

PLANNING COMMITTEE

Tuesday, 14th September, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

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

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

1. APOLOGIES

Apologies were received from Councillor Jenny Cooper.

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 17 August, 2021 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MR CHRIS ANDREWS. 21/00593/REM

Councillor Gary White spoke on this application.

The Council's Senior Planning Officer, Nick Bromley referred Members to Section 6 of the report which covered the planning obligations and financial viability. Section 6.3 set out information received from an independent financial advisor and Butters John Bee had confirmed that the scheme could only financially support the £83,110. The distribution of that amount was for debating by this Committee. Officers had recommended that the money go to secondary education places to mitigate the impact of the development.

Councillor Holland stated that, at Outline stage the Committee had determined that in order for the development to be acceptable, it should include the £5,579 per dwelling

towards the maintenance of open land facilities. He did not see that that had changed as the Council was not allowed to secure S.106 agreements where they were not necessary. Councillor Holland stated that, if the lack of that made the scheme unviable, it should not be approved.

Councillor Northcott suggested that the developer go back and review the figures and submit a scheme that was viable and met with the contribution requirements that were in place.

The Chair stated that the debate had focussed on the reduction in the S.106 Contribution and nothing had been discussed regarding recommendation C relating to the actual development. The Committee had shown a dislike to recommendations A and B. The Chair asked, if recommendations A and B were rejected, where would recommendation C stand. The Council's Head of Planning and Development, Shawn Fleet advised that all three recommendations were linked, so if Members were unhappy with the amount of the contribution and its being targeted towards the school, the whole scheme would fall.

The Chair stated there were two debates. One was that the Committee felt that the independent valuer had not done the work sufficiently well and were looking at a revision of the figure. However, if it was felt that the independent valuer had correctly assessed the situation, it was within the power of this Committee to divide the money up in different ways.

A motion was put forward by Councillor John Williams to defer the application to allow the developer to come back with a more acceptable proposal in respect of the S.106 contribution. This was seconded by Councillor Reddish.

Councillor Mark Holland put forward a motion of refusal stating that the developer needed to come back with a viable scheme. This was seconded by Councillor Northcott.

Summing up, the Chair, stated that a vote would be taken on deferral and then the formulation of Councillor Holland's motion for refusal on the grounds that the monies proposed were not sufficient to mitigate the impact of the development on the local community.

Shawn Fleet stated that if the application was deferred, officers would go back to the applicant to discuss the S.106.

Votes were taken on both proposals but the vote for deferral fell.

- Resolved:**
- (i) That the discharge of S106 be not agreed
 - (ii) That the variation of S106 agreement as set out in the supplementary report be not approved.
 - (iii) That the Reserved Matters application be refused for the following reason:

The level of Section 106 Obligations is not policy compliant and therefore not sufficient to mitigate the impact of the proposed development, as set out in the reserved matters application, on the local community. The proposed development would therefore be contrary to Policies CSP5 and

CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy of the Newcastle-under-Lyme Local Plan 2011, the Council's Open Space Strategy, Staffordshire Education Infrastructure Contributions Policy and the aims and objectives of the National Planning Policy Framework 2021.

5. APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 21/00570/FUL

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

- (i) Time limit
- (ii) Implementation in accordance with the approved plans
- (iii) No development to commence until a Sustainable Drainage Strategy has been submitted and agreed, which is to be fully implemented.
- (iv) No development to commence until intrusive site investigation works, if required by the Coal Authority, and remedial works have been undertaken in accordance with approved details (the final wording of the condition to be agreed with the Coal Authority prior to the issuing of the planning permission).
- (v) Detailed structural landscaping scheme to be submitted and approved within 12 months of the commencement of the earthworks on any phase which shall include the retention of Category B trees if possible, or their replacement if not. The scheme is to accord with the Green Infrastructure Strategy and should include the planting of a verge adjoining the footpaths. The structural landscaping scheme shall be implemented prior to the commencement the construction of buildings within that phase.
- (vi) Approval of tree and hedgerow protection measures.
- (vii) Approval and implementation of woodland and landscape management plans.
- (viii) No development shall take place on any part of the site until the development has secured the implementation of a programme of archaeological works
- (ix) Limit on the number of daily HGV movements for the duration of the earthworks to a maximum of 400 HGV two-way movements per day and not more than 20 HGV two-way movements in either the AM peak hour (08:00 to 09:00) or the PM (17:00 to 18:00).
- (x) Approval and implementation of a Construction Traffic Management Plan
- (xi) The reporting of unexpected contamination and preventing the importation of soil or soil forming material without approval.

6. APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 21/00595/FUL

Resolved: **That the removal of condition B25 and variation of conditions A2, A8, B1, B6, B7, B9, B10, B11, B13, and B31 of 19/00846/OUT (but not B23) be permitted, as follows:**

(i) Vary condition A2 to reflect the revised plans.

(ii) Vary condition A8 as follows:

Within 12 months of the commencement of the development referred to in item (A), a detailed structural landscaping scheme to the perimeter, including the site frontage to Peacock Hay Road; and to the slope between plots C and B, shall be submitted to and approved by the Local Planning Authority. The scheme shall accord with the principles of the Green Infrastructure Strategy (Drawing no. 3227-L-01 Rev C) and shall include details of the species of plants, hedgerow shrubs and trees along with their size, numbers and density of planting...

(iii) Vary condition B1 as follows:

The development referred to in item (B) hereby permitted was approved in consideration of the following;

- *Drawing no. 18004.GA.04 Revision B Proposed Highway Improvement Works at A500/A34 Grade Separated Junction*
- *Drawing no. 3227-L-01 Rev C– Green Infrastructure Strategy*

(iv) Vary condition B6 as follows:

Prior to the commencement of development of any plot referred to in item (B) the following shall have taken place:

- *The submission of a scheme of remedial works for the mine entries and the shallow workings relating to that plot for the approval of the Local Planning Authority; and*
- *The implementation of those remedial works.*

(v) Vary condition B7 as follows:

Prior to the commencement of the installation of the Talke Roundabout improvement works as shown on 18004.GA.04 Revision B, a suitable assessment of the needs of walkers, cyclists and horse riders shall have been carried out and appropriate amendments to the off-site highway works at the A500 Talke roundabout, as identified in the assessment shall be agreed and implemented.

(vi) Vary condition B9 as follows:

A reserved matters application of the development referred to in item (B) shall include full design details, in accordance with DWG number – NWK 170107-BED-EX-00-DR-C-0258 Rev P04, for the new roundabout access, footways and improvement to the existing site access. This is to include a full scheme of proposals to secure the delivery of the speed reduction which should include gateway features, street lighting, conspicuous speed limit and warning signs, road markings and surfacing with an appropriate PSV – high friction surfacing. The approved details shall be implemented before the occupation of buildings within the site unless otherwise agreed by the Local Planning Authority.

- (vii) Vary condition B10 as follows:

A reserved matters application of the development referred to in item (B) shall include detailed structural landscaping scheme for the verges of the main internal spine road and footpaths. The scheme shall accord with the principles of the Green Infrastructure Strategy (Drawing no. 3227-L-01 Rev C).

All planting, seeding or turfing comprised in the approved scheme shall be carried out prior to the occupation of any building referred to in item (b) unless a phased approved is agreed as part of a reserved matters application. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

- (viii) Vary condition B11 as follows:

A reserved matters application shall include details of the main internal spine road which shall be designed to enable a bus to access the site and turn safely.

- (ix) Vary condition B13 as follows:

Any reserved matters application regarding landscaping of the development referred to in item (B) shall include landscaping within the parking areas and other hardsurfaced areas.

All planting, seeding or turfing comprised in the approved scheme in as far as it relates to each plot shall be carried out prior to the occupation of any building on that plot. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

- (x) Vary condition B31 as follows:

No development shall be occupied that will generate more than 464 two way vehicular trips in the AM peak hour (0800-0900) and/or more than 411 two-way vehicular trips in the PM peak hour (17-1800), until the mitigation scheme for the A500/A34 junction as shown in principle on drawing no. 18004.GA.04 Revision B has been implemented in full and is open to traffic...

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

7. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD AND NORTH WEST OF LOWER ROAD, HOOK GATE. VERVE SHREWSBURY LTD. 21/00834/FUL & 21/00835/FUL

Resolved: 21/00834/FUL

That the Head of Planning be given the delegated authority to determine the application after 17th September subject to any comments that are received from Loggerheads Parish Council, the Highway Authority and interested parties not raising any matters that have not been addressed within the report or that cannot be overcome through the imposition of conditions, the variation of condition 7 of 21/00327/FUL be permitted so that it reads as follows:

The development shall not be occupied until visibility splays have been provided at the site accesses in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

And subject to any other conditions attached to planning permission 21/00327/FUL that remain relevant at this time.

21/00835/FUL

That the Head of Planning be given the delegated authority to determine the application after 17th September subject to any comments that are received from Loggerheads Parish Council, the Highway Authority and interested parties not raising any matters that have not been addressed within the report or that cannot be overcome through the imposition of conditions, the variation of condition 20 of 21/00327/FUL be permitted so that it reads as follows:

No above ground works shall commence until a detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Flood Risk Assessment (ELLUC Project Number LE022 Revision F2 dated 13th June 2018). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

And subject to any other conditions attached to planning permission 21/00327/FUL that remain relevant at this time.

8. APPLICATION FOR MINOR DEVELOPMENT - PLUM TREE PARK FARM, CHURCH LANE, BETLEY. MR H KENNERLEY. 21/00499/FUL

Amended recommendation, to remove the word 'forestry' from Condition (vii) proposed by Councillor Jones and seconded by Councillor Holland.

Resolved: That the application be permitted, subject to the undermentioned Conditions:

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Provision of parking and turning areas
- (iv) Electric vehicle charging provision
- (v) Landscaping
- (vi) Materials
- (vii) Occupation of dwelling limited to a person working in agriculture.

9. APPLICATION FOR MINOR DEVELOPMENT - THE CHALET, BUNGALOW FARM, RYE HILLS. MR CARL BEESTON. 21/00702/FUL

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Electric vehicle charging provision
- (v) Construction hours
- (vi) Drainage

10. APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT WATERHAYS FARM TELEPHONE EXCHANGE CEDAR, ROAD. CK HUTCHISON NETWORKS (UK) LTD. 21/00757/TDET

Resolved: (i) That prior approval be required, and
(ii) That such prior approval be granted.

11. LAND NORTH OF PEPPER STREET, KEELE. KEELE HOMES LIMITED. 21/00780/DOB

Resolved: That the application to modify the S106 agreement, by extending the period of time within which the developer must substantially commence development before the need for a revised viability report is triggered to 25 June 2022, be approved.

The decision would have a note attached, advising that this Committee would be very unlikely to agree to any further extensions of time.

12. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3

Elaine Moulton advised that the position remained the same. No hearing date had been received. However, at a site visit carried out today there was activity happening on the site.

- Resolved:**
- (i) That the information be received.
 - (ii) That an update report be brought to Committee in two months' time

13. LIST OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING AND LISTED BUILDING CONSENT APPLICATIONS

Resolved: That the revisions to the list arising from the consultation process as set out in Appendix 1 be approved, so that the revisions can be made and the revised list published on the website, and thereafter used in the validation process.

14. HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Resolved: That the report be noted

15. URGENT BUSINESS

There was no Urgent Business.

CLLR ANDREW FEAR
Chair

Meeting concluded at 8.46 pm