for the variation of condition 2 of planning 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 Planning Committee at its meeting on the 13th October (at around week 13) resolved that an obligation was required to preserve the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL. The resolution included the requirement that the agreement should be completed by the 17th November.

The Obligation was not completed by the 17th November due to delays on behalf of the Council and whilst these delays continued the Deed of Variation was eventually completed on the 11th February and a decision notice for the application will be now issued.

Some 31 weeks have now passed since receipt of the application.

(4) Land off Cross Street Chesterton 20/00369/FUL

This hybrid application comprising the demolition of all buildings within the site and the following full planning permission for the construction of 9 bungalows (Phase 1) and outline planning permission, with all matters reserved except access, for 43 dwellings and 73 supported living apartments for the over 55's came before the Planning Committee at its meeting on the 13th October (at around week 20). The resolution of the Committee required an obligation 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. The resolution included the requirement that the agreement should be completed by the 13th January 2021.

The Obligation was not completed by the 13th January due to delays on behalf of the Council but it was eventually completed on the 11th February 2021 and a decision notice for the application will be now issued.

Some 38 weeks have now passed since receipt of the application.

Date Report prepared

17th February 2021

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APPEAL BY MR AND KEITH GREEN AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR DECKING (PARTIALLY CONSTRUCTED) AT 17 BOYLES HALL ROAD, BIGNALL END

<u>Application Number</u>	20/00590/FUL
<u>LPA's Decision</u>	Refused under delegated authority on 13 July 2020
<u>Appeal Decision</u>	Dismissed
<u>Date of Decision</u>	11 February 2020

Appeal Decision

The Inspector identified the main issue to be the effect of the development on the living conditions of No. 3 McEllin Close with particular regard to privacy.

The Inspector concluded that the decking would enable views into bedrooms of No. 3 McEllin Close significantly reducing the level of privacy for the occupiers of the dwelling. Moreover, the decking would be wide enough to allow people to sit on it which could be for lengthy periods of time. Consequently the development would unacceptably harm the living conditions of the occupiers of No. 3 McEllin Close with particular regard to privacy.

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00590/FUL>

Recommendation

That the appeal decision be noted.

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By virtue of paragraph(s) 6a, 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

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