

Public Document Pack

Date of meeting Tuesday, 21st July, 2020
Time 6.00 pm
Venue Planning Committee - Virtual Meeting - Conference
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 10)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - FORMER FIRST BUS DEPOT, LIVERPOOL ROAD, NEWCASTLE-UNDER-LYME. MORBAINE LIMITED. 20/00131/COU** (Pages 11 - 18)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE. WISH DEVELOPMENTS. 20/00336/FUL** (Pages 19 - 26)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST, APEDALE ROAD, CHESTERTON. HARVEY THORP. 20/00354/FUL** (Pages 27 - 36)
This application includes a supplementary report.
- 7 APPLICATION FOR MAJOR DEVELOPMENT - A1 SKIPS, CHEMICAL LANE, NEWCASTLE UNDER LYME. A1 SKIPS (S-O-T) LTD. SCC REFERENCE N.20/01/251 W (NULBC REF 20/00446/CPO)** (Pages 37 - 42)
- 8 APPLICATION FOR MINOR DEVELOPMENT - TELECOMMUNICATIONS MAST, CLAYTON ROAD, NEWCASTLE. MBNL FOR AND ON BEHALF OF H3G UK LIMITED. 20/00428/TDET** (Pages 43 - 50)

This application includes a supplementary report.

- 9 APPLICATION FOR MINOR DEVELOPMENT - ROUNDABOUT AT CEDAR ROAD AND AUDLEY ROAD, CHESTERTON. MBNL FOR AND ON BEHALF OF H3G UK LIMITED. 20/00462/TDET (Pages 51 - 58)**

This application includes a supplementary report.

- 10 APPLICATION FOR OTHER DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN. 20/00405/LBC (Pages 59 - 66)**

- 11 5 BOGGS COTTAGE, KEELE,. 14/00036/207C3 (Pages 67 - 70)**

This application includes a supplementary report.

- 12 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2 (Pages 71 - 72)**

- 13 RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY. 17/00258/207C2 (Pages 73 - 78)**

This application includes two supplementary reports.

- 14 UPDATE ON BREACHES OF PLANNING OBLIGATIONS (Pages 79 - 80)**

- 15 ANNUAL DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020 (Pages 81 - 90)**

- 16 APPEAL DECISION - FIELD HOUSE, SANDY LANE, NEWCASTLE. 19/00365/OUT (Pages 91 - 92)**

- 17 APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - CLAYTON HALL ACADEMY, CLAYTON LANE, NEWCASTLE (Ref: 20/21002/HBG) (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), Miss Marion Reddish (Vice-Chair), John Williams, Paul Northcott, Mrs Gillian Williams, Bert Proctor, Simon Tagg, Mrs Silvia Burgess, Dave Jones, Mrs Jennifer Cooper, Mrs Helena Maxfield and Mrs Sue Moffat

Note: only the following Members from the full membership who have been nominated to attend this Zoom meeting are required:

Councillors Andrew Fear (Chair), Miss Marion Reddish (Vice-Chair), John Williams, Paul Northcott, Bert Proctor, Dave Jones, Mrs Helena Maxfield and Mrs Sue Moffat

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: Kenneth Owen Mark Holland
 Stephen Sweeney Barry Panter
 Gary White Ian Wilkes
 Ms Sylvia Dymond Kyle Robinson

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

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

ONLINE JOINING INSTRUCTIONS

This meeting will be held virtually using Zoom.

Watching the Meeting

You can attend the meeting in the following ways:

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

Using the Zoom App

Telephone: 0330 088 5830 or 0131 460 1196

The Conference ID for telephone and Zoom App users is: 913 5450 1077

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

Questions and Representations

If you would like to ask a question or make a representation during the meeting, please inform our Planning Services team by emailing geoff.durham@newcastle-staffs.gov.uk. All requests to ask questions or make representations should be submitted by 12 noon on the Thursday before the meeting.

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

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

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

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PLANNING COMMITTEE

Tuesday, 23rd June, 2020
Time of Commencement: 6.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors: Miss Marion Reddish Bert Proctor Dave Jones
John Williams Mrs Silvia Burgess Mrs Helena Maxfield

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

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

1. APOLOGIES

Apologies were received from Councillors' Moffat and Northcott.

2. DECLARATIONS OF INTEREST

Councillor Fear declared a non-pecuniary interest in application 20/308/FUL as a member of the Moseley Railway Trust.

Councillor Jones declared a non-pecuniary interest in application 20/162/REM as an employee of Keele University.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the Minutes of the meeting held on 26 May, 2020 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT KEELE UNIVERSITY, KEELE ROAD, NEWCASTLE. KEELE UNIVERSITY. 20/00162/REM

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

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

- (iii) Materials
- (iv) Tree protection plan
- (v) Detailed planting proposals
- (vi) Provision of the access, parking, turning and servicing areas in accordance with the approved plans
- (vii) Submission of a travel plan
- (viii) Submission of details of secure weatherproof cycle parking for students and staff.

The Committee also requested that, the ceramic baguettes be manufactured locally if possible.

5. APPLICATION FOR MAJOR DEVELOPMENT - MORSTON HOUSE, THE MIDWAY, NEWCASTLE-UNDER-LYME. SSJR MORSTON HOUSE LIMITED. 20/00282/FUL

Resolved: (a) That subject to the applicant entering into a Section 106 obligation by agreement by 31st July to secure financial contributions of £60,357 towards the enhancement of public open space and £2,443 towards travel plan monitoring, the application be permitted subject to the undermentioned conditions:

- (i) Commencement time limit
- (ii) Approved plans
- (iii) Occupation by students only
- (iv) Prior approval of ventilation of habitable spaces
- (v) Secure cycle parking in accordance with approved details
- (vi) Implementation of travel plan
- (vii) Prior to occupation the two existing ambulance parking bays to be replaced by a loading bay
- (viii) Construction Management Plan
- (ix) Details of boundary treatments
- (x) Tree protection proposals
- (xi) Arboricultural Method Statement
- (xii) Full landscaping proposals
- (xiii) CCTV/ Security measures.

(b) Should the above Section 106 obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such a matter being secured, the development would fail to meet the public open space impacts of the development and would fail to ensure it achieves sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

The Committee also requested that a message be sent to the County Council requesting that a collapsible barrier be installed on Pepper Street to prevent unauthorised vehicular access and to improve pedestrian safety, given the additional footfall arising from the development.

6. APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST, APEDALE ROAD, CHESTERTON. HARVEY THORP. 20/00309/FUL

Resolved: That, subject to the receipt of no objections from the Chesterton Locality Area Partnership 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 be given the delegated authority to permit the application after the 23rd June 2020, subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) Materials and colour as per submitted plans
- (iv) Prior approval of external lighting
- (v) Contaminated land remediation, including the risk to controlled waters
- (vi) Implementation of the recommendations of the Preliminary Ecological Appraisal
- (vii) Flood risk mitigation measures and Sustainable Drainage Strategy

7. APPLICATION FOR MINOR DEVELOPMENT - APEDALE HERITAGE CENTRE, APEDALE COUNTRY PARK. DR JOHN ROWLANDS. 20/00308/FUL

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

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Materials
- (iv) Prior approval of external lighting

8. HALF YEARLY REPORT ON PLANNING OBLIGATIONS

- Resolved:**
- (i) That the report be noted.
 - (ii) That, in respect of developments where apparent breaches of planning obligations had been identified:
 - 12/00701/FUL - Former Randles Ltd, 35 Higherland – That the County Council be asked for an update regarding the progress in securing the overdue financial contribution.
 - 11/00284/FUL Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale – That a strategy be devised as to the best method of securing the overdue financial contribution.
 - 18/00693/FUL Orchard House, Clayton Road – That a strategy be devised as to the best method of securing the overdue financial contribution.
 - (iii) That a report be brought to the next meeting setting out progress with regard to applications 11/00284/FUL and

18/00693/FUL

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

- Resolved:**
- (i) That the report be noted
 - (ii) 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.

10. **APPEAL DECISION - NEWCASTLE-UNDER-LYME SCHOOL, MOUNT PLEASANT, NEWCASTLE-UNDER-LYME. 19/00042/FUL**

Members raised concerns in respect of the Inspectors comments and agreed that in future, where refusal of an application is proposed the reasons for refusal are robust and the two tests in respect of potential harm as outlined in the national guidelines be met.

The Chair suggested that a training session on how to formulate a refusal would be useful.

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

11. **LOCAL PLANNING ENFORCEMENT PLAN**

The Council's Head of Planning and Development, Shawn Fleet introduced the report which had been considered and approved by Cabinet on 10 June. The Local Enforcement Plan was appended to the report.

The Plan had been updated in order to ensure that a robust set of measures were in place in order to effectively undertake enforcement action across the Borough.

The Chair stated that this would put a framework in place that the Council could work with. It was a useful way forwards that should be reviewed in a year's time.

- Resolved:** That the report be noted.

12. **FORMER SEVERN TRENT WATER SITE, HAREWOOD STREET, TUNSTALL, STOKE-ON-TRENT. LAND RECOVERY LIMITED. SOTCC REF 65226/FUL (NULBC REF 348/272)**

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

13. **SEABRIDGE COMMUNITY EDUCATION CENTRE, ROE LANE, WESTLANDS, STAFFORDSHIRE COUNTY COUNCIL. 19/00515/OUT**

- Resolved:**
- (i) That officers write to the appellant to confirm that the obligations

referred to in the recommendation that was provided to the Planning Committee on 10th September 2019 are required by the Local Planning Authority should the appeal be allowed;

- (ii) That, in preparing the Council's Statement of Case, officers include reference to these above requirements; and
- (iii) That should the appellant seek before the appeal is determined to enter into a Section 106 agreement with the Council containing such obligations, officers have the appropriate authority to enter into such an agreement.

14. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - 1 GLADSTONE VILLAS, VICTORIA ROAD, NEWCASTLE (REF: 20/21001/HBG)

Resolved: That a Historic Building Grant of £348 be given towards the repair of timber cladding boards and replacement timber finials.

15. URGENT BUSINESS

There was no Urgent Business.

Chair

Meeting concluded at 7.16 pm

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FORMER FIRST BUS DEPOT, LIVERPOOL ROAD, NEWCASTLE-UNDER-LYME
MORBAIN LIMITED

20/00131/COU

Planning permission is sought for the change of use of a former bus depot to a gym.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Gateway.

The 13 week period for the determination of this application expired on 22nd May 2020 but the applicant has agreed to an extension of time to 24th July.

RECOMMENDATION

Permit, subject to conditions relating to the following matters:-

- i. Commencement time limit
- ii. Approved plans
- iii. Hours of site works
- iv. Maximum noise rating level
- v. Noise limiting equipment
- vi. Noise management scheme
- vii. Restriction on location of noise making activities
- viii. Hours of deliveries and collections to site
- ix. Ventilation and extraction equipment
- x. Waste storage and collection arrangements
- xi. External lighting scheme
- xii. Lighting to be shielded
- xiii. Electric charging provision
- xiv. Tree protection
- xv. No approval granted for right turn access
- xvi. Full details of site access
- xvii. Provision of parking and turning areas
- xviii. Closure of existing site accesses
- xix. Implementation of Travel Plan
- xx. Details of secure weatherproof cycle parking
- xxi. Details of drainage facilities for the car park
- xxii. Details of any gates
- xxiii. Construction Management Plan

Reason for Recommendation

The principle of the proposed change of use is considered acceptable in this sustainable location. Subject to the imposition of conditions there would be no adverse impact on highway safety or residential amenity.

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

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

Key Issues

Planning permission is sought for the change of use of the former First Bus Depot to a gymnasium which would be open 24 hours a day and would include exercise classes but not a swimming pool or café.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Gateway.

Limited external alterations are proposed and therefore the proposal would have no adverse impact on the character and appearance of the building. The key issues in the determination of the application are:

- Is the principle of the proposed development acceptable?
- Is the proposal acceptable in terms of highway safety?
- Would there be any adverse impact on residential amenity?

Is the principle of the proposed development on the site acceptable?

The site lies within Newcastle Town Centre. The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The proposed gym use is defined in the NPPF as a 'main town centre use'. The Newcastle Town Centre SPD states that the areas on the edge of the town centre beyond the inner ring road are intended to be areas where retail or leisure uses can be permissible if it can be shown that they would add to the attractiveness of the Primary Shopping Area rather than damage it. It states that it is not just the proximity to the Primary Shopping Area that is important, it is the ease of accessing it on foot. Individual proposals need to demonstrate good "connectivity".

The SPD places the application site within the Northern Gateway. The SPD recognises this zone as one of the major gateways into the Town Centre that should be seen as providing a major opportunity to "address any damage done to the town's historic character".

This is a previously developed site in a highly sustainable location within the Town Centre close to a wide variety of amenities and facilities and employment areas. The site is very accessible by foot with good pedestrian infrastructure in place in the vicinity of the site. Bus stops are located adjacent to the site which provide frequent bus services to a range of destinations including Newcastle-under-Lyme Town Centre. Local bus services also provide access to Stoke-on-Trent Rail Station allowing travel by sustainable transport to destinations further afield.

It is considered that the site provides a sustainable location for the proposed development that would accord with the Town Centre SPD and the NPPF.

Is the proposal acceptable in terms of highway safety?

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

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

There are currently two accesses from Liverpool Road serving the site. The original access proposals comprised the use of the site's existing southern access point with the upgrading of the junction to include the realignment of the southern central reservation to provide queueing space for vehicles turning right into the site, while the northern part of the central reservation would be extended slightly to formalise the right turn waiting area. Turning out of the site would be limited to left turn only.

The Highway Authority objected to the proposed access on the grounds that it would impact on a scheme that they are undertaking in the near future to extend the right turn lane into Sainsbury's to improve capacity and to provide a right turn into Enderley Street to improve HGV access to the

Brampton Industrial Estate. That scheme also includes the closure of the gap within the central reservation which has a traffic regulation order restricting access for buses only.

The applicant has subsequently revised the scheme to relocate the proposed access further to the north which they consider provides the Highway Authority with greater scope to bring forward their reconfigured junction design in the future. The Highway Authority maintains its view however, that the proposed access would prejudice their future scheme which is currently being assessed and modelled but has been delayed due to Covid-19.

Notwithstanding the proposed plan and the right turn lane, it is the case that access to the site can be achieved in a satisfactory manner using left in/left out via the existing southern access. Northbound traffic would have to drive a relatively short distance to carry out a 'U' turn safely to enable them to use the left in access. The Highway Authority raises no objection to this solution subject to the imposition of conditions.

The application is accompanied by a Transport Statement which states that the proposed development is only forecast to generate a total of 28 additional vehicle movements during the weekday AM peak period and 34 additional vehicle movements during the PM peak period. This is equivalent to under one additional vehicle movement every two minutes during the AM peak period and just over one additional vehicle movement every two minutes during the PM peak period. Junction capacity assessments have been undertaken at several key junctions within the study area to assess the potential impacts associated with the development. The assessments confirm that all the assessed junctions are forecast to operate within capacity with the additional development traffic.

Based on the car parking standards in the Local Plan, no more than 269 spaces should be provided. The application proposes 147 car parking spaces and 24 secure cycle spaces. Given the highly sustainable nature of the location, the proposed level of parking is considered acceptable. A Travel Plan has also been submitted to promote the sustainability of the site. The implementation of the Travel Plan would be secured via a condition.

Subject to the imposition of conditions, it is not considered that the proposal would have any adverse impact on highway safety.

Would there be any significant adverse impact on the amenity of neighbouring residential properties?

Paragraph 180 of the NPPF sets out, amongst other things, that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

There are residential properties in close proximity to the rear of the site on Enderley Street. There are also properties to the north on the other side of the greenway and to the west on Ashfields New Road. The application is accompanied by a Noise Assessment which concludes that the adequate control of potential noise impact can be ensured by suitably worded planning conditions.

The Environmental Health Division states that the two main potential sources of noise have been identified as amplified music and voices from classes and gym activities and any plant/machinery noise. It is also considered that vehicle noise (including deliveries, car doors and car radios) has the potential to impact on residential amenity. No objections are raised subject to a number of conditions and on this basis, it is not considered that an objection could be sustained on noise impact grounds.

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 SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

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

Policy E11: Development of Employment Land for Other Uses
Policy T16: Development - General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations include:

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

[Planning Practice Guidance \(2014 as updated\)](#)

[Supplementary Planning Guidance/Documents](#)

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

[Newcastle Town Centre SPD \(2009\)](#)

[Relevant Planning History](#)

| | |
|--------------|---|
| 07/00083/FUL | Residential development with 66 dwelling units - Refused and appeal dismissed in 2008 |
| 08/00152/FUL | Residential development with 66 dwelling units – Approved |
| 08/00782/OUT | Class A1 foodstore, Class B1 offices and associated parking and servicing – Refused |
| 09/00055/OUT | Class A1 foodstore, Class B1 offices and associated parking and servicing – Refused |
| 11/00652/FUL | Re-roofing of existing bus depot, installation of rooflights on pitched roof, cladding and installation of new doors, erection of fence to east elevation and rebuild of existing boundary wall on south boundary and installation of 5m high circular CCTV column – Approved |

[Views of Consultees](#)

The **Highway Authority** states that the proposed indicative site layout drawing no: 7493 /12 rev D with a right turn lane is not acceptable on the grounds that Staffordshire County Council (SCC) are undertaking a scheme to provide a right turn into Enderley Street from the A34 Liverpool Road

signalised junction and extending the right turn filter lane into Sainsbury's which could be affected. The proposed right turn lane into Enderley Street is a safety scheme to prevent HGVs from using inappropriate residential streets to access the Brampton Industrial Estate and therefore to grant consent for the proposed right turn lane for this application would be contrary to highway safety and the aims and objectives of the NPPF. SCC cannot assess the design and highway safety implications of the proposed access junction at this time until the design of the Enderley Street scheme has been finalised.

SCC would support this application with a left in and left out access onto Liverpool Road as the site previously operated subject to conditions regarding access details, provision of parking and turning areas, closure of existing site accesses to be made redundant, implementation of Travel Plan, details of cycle parking, details of drainage facilities for the car park, details of any gates and submission of construction management plan.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, maximum noise levels, amplified music/voice controls, noise management scheme, restriction on location of noise making activities, deliveries and collections, ventilation and extraction equipment, waste storage and collection arrangements, lighting scheme and electric vehicle charging provision.

Staffordshire Police **Crime Prevention Design Advisor** states that the hours of opening will be 24/7 presumably via some access controlled arrangement at the entrance so the ability of anyone to circumvent this will need to be prevented. A number of security recommendations are made.

The **Landscape Development Section** states that there are no proposals within the site likely to affect existing trees and no objections are raised subject to tree protection to BS5837: 2012 being implemented as required during the construction period. The proposed new access arrangement from Liverpool Road is likely to affect the two existing trees within the central reservation and therefore an Arboricultural Impact Assessment is required.

No comments have been received from **Newcastle South LAP** and the **Waste Management Section** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

None received.

Applicant's/Agent's submission

A Noise Impact Assessment, Air Quality Assessment, Ground Investigation Report, Transport Assessment and Travel Plan have been submitted. 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/20/00131/COU>

Background papers

Planning files referred to

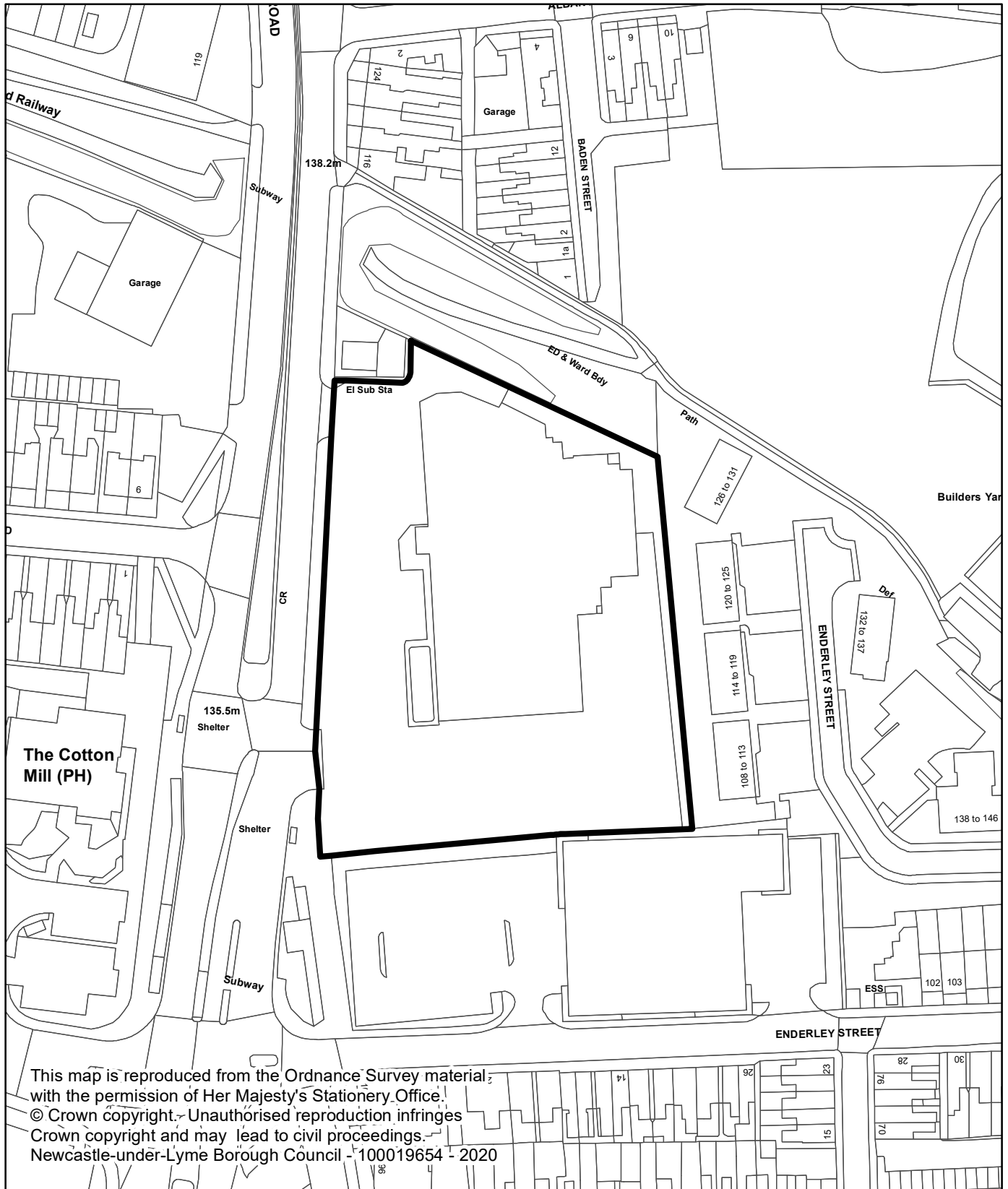
Planning Documents referred to

Date report prepared

7th July 2020

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**Former First Bus Depot,
 Liverpool Road, Cross Heath –
 Proposed change of use from bus depot
 (sui generis) to a gym (D2)
 20/00131/COU**



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

20/00336/FUL

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

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

The 13 week period for the determination of this application expires on the 11th August 2020.

RECOMMENDATION

A. Subject to the applicant entering into a planning obligation by 28th August 2020 that preserves the Council's position in respect of obligations secured prior to the grant of permission 14/00477/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Window frames and door colour materials**
- 3. Car park management scheme**
- 4. Provision and retention of the access, parking and turning areas**
- 5. Details of gates to refuse and cycle store**
- 6. Closure of redundant site access on Vessey Terrace**
- 7. Provision of surface water drainage interceptor**
- 8. Submission of Construction Management Plan**
- 9. Details of cycle parking for 22 cycles**
- 10. Maximum noise levels**
- 11. Glazing and ventilation**
- 12. Any other conditions attached to planning permission 14/00477/FUL that remain relevant at this time (which includes facing materials)**

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

Reason for Recommendation

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

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

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

Key Issues

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

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

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

Planning permission was refused earlier this year (Ref. 19/00825/FUL) to vary Condition 2 of 14/00477/FUL for the following reason:

The insufficient level of parking proposed within the site is likely to create significant additional on-street parking demand that would lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development contrary to Policy T16 of the Newcastle-under-Lyme Local Plan (2011) and the guidance and requirements of the National Planning Policy Framework (2019).

The applicant has sought to address the reason for refusal through the submission of a Technical Note relating to highway matters and by increasing the number of parking spaces within the site. The impact of the design changes on the character and appearance of the area and on residential amenity were considered acceptable in relation to the previous scheme and therefore, it is not necessary to revisit those matters now. Although the Environmental Health Division recommends a condition regarding electric vehicle charging, given that this was not required in relation to the previous application, it would not be reasonable to require it now.

The issues for consideration are as follows:

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

Is the proposed level of car parking acceptable?

The approved scheme had 22 car parking spaces (one parking space per unit). In the recently refused scheme (Ref. 19/00825/FUL), 14 spaces were proposed and the number is now proposed to be 17. The application is accompanied by a Technical Note from a Highway Consultant and a summary of that document is as follows:

- Parking on the local roads surrounding the application site is already controlled by the Highway Authority via a mixture of residents' parking zones and traffic regulations.
- Given the close proximity to the Town Centre the site has an excellent level of accessibility, particularly for pedestrians. There are a number of local cycle routes, nearby bus stops provide a number of frequent bus services and Newcastle Bus Station is within a short walking distance of the site which provides a number of additional services.
- The level of movement associated with the development proposals is minimal and would have an insignificant impact upon the pre-existing highway conditions in and around the application site.

- The development proposals now include secure cycle parking for 22 no. cycles and this provision is in line with the minimum requirements from the current Local Plan.
- The general thrust of National and Local planning policy is to reduce car borne trips and encourage travel by sustainable modes such as public transport, walking and cycling. In particular, policy advocates locating developments where there is high quality infrastructure and sustainable transport modes can be maximised. The proposed development takes full advantage of this highly accessible location and, by providing a level of parking below the Council's standards and in line with existing car ownership levels, will help to reduce the reliance on the use of the private car and meet these policy objectives.
- To assist in reviewing the anticipated level of parking demand associated with the application proposals, similar apartment schemes across the country have been interrogated using the Industry Standard TRICs database. The results show that for the TRICS car park assessment there was an average of 58% ratio of maximum observed occupancy to number of dwellings. The proposed parking provision is 77% with the application proposals and would be more than sufficient to accommodate the anticipated demand associated with the proposals.
- An alternative method to use is based upon the total number of bedrooms on the site which would be 37 (7 no. 1-bed and 15 no. 2-bed) and using the data above, the anticipated demand, based upon the number of bedrooms, would be 36% whereas the scheme proposes a parking ratio of 46% per bedroom. In either calculation the anticipated demand for parking at the application site would be around 13 spaces.

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 109, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

The Highway Authority raises no objections stating that the submitted Technical Note (TN) which assesses the level of parking and access by alternative modes of travel to the private car concludes that the site is in a sustainable location for travelling by walking, cycling and public transport. They point out that the main bus station and town centre is 350m walk away, with Morrisons 500m and Aldi 600m from the site, there is a subway at the Grosvenor Road roundabout which allows a traffic free access route to the town centre and there are parking restrictions on the roads in the vicinity of the site including double yellow lines and Residents Parking Zones. They state that in their assessment of this application, they have considered the location of the site on the edge of the town centre and reviewed the TN which demonstrates that the development can be accessed by walking, cycling and public transport.

It is the case that parking on the local roads surrounding the application site is already controlled via a mixture of residents' parking zones and traffic regulations. Account needs to be taken of the edge of centre location of this development and the opportunities available for occupiers to use modes of travel other than the private motor car – the site being within easy walking distance of the town centre, on a main bus route, and close to the bus station. The Highway Authority does not object to the on-site parking provision and it is not considered that a refusal on the grounds of insufficient parking could be sustained.

Is a planning obligation required?

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

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

APPENDIX

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

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

Policy CSP1: Design Quality

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

Policy T16: Development – general parking requirements

Other Material Considerations include:

[National Planning Policy](#)

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

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

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

Relevant Planning History

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

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

19/00825/FUL Application for the variation of condition 2 of 14/00477/FUL (Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking) to allow for the enclosure of the open air corridors and subsequent changes to the elevations – Refused

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding the provision and retention of the access, parking and turning areas, submission and approval of a car park management scheme, submission of details of secure weatherproof cycle parking for 22 cycles, details of gates to refuse and cycle store, closure of redundant site access on Vessey Terrace, provision of surface water drainage interceptor and submission of Construction Management Plan.

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

The **Environmental Health Division** has no objections subject to conditions regarding a Construction Environmental Management Plan, maximum noise levels, ventilation of habitable spaces and electric vehicle charging points.

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

Representations

None received.

Applicant's/Agent's submission

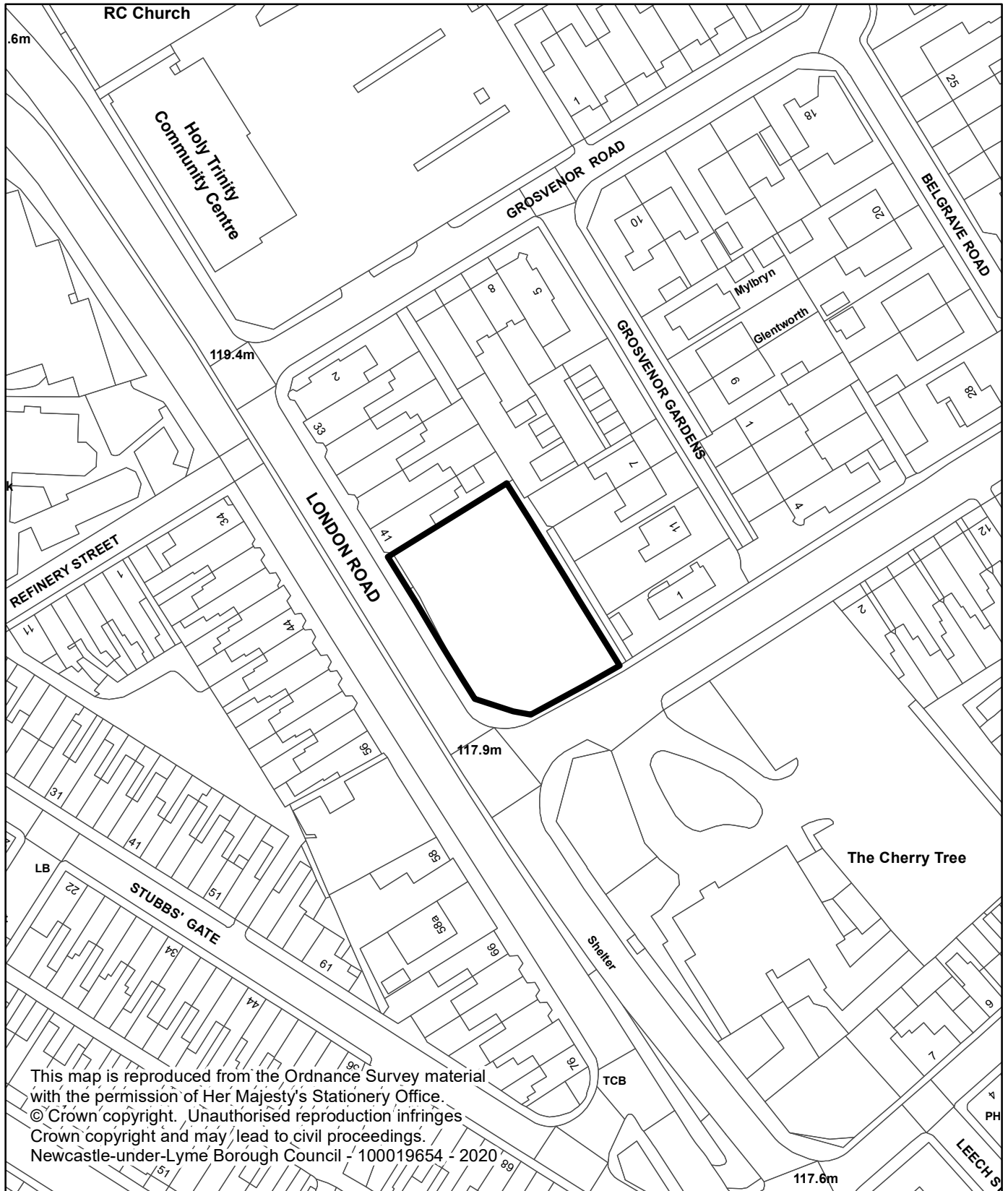
The application is accompanied by a Transport Technical Note. This document and the application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00336/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3 July 2020



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THORP PRECAST, APEDALE ROAD, CHESTERTON
HARVEY THORP

20/00354/FUL

The application seeks full planning permission for a new gantry crane, storage areas, trailer parking area and boundary wall at Thorp Precast Ltd, Apedale Road, Chesterton.

The application site is located within the Rowhurst Industrial Estate in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on the 14th August 2020.

RECOMMENDATIONS

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

- 1. Standard time limit for commencement of development;**
- 2. Approved plans;**
- 3. Gantry crane colour – goosewing grey;**
- 4. Trailer parking and turning provision;**
- 5. Prior approval of external lighting;**
- 6. Additional soft landscaping, including native species;**
- 7. Tree protection measures;**
- 8. Unexpected ground water contamination;**
- 9. Intrusive coal mining site investigations and remedial works implementation;**
- 10. Flood risk mitigation measures and Sustainable Drainage Strategy.**

Reason for Recommendation

The proposed development would support economic growth on an established industrial estate and whilst the proposed gantry crane would be large and highly visible, it would be seen within the context of existing buildings and similar structures on the site and those of the wider industrial estate. All other matters can be addressed by suitably worded conditions to mitigate any impact and the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework and should be approved

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

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

Key Issues

The application seeks full planning permission for a new gantry crane, storage areas, trailer parking area and boundary wall at Thorp Precast Ltd, Apedale Road, Chesterton.

The application site is located within the Rowhurst Industrial Estate in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map.

Part of the site is within a High Risk Coal Mining Area and the application is supported by a coal mining risk assessment. The Coal Authority concurs with the findings of the risk assessment and they raise no objections subject to conditions. It is considered that the application raises no issues of land contamination and highway safety that cannot be addressed through the imposition of conditions and on this basis, the main issues to consider in this application are as follows;

- The principle of the development,
- The impact of the development on the visual amenity of the area, and

- Environmental, ecology and flood risk impacts.

The principle of the development

Policy SP2 of the Core Spatial Strategy supports economic development, diversification and modernisation of businesses within the area.

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

The primary purpose of the application is for an additional outside storage area and associated gantry crane which is necessary to distribute panels from and onto delivery vehicles. The application sets out that the additional storage area would free up areas of land on the existing site for additional manufacturing processes and buildings as part of continued future expansion of the business on the site.

The proposal would enable the further expansion of Thorp Precast within an established industrial estate. The proposals would support the existing business and the principle of the development is acceptable and in accordance with local and national planning policy.

The impact of the development on the visual amenity of the area

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

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

The application site is directly adjacent to the existing uses of the wider site and appears to have been left vacant and overgrown for a number of years. The site is also adjacent to an existing scrapyard to the north-east with the wider area being an established industrial estate.

The site provides a natural extension to the business and the primary purpose of the land is for additional outside storage. The proposed gantry crane would be similar in appearance and height to the existing cranes on the site. It would be seen within the context of the industrial setting and on this basis it would not have a significant adverse impact on the appearance of the area.

The use of the land for storage and a trailer park, by virtue of its position within the industrial estate would not harm the visual amenity of the area also. Likewise, the proposed boundary treatment would not harm the visual amenity of the area.

The Landscape Development Section (LDS) have requested additional landscaping buffers to the north of the site to supplement the existing buffers that are establishing well and help to soften the appearance of the site within the wider area.

Subject to conditions which secure the colour of the gantry crane and additional landscaping, it is considered that the proposed development is acceptable and complies with the guidance and requirements of the NPPF and the principles of Policy CSP1 of the CSS.

Environmental, ecology and flood risk impacts

The application is supported by an Ecology Appraisal and Flood Risk Assessment.

The Ecology Appraisal identifies that the site holds minimal ecological value but it is recommended that a 5m belt of suitable vegetation (hedgerow/scrub) is created along the north-western boundary

with Spring Wood. This area is shown on the submitted plans and this additional landscaped area, with native species, can be secured by a suitably worded condition.

The site is primarily located within Flood Zone 1 but Flood Zone 2 borders and partially crosses the site's eastern boundary and concerns have been expressed by the Lead Local Flood Authority (LLFA) about the content of the submitted Flood Risk Assessment (FRA).

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.

The LLFA have requested further technical information to be submitted before planning permission can be granted and the applicant has submitted information, including a revised drainage plan. Further comments are now awaited from the LLFA on the amended FRA. It is considered likely that any necessary mitigation measures and any additional details can be secured by condition.

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 SP2: Spatial Principles of Economic Development
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

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

Policy E9: Renewal of Planning Permissions for Employment Development
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

| | | |
|--------------|--|-----------|
| 05/00999/FUL | Gantry crane | Permitted |
| 07/00949/FUL | Proposed steel storage building | Permitted |
| 11/00372/FUL | Proposed office building | Permitted |
| 11/00561/FUL | Erection of palisade fence | Permitted |
| 12/00765/FUL | Proposed manufacturing building | Permitted |
| 13/00157/FUL | Proposed external storage area with mobile gantry crane and new vehicular entrance | Permitted |
| 14/00140/FUL | Change of use of existing building, completion of cladding and extension to vehicular access | Permitted |
| 16/00300/FUL | Extensions to building | Permitted |
| 17/00688/FUL | Storage building in relation to the manufacture of large bespoke architectural panels | Permitted |
| 17/00724/FUL | Cement silos | Permitted |
| 18/00505/FUL | Erection of a Class B2 Manufacturing Building | Permitted |
| 19/00426/FUL | Proposed enclosure to existing crane gantry | Permitted |
| 19/00621/FUL | Extension to factory 1 | Permitted |

20/00309/FUL Proposed new building adjacent to Factory 2, proposed new cement silos
Permitted

Views of Consultees

The **Highways Authority** raises no objections subject to a condition which secures the trailer parking and turning areas.

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

Staffordshire County Council as the **Lead Local Flood Authority** have requested further information to be submitted before they can find the application acceptable. Their comments are awaited on the revised information and drainage plans.

Staffordshire County Council as the **Minerals and Waste Planning Authority** raises no objections to the application.

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

Natural England makes no comment on the application.

The **Coal Authority** raises no objections subject to conditions which secure intrusive site investigations and the implementation of any remedial works.

The **Landscape Development Section** raises no objections. They advise that the landscaping buffers that were installed as part of previous applications appear to be establishing well, and will continue to be effective in softening views of the site, and in screening lower storage areas from the surrounding landscape.

The proposal will involve the removal of a small section of the internal screening buffer. Additional planting can be accommodated to the north of the development. It is requested that this area is planted using the planting scheme and principles that have been used successfully for buffer planting elsewhere on this site.

Conditions to secure the following are also considered necessary:

- Retention and protection of trees to the North of the site
- Approval of landscaping proposals, to include replacement buffer planting to the north of the site.

Comments were also invited from the Council's **Waste Management Section**, the **Greater Chesterton Locality Area Partnership** and **Staffordshire Wildlife Trust** 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 Flood Risk Assessment, an Ecology Report and a Phase 1 Ground Investigation Report, including a Coal Mining Risk Assessment.

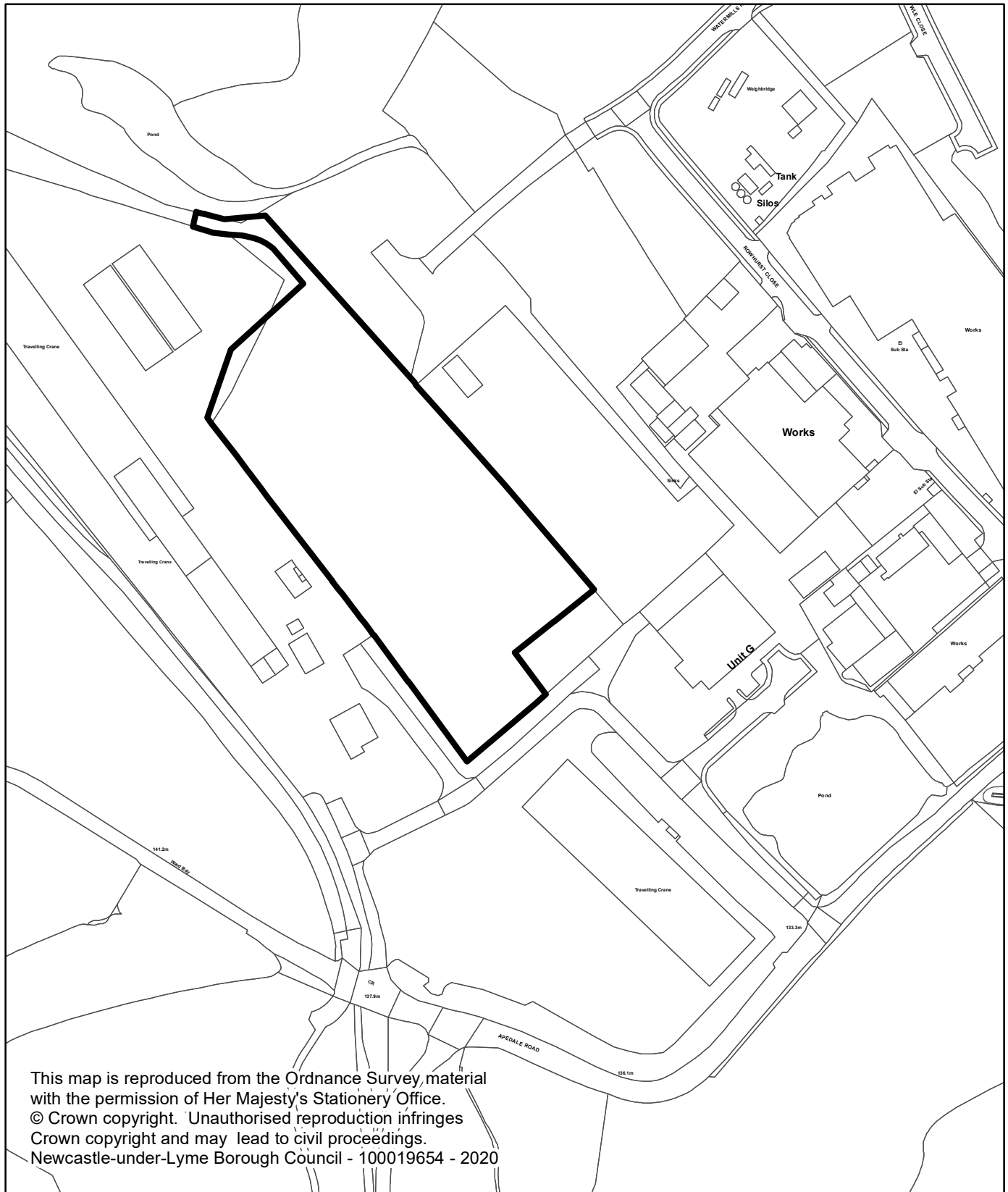
All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00354/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2020



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Published 16 July, 2020

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st July 2020

Agenda Item 6

Application Ref. 20/00354/FUL

Thorp Precast, Apedale Road, Chesterton

Since the publication of the main agenda report the further comments of the **Lead Local Flood Authority (LLFA)** have been received on the additional technical information submitted by the applicant to address concerns raised.

The LLFA still require further clarity from the applicant on the technical information submitted and the proposed drainage scheme.

Officers Comments

It is considered that condition 10 of the main agenda report will secure further acceptable details and flood risk mitigation measures, along with a Sustainable Drainage Strategy. The LLFA will also have a further opportunity to comment on such proposals.

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

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A1 SKIPS, CHEMICAL LANE, NEWCASTLE UNDER LYME

A1 SKIPS (S-O-T) LTD

SCC REFERENCE N.20/01/251 W (NULBC REF 20/00446/CPO)

This is a consultation by Staffordshire County Council on an application to vary condition 4 of planning permission (N.12/07/251 W) to increase annual tonnage from 5,000 to 25,000 tonnes; and, conditions 1 and 12 to alter site layout. The alterations to the site include the establishment of a wood storage bay with construction of adjoining Legioblock walls, establishment of a quarantine area, increased concrete surfacing of the site, tarmac surface for the entrance of the site, installation of an ISO container and retrospective construction of a new storage shed and portacabin. The proposals also include the reinstatement of the tree lined boundary for the west border of the site.

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the County Council by no later than 22nd July.

RECOMMENDATION

That the County Council be informed that this Council raises NO OBJECTIONS to the proposed development subject to appropriate conditions that the County Council deem necessary.

Reason for Recommendation

It is not considered that the proposal raises any issues of impact on visual amenity, highway safety or the environment and the development therefore accords with the development plan for the locality.

Key Issues

The Borough Council has been consulted on this waste application by the County Council. The application is for the variation of conditions of planning permission N.12/07/251 W for A1 Skips Ltd which is a Waste Transfer Station located on Chemical Lane on the Longbridge Hayes Industrial Estate. The site is adjacent to the eastern boundary of the Borough. To the east is the West Coast Mainline Railway and to the west is the A500.

The application seeks to vary condition 4 to increase annual tonnage from 5,000 to 25,000 tonnes. The variation of conditions 1 and 12 is also sought to alter the site layout as follows:

- Construction of storage shed and portacabin
- Establishment of a wood storage bay with construction of adjoining Legioblock walls
- Establishment of a quarantine area
- Concrete surface for the quarantine area, wood storage bay, dry waste bay, and for the storage area holding 40 skips for ferrous metal, timber, plastic and green waste.
- Tarmac surface at the entrance of the site to form a turning circle for incoming vehicles.
- Use of an ISO container for storing equipment.
- Reinstate tree line boundary for the west border of the site.
- Install a second 3000l septic tank by the wood storage bay

The main issues for the Borough Council to consider are whether there would be any adverse impact on visual amenity, highway safety or the environment.

Impact on visual amenity

The site is within an established industrial estate. The proposal includes the construction of a storage shed, a portacabin and a wood storage bay but given the site's location and the existing trees and landscape planting around the site which provide an effective natural visual screen, it is not considered that the proposals will have any impact on the visual amenity of the area.

Impact on highway safety

The proposal seeks to increase the amount of waste materials handled on site and therefore, there will be some increase in site traffic.

The application is accompanied by a Transport Assessment which assesses the proposed trip generation and distribution. In terms of HGV movements, the site operator expects, as now, a steady flow of material throughout the working day. 25,000 tonnes of waste equates to 100 tonnes of material per working day. Assuming a typical load of 10 tonnes per HGV, this gives a typical daily movement of 10 HGVs onto site and 10 departures or circa 1 arrival and 1 departure per hour if spread across the working day. The Assessment concludes that the increase in traffic movements caused by the proposal would be so minor that no issues are anticipated.

A review of swept paths at the site access junction and within the site have been undertaken. No issues have been identified.

It is not considered therefore that the proposal raises any highway safety concerns.

Environmental impacts

The site is adjacent to a scrap yard and waste transfer station and there are no residential dwellings in close proximity.

Measures are taken on site to reduce noise levels including minimising the drop height when loading and unloading skips, and ensuring that all vehicles, plant and machinery used or controlled by the operator within the site shall be operated with engine cover closed and effective silencers used. The application is accompanied by a Noise Impact Assessment which concludes that noise levels from site activity are “not likely to result in an adverse impact” at the nearest sensitive properties, with levels “likely to be below the existing background levels”.

Due to the type of waste accepted, extra control measures are necessary to prevent dust arising and creating the potential for nuisance. Inert waste is screened on site as part of the previous planning permission 2012. Screening is a major part of the recycling process for producing hardcore and soil from the inert waste. The slow speed screen used reduces the kinetic energy within the process when compared to other methods and minimises the risk of dusts being produced. The proposal increases the proportion of the site which has a concrete surface. Sweeping and dampening of the site surface will be increased while waste and open skips will be covered during periods of dry/windy weather in order to suppress dust on the concrete surface.

Subject to the suggested mitigation measures in relation to noise and dust, it is not considered that the proposal would have any significant environmental impacts.

APPENDIX

Policies and proposals in the Development Plan relevant to this recommendation

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development - General Parking Requirements

Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026

Policy 1.1 General Principles
Policy 2.3 Broad Locations
Policy 3.1 General Requirements for New and Enhanced Facilities
Policy 4.1 Sustainable Design
Policy 4.2 Protection of Environmental Quality

Other Material Considerations include:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

Relevant Planning History

| | |
|--------------|--|
| 08/00609/CPO | Change of Use from skip hire/storage depot to skip hire/storage depot and waste transfer station – Approved |
| 12/00147/CPO | Proposal is for the change of location of the site office/canteen portacabin, the installation of an above ground weighbridge and to allow the use of a mobile screen to screen inert waste materials to form a soil improver and rubble for construction – Approved |
| 12/00620/CPO | Variation of condition 19 of planning permission N.12/02/251 W related to replacement of internal galvanised fencing of 1.8m in height with concrete panel wall of at least 2m in height – Approved |

Views of consultees

It is the responsibility of the County Council to carry out consultations on this application.

Applicant's Submission

The application is supported by the following documents: -

- Transport Assessment
- Noise impact Assessment
- Waste Development Statement

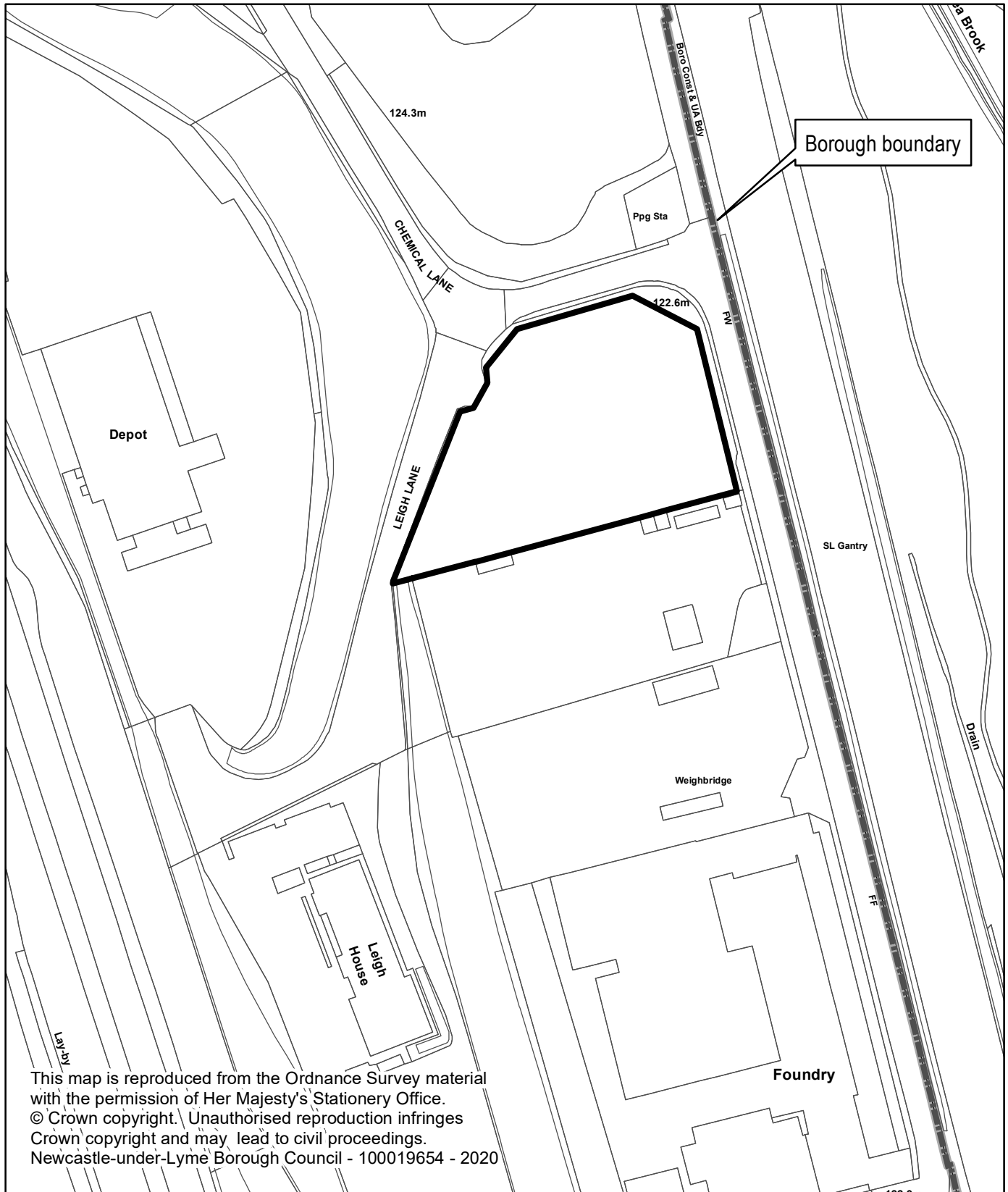
These documents can be viewed on the County Council's website searching under reference N.20/01/251 at www.staffordshire.gov.uk

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

1st July 2020



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TELECOMMUNICATIONS MAST, CLAYTON ROAD, NEWCASTLE
MBNL FOR AND ON BEHALF OF H3G UK LIMITED

20/00428/TDET

The proposal is for the installation of a new 15 metre high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets, and ancillary development on Clayton Road to the front of the shops opposite the junction with Abbots Way. The new column would enable the provision of 5G coverage in the area.

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

Unless a decision on this application is communicated to the developer by the 4th August 2020 the development will be able to proceed as proposed.

RECOMMENDATIONS

(a) That prior approval is required, and

(b) That such prior approval is GRANTED

Reason for Recommendation

Given the amount of equipment proposed which would be clearly visible within the street scene, prior approval is required. Whilst the proposed monopole would be taller than the existing structure, it is not considered that the additional height of 2.5m would have a significant adverse impact on the visual amenity of the area. In the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network, prior approval should be granted.

KEY ISSUES

The application is for a determination as to whether prior approval is required for the installation of a new 15 metre high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets, and ancillary development on Clayton Road to the front of the shops opposite the junction with Abbots Way. The new column would enable the provision of 5G coverage in the area.

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

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted.

Is prior approval required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The proposal comprises a new mast and a substantial amount of new equipment that would be clearly visible within the street scene. It is considered that prior approval is therefore required.

Should prior approval be granted?

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions

should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The proposal is for a 15m high monopole with a cabinet around its base and three other smaller cabinets. There is an existing 12.5m high monopole and ancillary equipment approximately 16m to the north of the proposed site. The intention is to eventually remove the existing mast but it would need to be retained for a short period to ensure that the most effective support for the network is provided. Mobile operators are currently experiencing an unprecedented demand on the mobile network due to homeworking during COVID 19 'lockdown' and more particularly the demand has shifted from city centres and places of work to residential and suburban areas. The change in usage has meant that a great many more connections are being made but also there has been a variation in the time of day that demand is required. The networks were originally designed to support the increased capacity and demand involved in a normal working day; that being commuting traffic, city centres and main transport routes, but this has fundamentally changed over recent months and it is considered that this change may well extend for a considerable period of time.

Consequently, the intention is to retain the existing monopole for a short period so that there is no break in network provision. The timescales involved are dependent upon available teams to complete the works, the integration of the new site and the operational requirement to maintain the network to its fullest capacity during this unprecedented period. It is not anticipated that it will be a long period of time but the priority is providing connectivity to all users without any chance of a loss in coverage. To do so will require the existing monopole to be retained for a short period. It is stated that to provide a specific timescale at present is not practical due to the current COVID-19 situation and the need to support communities, the emergency services, and individuals by operating an effective mobile service.

The proposed monopole would be taller than the existing structure but it is not considered that the additional height of 2.5m would have such a significantly greater impact on the visual amenity of the area to warrant a refusal. Although the retention of both monopoles for the long-term would be unacceptable on the grounds of impact on the character and appearance of the area, given the unprecedented circumstances, it is accepted that the retention of both structures for a temporary period until the new monopole is fully operational and operating on all parts of the spectrum, is acceptable.

It is not possible to impose conditions on the grant of prior approval but the General Permitted Development Order 2015 requires the development to be carried out in accordance with the submitted application details. The applicant has therefore been asked to set out on the submitted plans and within the supporting documents that the existing monopole would be removed when the new monopole is fully operational and operating on all parts of the spectrum and therefore your Officer is satisfied that the necessary controls are in place as to retain the existing monopole would not be in accordance with the approved development.

In conclusion, it is considered that the siting and design of the proposed monopole and associated equipment is acceptable and that the proposal would meet the guidance and requirements 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 CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns

Policy T20: Telecommunications Development – Required Information

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

05/00334/TDET 12m high telecommunications monopole, antennae and associated equipment cabinets – Refused and allowed at appeal

15/00191/TDET Replacement of existing 12 metre high telecommunications monopole with 12.5 m high telecommunications monopole, antennae and associated equipment cabinets – Approved

Views of Consultees

The **Environmental Health Division** has no objections to this development on noise or health grounds.

Representations

One letter of representation has been received raising concerns regarding the height and visual impact of the mast and noise from some of the existing equipment.

Applicant/agent's submission

The applicant has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network capacity.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

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/20/00428/TDET>

Background Papers

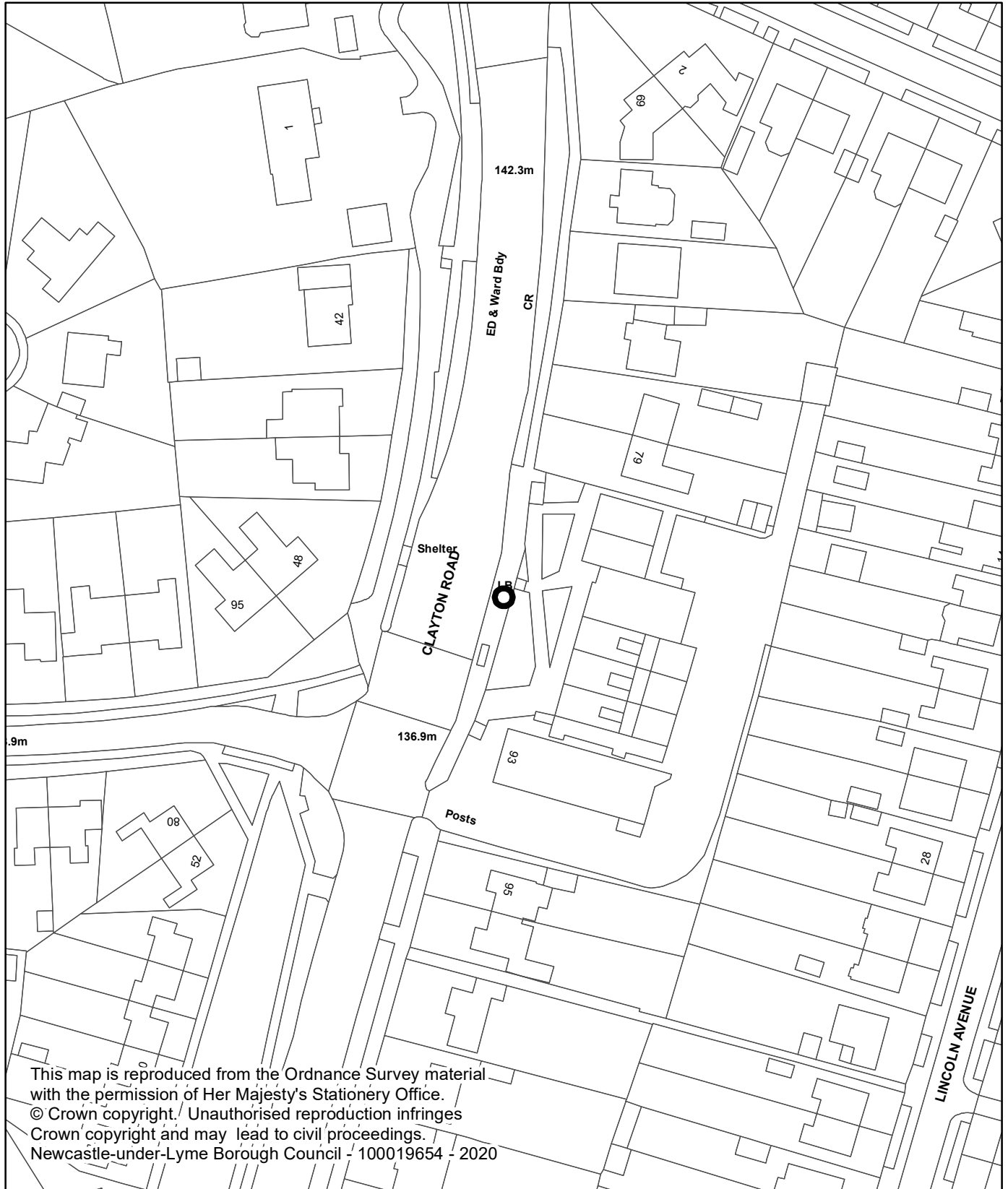
Planning File referred to
Planning Documents referred to

Date report prepared

3rd July 2020

Clayton Road - Monopole and equipment cabinets to be installed MBNL

20/00428/TDET



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Published 16 July, 2020

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st July 2020

Agenda Item 8

Application Ref. 20/00428/TDET

Telecommunications Mast, Clayton Road, Newcastle

Since the publication of the main agenda report the comments of the **Highway Authority** have been received. They raise no objections subject to a condition requiring the proposed monopole and cabinets to be sited in accordance with the proposed site plan.

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

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ROUNDAABOUT AT CEDAR ROAD AND AUDLEY ROAD, CHESTERTON
MBNL FOR AND ON BEHALF OF H3G UK LIMITED

20/00462/TDET

The proposal is for the installation of a new 17 metre high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets, and ancillary development on the highway verge on a roundabout at the junction of Cedar Road and Audley Road in Chesterton. The new column would enable the provision of 5G coverage in the area.

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

Unless a decision on this application is communicated to the developer by the 12th August 2020 the development will be able to proceed as proposed.

RECOMMENDATIONS

- (a) That prior approval is required, and
- (b) That such prior approval is **GRANTED**

Reason for Recommendation

Given the height of the proposals and the amount of equipment proposed, which would be clearly visible within the street scene, prior approval is required. Whilst the proposed monopole would be much taller than the existing structure, it is not considered that the proposal would result in a significant adverse impact to the visual amenity of the area. In the absence of any significant visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network, prior approval should be granted.

KEY ISSUES

The proposal is for the installation of a new 17 metre high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets, and ancillary development on the highway verge on a roundabout at the junction of Cedar Road and Audley Road in Chesterton. The new column would enable the provision of 5G coverage in the area.

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

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted.

Is prior approval is required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The proposal comprises a new mast and a substantial amount of new equipment that would be clearly visible within the street scene. It is considered that prior approval is therefore required.

Should prior approval be granted?

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions

should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The proposal is for a 17m high monopole with a cabinet around its base and three other smaller cabinets. There is an existing 9.7m high monopole and ancillary equipment approximately 5 metres to the south of the proposed site. The intention is to eventually remove the existing mast but it would need to be retained for a short period to ensure that the most effective support for the network is provided. Mobile operators are currently experiencing an unprecedented demand on the mobile network due to homeworking during COVID 19 'lockdown' and more particularly the demand has shifted from city centres and places of work to residential and suburban areas. The change in usage has meant that a great many more connections are being made but also there has been a variation in the time of day that demand is required. The networks were originally designed to support the increased capacity and demand involved in a normal working day; that being commuting traffic, city centres and main transport routes, but this has fundamentally changed over recent months and it is considered that this change may well extend for a considerable period of time.

Consequently, the intention is to retain the existing monopole for a short period so that there is no break in network provision. The timescales involved are dependent upon available teams to complete the works, the integration of the new site and the operational requirement to maintain the network to its fullest capacity during this unprecedented period. It is not anticipated that it will be a long period of time but the priority is providing connectivity to all users without any chance of a loss in coverage. To do so will require the existing monopole to be retained for a short period. It is stated that to provide a specific timescale at present is not practical due to the current COVID-19 situation and the need to support communities, the emergency services, and individuals by operating an effective mobile service.

The proposed monopole at 17 metres in height would be much taller than the existing structure and it would have a more prominent appearance. However, given its siting on a roundabout, adjacent to a mature tree and street lighting columns, it is considered to represent an appropriate location for the equipment. Views from the wider area would also not be significant or harmful.

Furthermore, although the retention of both monopoles for the long-term would be unacceptable on the grounds of impact on the character and appearance of the area, given the unprecedented circumstances, it is accepted that the retention of both structures for a temporary period until the new monopole is fully operational and operating on all parts of the spectrum, is acceptable.

It is not possible to impose conditions on the grant of prior approval but the General Permitted Development Order 2015 requires the development to be carried out in accordance with the submitted application details. The applicant has therefore been asked to set out on the submitted plans and within the supporting documents that the existing monopole would be removed when the new monopole is fully operational and operating on all parts of the spectrum and therefore your Officer is satisfied that the necessary controls are in place as to retain the existing monopole would not be in accordance with the approved development.

In conclusion, it is considered that the siting and design of the proposed monopole and associated equipment is acceptable and that the proposal would meet the guidance and requirements 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 CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns

Policy T20: Telecommunications Development – Required Information

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

07/00274/TDET Installation of a 9.7m monopole with 3 antenna and ancillary equipment - Approved

Views of Consultees

The **Environmental Health Division** has no objections to this development on noise or health grounds.

Cadent Gas (National Grid) advises that they have apparatus in the vicinity of the site which may be affected by the activities specified.

Representations

None received.

Applicant/agent's submission

The applicant has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network capacity.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

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/20/00462/TDET>

Background Papers

Planning File referred to

Planning Documents referred to

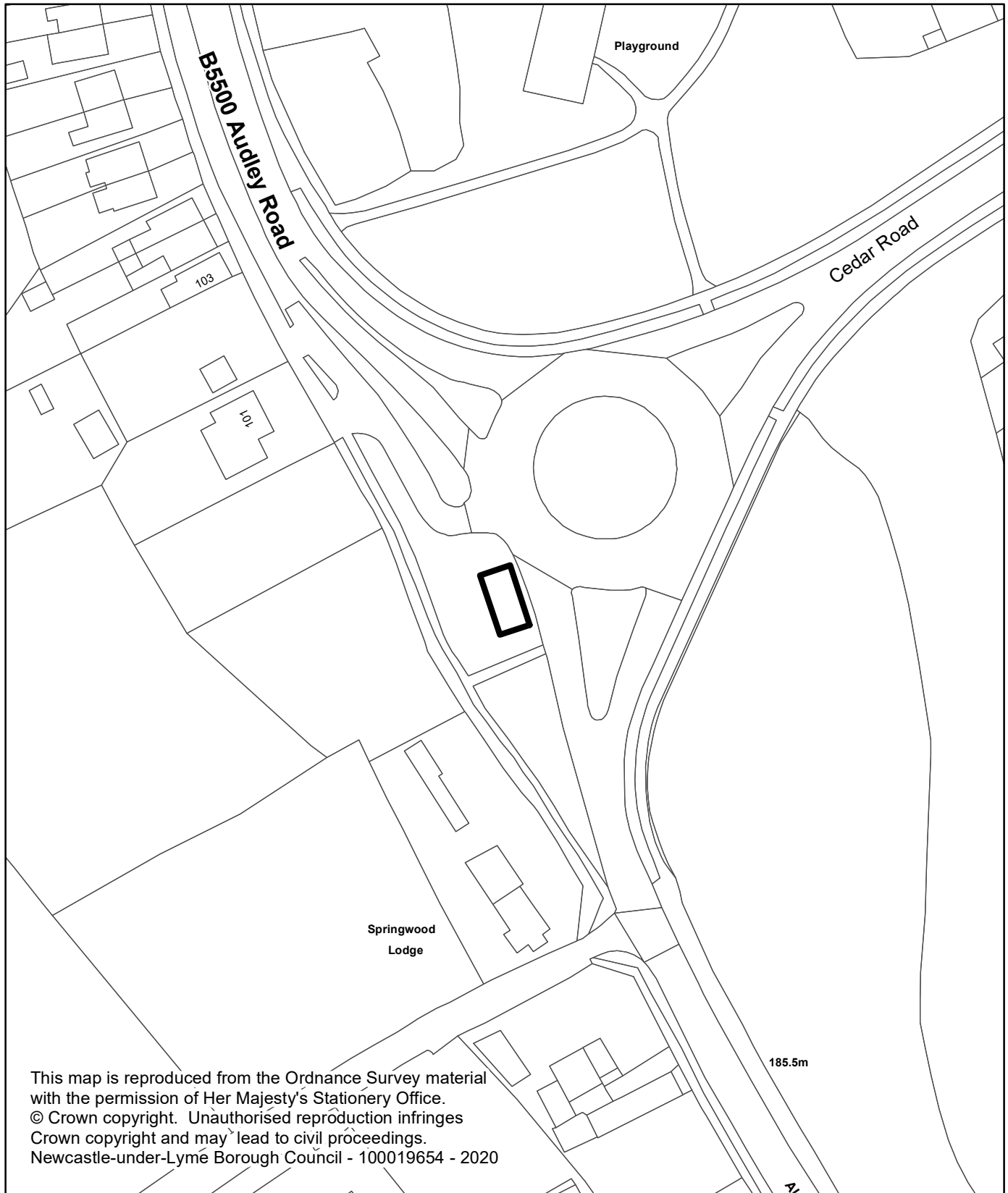
Date report prepared

3rd July 2020

**Roundabout At Cedar Road And
Audley Road Chesterton –
New 17 metre high monopole, 6 no. antennas**



20/00462/TDET



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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st July 2020

Agenda Item 9

Application Ref. 20/00462/TDET

Telecommunications Mast, Roundabout At Cedar Road And Audley Road, Chesterton

Since the publication of the main agenda report the comments of the **Highway Authority** have been received. They raise no objections subject to a condition requiring the proposed monopole and cabinets to be sited in accordance with the proposed site plan.

An objection letter has also been received from a neighbouring occupier setting out that the proposed development is an obtrusive structure that will restrict visibility from their access drive and be visually dominant and out of character with the area compared to the existing structure which is smaller and coloured green. They also raise concerns regarding vandalism of the structure.

Officers Comments

Only matters of the siting and appearance of the proposed development can be considered and therefore, concerns about future vandalism of the structure cannot be considered.

In terms of the siting and appearance of the structure it is accepted that the proposed monopole, at 17 metres in height, would be highly visible within its immediate setting and would be much taller than the existing structure. However, as set out in the main agenda report, the siting within the existing street scene is considered an appropriate location and any harm to visual amenity would be limited. Grey is considered an appropriate colour for the monopole in this setting.

The objector also raises concerns about the impact of the siting of the proposed equipment on their visibility when they egress their driveway. The Highway Authority has raised no objections to the siting of the proposed development and the width of the highway verge is extensive, which aids visibility lines.

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

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BETLEY COURT, MAIN ROAD, BETLEY
DR NIGEL BROWN

20/00405/LBC

The application is for retrospective Listed Building Consent for essential safety works to unstable walls in the listed building following fire damage.

Betley Court is a Grade II* Listed Building.

The 8 week period for the determination of this application expires on the 29th July 2020.

RECOMMENDATION

Subject to no objections being received from the Amenity Societies and Historic England, PERMIT subject to the following conditions:

- 1. Time limit.**
- 2. Design and Access Statement**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the specified works would help to preserve the Listed Building by ensuring any demolition is controlled dismantling rather than further collapse.

It is concluded that the controlled dismantling of walls and parts of the Grade II* Listed Building, a particularly important building of more than special interest, will enable the project team to move forwards to restoration safely and in an informed manner thereby providing some assurance of its future. Subject to confirmation from the Amenity Societies and Historic England that they have no objection no other harm has been identified. As such it is considered that Listed Building Consent can be granted.

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

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

Key Issues

1.1 Listed Building Consent is sought, retrospectively, for essential safety works to the unstable walls in the listed building following fire damage at Betley Court. The fire occurred in August 2019 and destroyed the majority of the roof and the interior of the building, including the floors, within the earliest Georgian part of the house. There have been phases of making safe of the building and clearing out the debris in order to assess the full damage and arrest further collapse which are described in further detail below and within the Design and Access (D & A) Statement which accompanies the application.

1.2 The house is located within Betley Conservation Area and Betley Court is a Grade II* Listed Building. The key issue in the determination of this application is considered to be whether the proposal acceptable in terms of its impact on the Listed Building.

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

2.1 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.

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

2.3 This policy is consistent with the NPPF and the weight to be given to it should reflect this.

2.4 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.

2.5 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 or a Listed Building, 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.

2.6 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

2.7 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.

2.8 The proposal involves the partial demolition of the listed building. This relates solely to the works considered necessary following the devastating fire last year which will enable the building to be cleared of debris and made safe for access and further assessment. It is not being undertaken as part of any other kind of development or change of use of the building.

2.9 After an initial post fire inspection, structural engineers and a contractor undertook an inspection of the interior of the building from a man-riding basket suspended from a crane. The council's Conservation Officer and a Building Control Officer also attended site and accompanied the engineer to view the areas where the stability of the remaining walls or structure were considered to be either preventing safe access to assess other areas or were considered to be in an unstable condition. This access enabled features of interest to be noted and measures taken to avoid damage to them. Areas of work and masonry to be removed were agreed by all parties. This was to ensure they did not collapse and cause further damage. This work has enabled some structural integrity to be brought to areas of

walls where perhaps timber lintels have perished in the fire. Incremental work like this has also enabled subsequent inspections to ensure that other areas are not at risk of collapse especially if vulnerable to high winds. The D & A statement annotates all areas where work has been required and been undertaken. Removal of masonry has been controlled and carefully dismantled and fully recorded. In May work began on removing the burnt debris from the interior to permit fuller access and any key floor timbers, window frames and parts of the staircase are being sorted and set aside for future reference. Most areas have now been cleared. Your officer has been in consultation during this process of dismantling and consideration of safety of the building and those contractors on site clearing the debris. Fuller explanation of the reasoning behind the removal and making safe and temporary patching and propping of sections can be found in the D & A statement.

2.10 This work will facilitate a supporting scaffold which is part of the next phase along with reinstatement of the roof, to help to hold the building whilst the planning for the restoration of the building continues. It has enabled a more detailed chronology of the building to inform the significance of the building and its future restoration.

2.11 The NPPF highlights the desirability of sustaining and enhancing the significance of heritage assets and it is accepted that this is a Grade II* Listed Building and as such it is a particularly important building of more than special interest. The measures set out in this report and the accompanying D & A statement have set out the position the heritage asset is currently in, where it was after the fire and that the works undertaken have been the minimum necessary to ensure no further collapse or risk to contractors clearing the debris was likely.

2.12 It should be noted that retrospective listed building consent is never condoned but the works have been undertaken as an emergency measure and it is not considered expedient to take any enforcement action against the owner under these circumstances. It is considered that the works have resulted in no harm to the Listed Building, and that crucially it will allow for the next restoration phase of the building to begin.

3.0 Other Matters

3.1 The six National Amenity Societies and Historic England have been consulted on this application because it involves the demolition of a listed building and works to a Grade II* Listed Building. Notification to the Secretary of State by the LPA is required if the council intends to grant listed building consent and receives an objection by any of the amenity societies or Historic England. Representations were received by the Georgian Group and Historic England and neither has objected to this application – see below. No comments have been received from any of the other National Amenity Societies by the due date. Therefore there is no requirement to notify the Secretary of State and the decision can be issued.

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

Other Material Considerations

[National Planning Policy Framework \(July 2018\)](#)

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

[Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State \(England\) Direction 2015](#)

Supplementary Planning Documents/Guidance

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

Planning History

None relevant to this application

Views of Consultees

Historic England

They are aware that this application solely relates to the emergency works which have taken place, and are currently on going, following the devastating fire at Betley Court. As witnessed during a site meeting with the applicant's structural engineer following the fire, and as shown by the photographs within the D and A Statement, this fine early 18th century property has regrettably suffered considerable damage to its historic fabric. As such it is acknowledged the need to undertake urgent action in order to address issues of health and safety, and to prevent further uncontrolled collapse. Having considered the submitted information, the extent of the damage, and the detailed knowledge of the current condition of the property, there is no objection in principle to the urgent works identified within this application.

The Georgian Group

The Georgian Group comments, where it relates to this application, that it welcomes moves towards the eventual repair of this tragically fire damaged grade II* listed mansion and is encouraged by the detailed account of the works undertaken to date contained within the supporting document. It states that the works which are the subject of this application appear to have been undertaken as an emergency measure, and whilst no statutory consultee can ever condone the undertaking of work without consent it is clear that a robust justification has been provided in this case. They would nevertheless welcome more information at some future point on the potential timetable for future phases of work.

The views of the **Society for the Protection of Ancient Buildings, Council for British Archaeology, Twentieth Century Society, and Victorian Society** (the other National Amenity Societies), and **Betley, Balterley and Wrinehill Parish Council**, have been sought but as they have not responded by the due date it is assumed that they have no comments.

Applicant/agent's submission

The planning application is supported by the requisite application forms and indicative plans, along with the following supporting documents;

- Design and Access Statement May 2020
- Heritage Statement May 2020
- Preliminary Structural Report September 2019
- Plans as existing, measured survey

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00405/LBC>

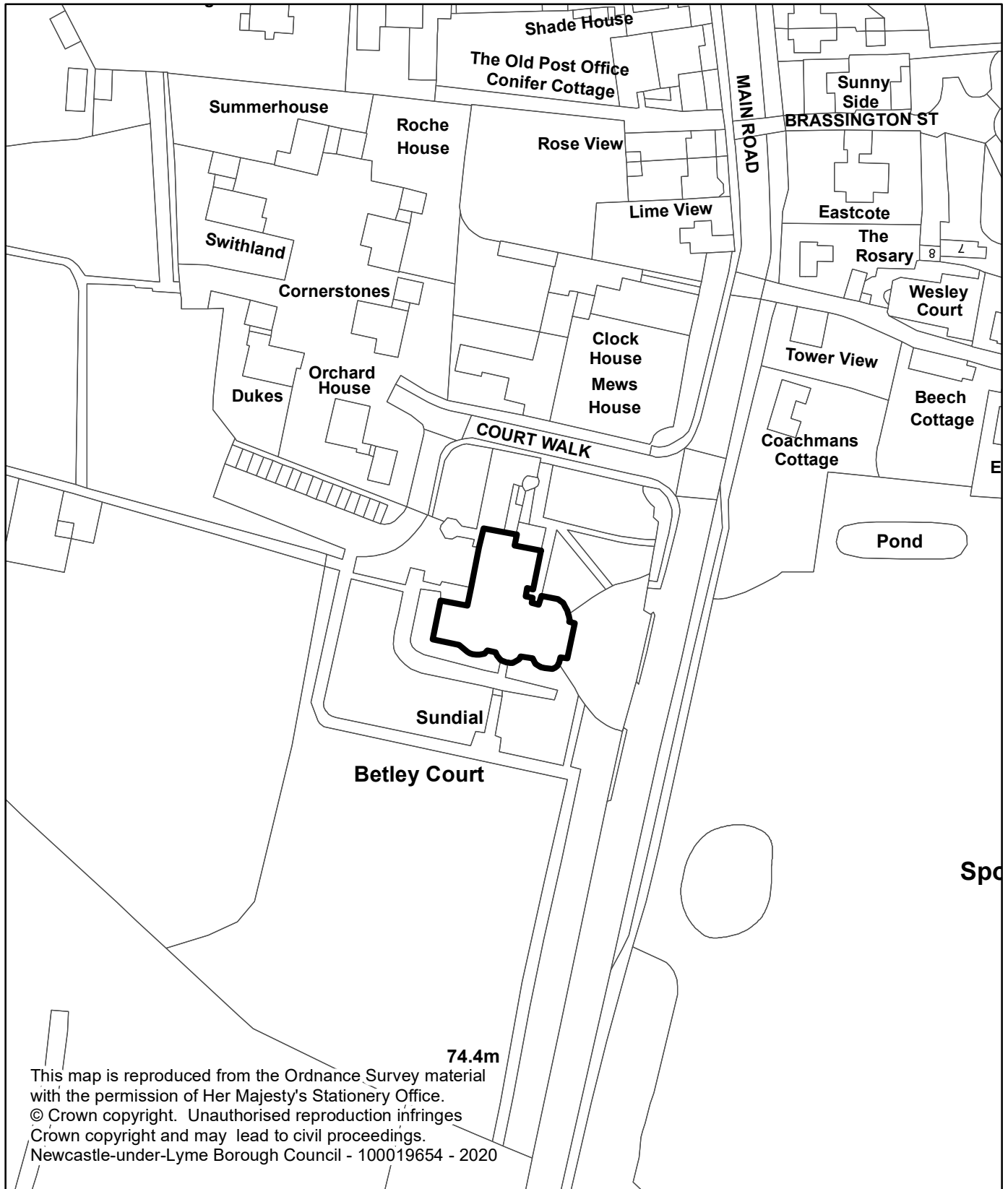
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

8 July 2020

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

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

RECOMMENDATION

That the information be received.

As previously reported a 'start letter' was issued on 11th March, in respect of the appeal that was lodged against the serving of the Enforcement Notice, setting out that the appellant has requested the Hearing procedure and that, having applied the criteria and considered all representations they consider that the Hearing procedure is suitable and that they intend to determine the appeal by this procedure. Your Officer has confirmed that the Hearing procedure is suitable.

In accordance with the request of Planning Committee on 26th May, information has been sought from the Planning Inspectorate on the arrangements for the Hearing but at the time this report was prepared the Council still awaits confirmation from the Planning Inspectorate of the date and arrangements for the Hearing. Any response received from the Planning Inspectorate prior to the meeting will be reported.

Date report prepared: 7th July 2020

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st July 2020

Agenda Item 11

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

Since the publication of the main agenda report a letter has been received from the Planning Inspectorate offering a hearing date of 6th October 2020. The letter sets out that it is their policy to allow each party only one refusal of a hearing date, before they set a date, time and place and that if the date cannot be accepted a reasonable alternative may be agreed with the other party. The letter makes it clear that the date offered is the earliest practicable date available and they will not consider any mutually agreed earlier date.

The Planning Inspectorate has been advised that the suggested date is suitable for the Council. To date no approaches have been received from the appellant to agree an alternative date.

The Planning Inspectorate's letter concludes by stating that it should not be assumed that the hearing date offered is the one that will eventually go ahead and that confirmation of the final arrangements will be set out in a further letter.

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

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

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

RECOMMENDATION

That the information be received.

Latest Information

It appears that the works to the track, granted under planning permission 18/00299/FUL, have recommenced and your officers are monitoring the activities closely to ensure that the works are in accordance with the approved plans and the planning conditions of that permission.

In particular, condition 6 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. Therefore activities at the site are likely to increase over the next few months as the owner endeavours to complete the works to the track.

Your officers continue to have regular dialogue with colleagues in Environmental Health (EHD), the County Council and the Environment Agency (EA).

Date Report Prepared – 3rd July 2020

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

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

RECOMMENDATION

That the information be received.

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

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

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

Members should note that Silverdale Parish Council has approached the Council and the developer to raise awareness of issues of anti-social behaviour that were frequently occurring when the play area was open for use (access to the play equipment is currently prevented in response to the Covid-18 pandemic). The information provided in writing, and at a site meeting recently held, is that groups of youths are congregating around one particular piece of play equipment, a basket swing, and are causing disturbance. Concern has been expressed that the installation of the benches would exacerbate the problems that have been experienced and are expected to recommence once the play area is open for use.

The Council has adopted the Fields in Trust (FIT) standards for the design of outdoor play facilities. The FIT standards for a LEAP include seating for accompanying adults, carers and siblings. The provision of the benches are therefore required to meet such standards and would be beneficial to those using the LEAP for its intended purposes. It does not appear that an acceptance that the benches do not need to be provided would resolve the issue of antisocial behaviour as the bucket swing would remain. Your Officer would not, therefore, recommend that it is no longer necessary to provide such benches.

The replacement of the bucket swing with another piece of play equipment, that is less attractive and capable of use by older children/young adults, is being explored, as is the possible reduction in the number of benches to be provided from the six approved. The benches will not be installed until such amendments to the play area have been fully explored and a conclusion reached.

An update on progress will be provided before the meeting if any progress has been made.

Date report prepared: 9th July 2020

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st July 2020

Agenda Item 13

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

Since the publication of the main agenda report, **Silverdale Parish Council** have submitted a request that the planning authority do not require the installation of the six benches in line with the approval but instead consider removing the basket swing due to concerns with anti-social behaviour and replacing with 2 toddler swings for the benefit of the local residents.

In addition four representations have been received, which are summarised as follows:

- The basket swing has become the focus for anti-social behaviour, mainly by youths using it as a place to drink, play music and be rowdy into the evening.
- Residents in the immediate vicinity wish that no benches, or fewer benches, are installed. The benches would enable parents to sit but as the level of support in regards to dealing with anti-social behaviour has not been adequate it is considered that the benefits of the benches would be outweighed by the problems they would generate.
- Any money saved could be used towards replacement of the basket swing with two smaller swings that are fit for younger children or something similar to monkey bars that do not lend themselves to people sitting on them.
- The argument that people knew what they were buying is no longer relevant as people have purchased houses more recently than the initial construction and are surprised that there remains a requirement to provide benches which they consider will make the anti-social behaviour issues worse.
- The impression given was that the park was for use of younger children but this has never been the case and it appears that younger children are put off playing here due to the older children which is not fair.
- PC Coomer agreed that more flat surfaces in the area will increase anti-social behaviour.

The views of PC Coomer are being sought and will be reported if received.

The **Landscape Development Section** (LDS) advise that six benches across the whole development would be acceptable and would be reluctant to reduce the number but there may be some flexibility on where they are positioned providing that they are located where they would fit in with the use of the open space i.e. overlooking play facilities, in useful resting positions.

Officers Comments

As set out in the report, details of a revised play area in this location (which included a basket swing) were submitted by the developer and approved following confirmation from the LDS that it was acceptable. The play area was subsequently installed in accordance with the approved plans other than for the benches. The benches are required to meet the standards for the design of outdoor play facilities that the Council has adopted and the LDS maintain that they are all required. As the benches are shown on the approved plans, and the approved plans haven't been fully implemented, the absence of the benches is a breach of planning control. Planning Committee have expressed a desire that this breach is rectified.

Published on 16 July, 2020

Your Officer's view remains that whilst the benches may be used in connection with anti-social behaviour the benefits of providing them outweigh the harm.

As the basket swing was part of the approved design of the play area its inclusion within the site is not a breach of planning control and therefore the Local Planning Authority has no powers to require its removal and replacement with other equipment. The anti-social behaviour associated with it is, however, acknowledged and as such there would be no objection to the removal of the basket swing if proposed, subject to approval of the details of what is to replace it.

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

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st July 2020

Agenda Item 13

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

PC Coomer provided comments in writing prior to a site meeting that took place on 8th July which are summarised as follows:

- There haven't been a large number of complaints regarding the park but it is possible that there is an under reporting of the issues as people tend to have an in-built threshold before which they report something.
- In other areas Newcastle station receives a higher level of reporting of issues with drugs/needs, vandalism etc.
- The decision about equipment is ultimately a local political matter. PC Coomer cannot comment on how much use or enjoyment the local community receive from the equipment and that would be the variable that would need to be balanced against the nuisance which local residents experience.
- His experience is that the more benches and flat surfaces are available in an area the more anti-social use can be expected.
- Strong lighting can increase reporting and act as a deterrent, but can make a space more convenient to gather. Lots of bins can keep a space tidy and keeping equipment free from graffiti tends to increase public respect for the space.

Officers Comments

The balancing exercise referred to by PC Coomer is undertaken in main agenda report and first supplementary report.

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

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UPDATE ON BREACHES OF PLANNING OBLIGATIONS

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 23rd June 2020, of the progress in relation to the pursuance of breaches of planning obligation secured through the following planning permissions:

- 11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale
- 12/00701/FUL - 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 at Former Randles Ltd, 35 Higherland, Newcastle

RECOMMENDATION

That the information be received.

11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale

Non-compliance with obligation requiring payment of financial contributions, as follows, have been reported to Committee

- £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)

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 off site.

Evidence of substantial commencement was not received by the Local Planning Authority and on this basis it is concluded that the trigger is not achieved.

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.

Upon receipt of confirmation of the final payment (which requires indexation and the addition of interest due to late payment) the developer will be informed and the outstanding contributions will be sought within a reasonable time frame. If payments aren't made without good cause the matter will be passed to the Council's Legal Section to pursue non-payment through the appropriate process.

12/00701/FUL - 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 at Former Randles Ltd, 35 Higherland, Newcastle

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. 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.

Efforts have been made to contact the owner but no response has been received. The matter has been passed to the County Council's legal/ monitoring section to progress.

An update from the County Council on any progress is still awaited.

Date report prepared: 9th July 2020

REPORT TO PLANNING COMMITTEE

ANNUAL DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management between 1st April 2019 and 31st March 2020. Figures for 2017/18 and 2018/19 are also provided for comparison as are targets set within the relevant Planning Service Plan.

Recommendations

(a) That the report be received.

(b) That the Head of Planning and Development Manager seeks to maintain and improve performance of the Development Management team (including the technical support team) to meet the targets set out in the Planning Service Plan for 2019/20.

(c) That the 'Mid-Year Development Management Performance Report 2020/21' be submitted to Committee around November/December 2020 reporting on performance achieved for the first half the complete year 2020/21.

Reasons for recommendations

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good customer service to all who use the Planning Service.

1. Background:

An extensive set of indicators is collected to monitor the performance of the Development Management service. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area. The range of indicators included reflects the objective of providing a fast and efficient development management service including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT, 2017/18, 2018/19 and 2019/20: Contains quarterly and annual figures for the Performance Indicators applicable during 2019/20 (comparative figures for 2017/18 and 2018/19 are also shown).

This report is a commentary on the local performance indicators that the Council has as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 3rd December 2019 which reported on the mid-year performance figures and gave predictions on whether the targets for 2019/20 would be likely to be achieved.

Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including those which relate to whether Major and Non-Major planning applications are being determined "in time", and any indicators failing to meet the set targets are reported by exception.

3. The performance achieved:

National Performance Indicators

The Government has a system of designation of poorly performing planning authorities – two of the four current criteria for designation under ‘Special Measures’ are thresholds relating to the speed of determination of Major and Non-major applications, performance below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council.

The most recent assessment period is for a two year period from January 2018 to December 2019. The period referred to in this report – between April 2019 and March 2020 therefore partially falls within this reporting period.

The threshold for designation as an underperforming authority at the end of that reporting period for ‘Major’ applications is where the Council has failed to determine a minimum of 60% of its applications within a 13 week period or such longer period of time as might have been agreed with the applicant.

For ‘Non-major’ applications (All ‘Minor’ applications plus ‘Changes of use’ and ‘Householder’ applications) the threshold is where the Council has failed to determine a minimum of 70% of its applications within an 8 week period or such longer period of time as might have been agreed with the applicant.

The other designation criteria measure the quality of decision making as demonstrated by appeal performance (again for Majors and Non-Majors). This has usually been reported in the Annual Appeals Performance Report, but given that these figures are normally considered together it is thought appropriate to mention them here.

The threshold for designation with regard to both ‘Major’ and ‘Non-major’ in terms of quality of decisions is where 10% or more of the authority’s decisions are allowed at appeal. Therefore, in this instance the upper limit is 10%.

The Council’s performance with regard to the 4 national indicators are as follows:

| | Designation threshold | Result Qtr. 1* | Result Qtr. 2* | Result Qtr. 3* | Result Qtr. 4* |
|--|------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Speed of major development applications | Less than 60% | 72.4% | 74.6% | 76.8% | 80% |
| Quality of major development applications | Over 10% | 1.6% | 1.5% | 1.3% | 1.6% |
| Speed of non-major development applications | Less than 70% | 80.5% | 82.9% | 84.9 | 87.5 |
| Quality of non-major development applications | Over 10% | 0.8% | 1% | 1% | 0.9% |

*figure provided is the rolling total for the two year assessment period (January 2018 – December 2019)

As can be seen above, the Council is clearly above the threshold for designation in terms of ‘speed of decisions’ for both ‘Major’ and ‘Non-major’ applications and well below the upper thresholds of 10% in respect of ‘Quality of Decision’.

These figures are drawn from nationally published ‘Live Planning Tables’ by the MHCLG. Even with the improved performance, in terms of the Council’s placing within these tables it remains within the bottom quartile of Local Planning Authorities within England with regard to ‘Speed of Decision’ for both ‘Major’

and 'Non-major' applications. However, it must be recognised that the reporting period is over a 2 year period and as such, whilst performance is improving, it will take a while for these rankings to improve given performance in the past and the large number of decisions involved. As this is a rolling 2 year performance standard, with sustained improvement moving forwards, any historic underperformance will fall away over time.

Local Performance Indicators (LPI)

7 indicators, all measuring speed of performance, were included in the 2019/20 Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that out of these 7 performance indicators, the target set by the Council for itself has been met in 2019/20 in 4 cases.

In consultation with the Planning Portfolio holder there has been a review of the Service's targets and it has been agreed that for all of the indicators the target will remain unchanged for 2020/21.

INDICATOR - Percentage of applications determined within timescales:-

- (1) 72.5% of 'Major' applications¹ determined 'in time'²***
- (2) 77.5% of 'Minor' applications³ determined 'in time'²***
- (3) 85% of 'Other' applications⁴ determined 'in time'²***
- (4) 85% of 'Non-major' applications⁵ determined 'in time'²***

(see footnotes set out at the end of this report)

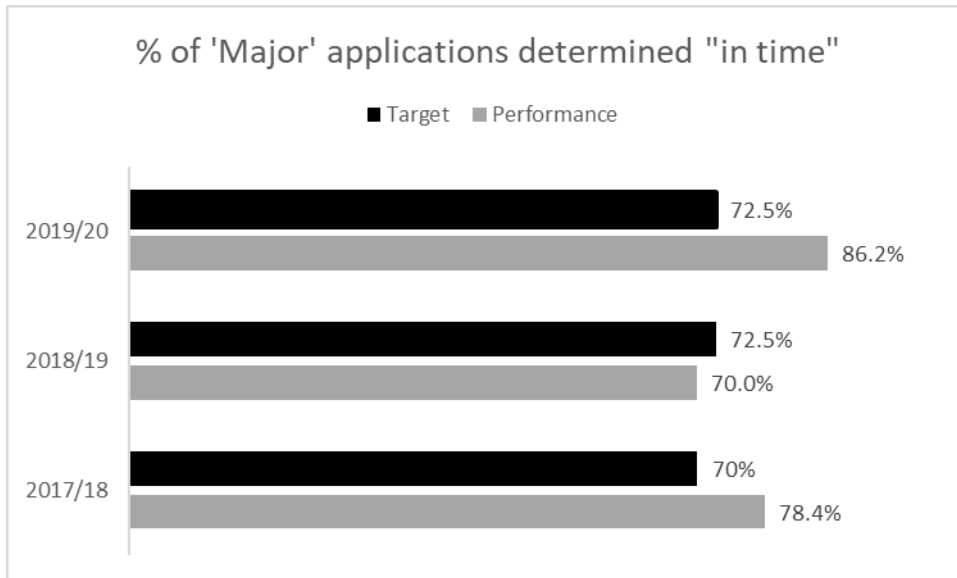
(1) In dealing with 'Major' applications the LPI is 72.5%. The end of year performance 2019/20 was 86.2%, an improvement of almost 15% from the performance that was reported in the mid-year performance report (71.4%). The improvement was due to 100% of decisions being issued 'in time' in the second half of the year.

Whilst the mid-year performance was below the target it was predicted, within that report, that the target for determining 'major' applications would be achieved by the end of the year. It is very pleasing to be able report that not only was that prediction correct but also that the improvement has been so significant that the end year performance significantly exceeds the target.

As reported in the mid-year performance report, the improved performance in respect of this LPI (and the other LPIs relating to the determination of applications) has been achieved primarily because 'extensions of time' are now being correctly recorded having regard to the advice provided by the Planning Advisory Service. This change ensures that the performance recorded is a better reflection of the hard work and dedication of the team.

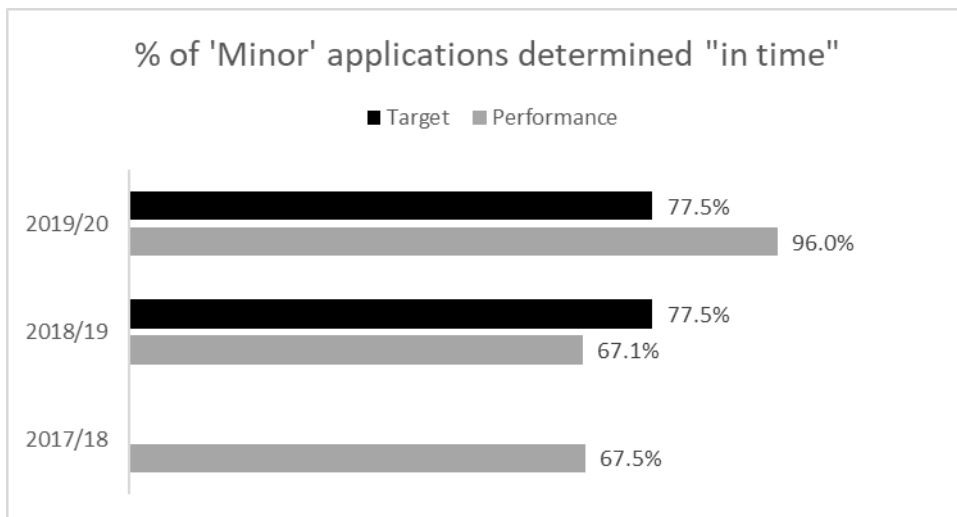
Another change that has been put in place to drive up performance, is the introduction of tools that enable the Development Manager and officers to track day-to-day performance. A number of new access reports have already been developed and rolled out for both Planning Officers and the Planning Technical Support Team which has ensured that planning and condition applications are performance managed from first receipt through to final determination. Further reports are in the pipeline. This provides the ability for officer and managers to view both team and individual's 'live' performance to identify and recognise good performance as well as ensure that any problems are identified early and measures put in place to ensure the delivery of an efficient and cost effective service.

In addition the department managed to appoint an experienced planner into the longstanding Planning Officer vacancy and also appoint to cover the maternity leave of another planner for a 4 month period.



TARGET FOR 2019/20 ACHIEVED

(2) In dealing with **'Minor' applications** the LPI for minor is 77.5%. The figures for 2019/20 is 96% which is significantly above target.

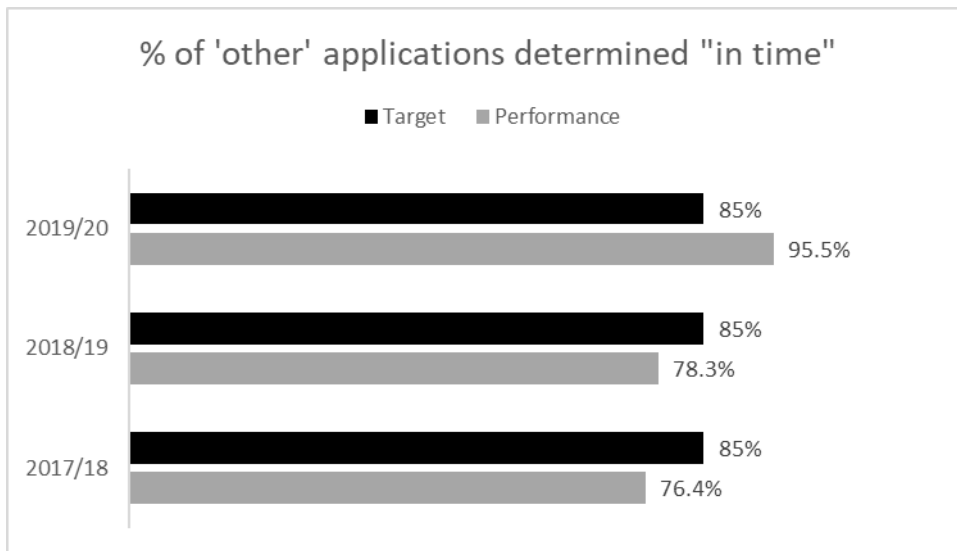


The performance for 2019/20 was consistently good for the first half of the year, as reported in the mid-year performance report, and changes put in place (mentioned above) did result in a slight improvement.

There is no comparable performance information for 2017/18 as the target related to the % of 'minor' applications determined in 8 weeks at that time.

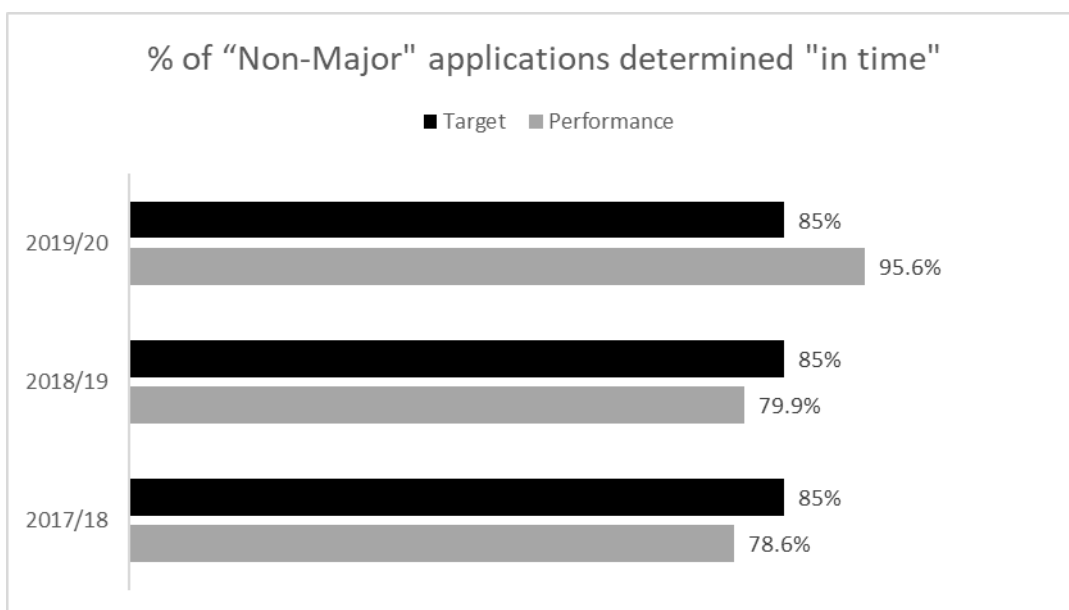
TARGET FOR 2019/20 ACHIEVED

(3) In dealing with **'Other' applications** the 'LPI for minor is 85%. The figures for 2019/20 is 95.5% which is above target and a 10% improvement on the mid-year position.



TARGET FOR 2019/20 ACHIEVED

(4) In dealing with **'Non-major' applications** the 'LPI for minor is 85%. The figures for 2019/20 is 95.6% which is significantly above target. For clarity this reported LPI is different from the 'Non-major' KPI mentioned above as this is the performance figure for 2019/20 year to-date and not the 2 year rolling figure.

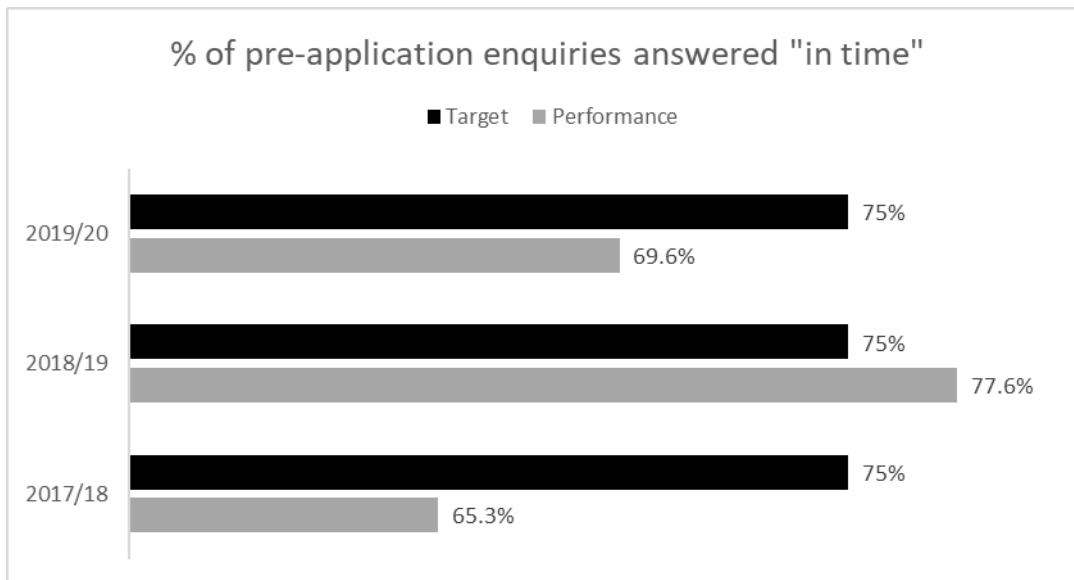


TARGET FOR 2019/20 ACHIEVED

In conclusion, all 4 four targets have been met and exceeded.

INDICATOR - Percentage of pre-application enquiries answered in time

In dealing with **Pre-application enquiries** the 'LPI for minor is 75%. The figures for 2019/20 is 69.6% which is below target and has dropped slightly from the mid-year position of 72.1%.



The mid-year performance report indicated that the pre-app service is currently under review as it is recognised that it both fails to provide flexibility to meet customer needs as well as failing to maximise the potential for revenue generation, including Planning Performance Agreements. It was also reported, in the mid-year performance report, that performance monitoring tools were being developed in recognition that pre-apps were not effectively monitored. On this basis, and taking into consideration the appointment of additional staff, it was predicted that this target would be achieved.

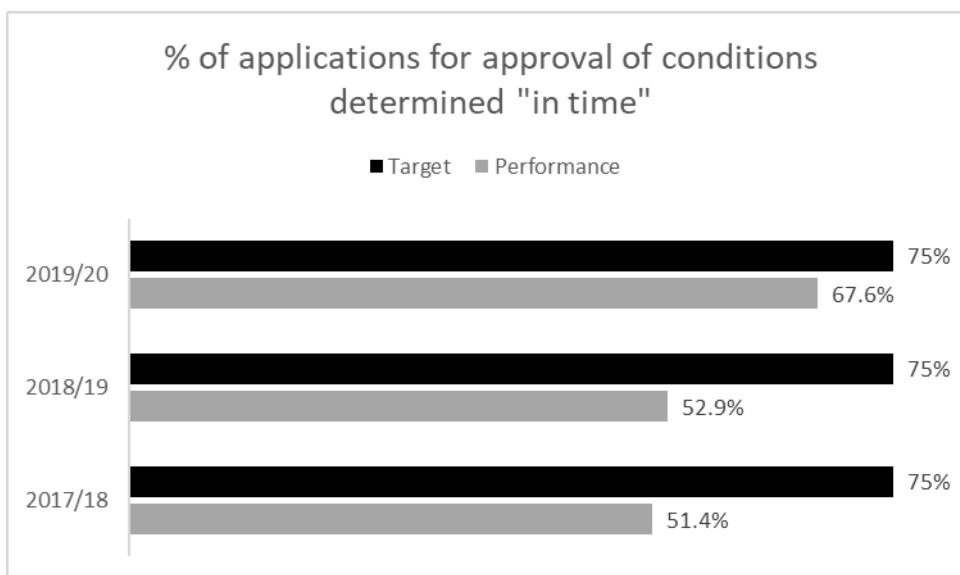
However, the review of the pre-app service has not yet been completed, nor has an appropriate management tool been developed and this has contributed to the target not being achieved as predicted.

It is unclear as to when the review of the service will be completed and a new service implemented. It is, however, anticipated that a management tool will be developed soon and this should lead to some improvements in performance against this LPI.

TARGET FOR 2018/19 NOT ACHIEVED

INDICATOR - Percentage of applications for approvals required by conditions determined within 8 weeks

In dealing with **Discharge of Condition applications** the LPI for minor is 75%. The figures for 2019/20 is 67.6% a marked improvement on the mid-year position of 53.4%.

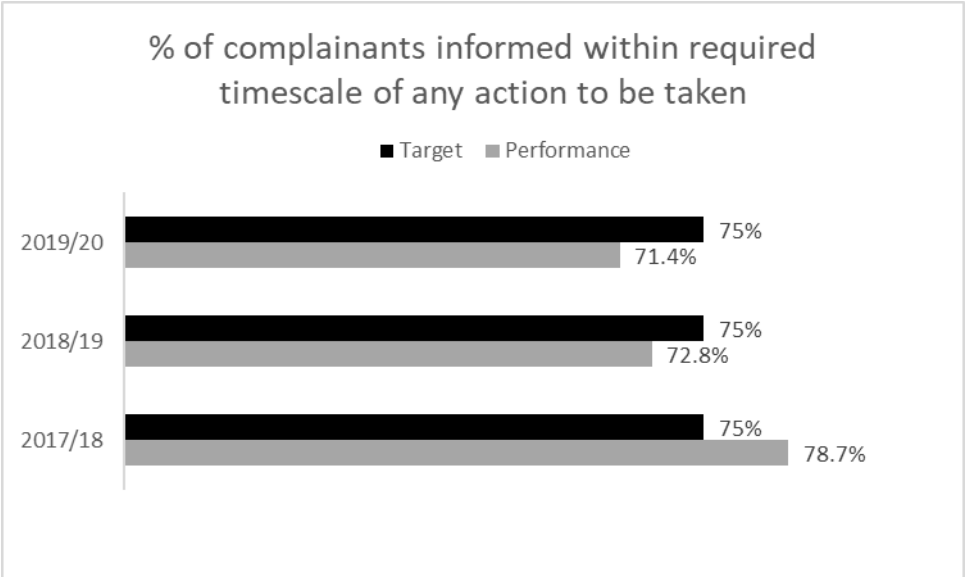


Similar to planning applications and pre-apps this type of application had not previously benefitted from active performance management and due to the nature of the application as a non-reported application type and the shortage of staff experienced for much of the year it had not been dealt with as a priority. However, unlike pre-apps, proper performance management tools have been introduced and this, together with additional staff and a very clear steer that they are to be dealt with the same priority as any other planning application, has led to the improved performance that is being reported. Whilst the target was not reached at year end, as predicted, the end of year figure was at least 14% higher than in the previous two years and Members may wish to note that to date the performance in the period 2020/21 is 99% in time.

TARGET FOR 2018/19 NOT ACHIEVED

INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

In dealing with ‘**Enforcement complaints**’ the ‘LPI for this service is 75%. The figures for 2019/20 is 71.4%, slightly lower than was reported in the mid-year performance report 72.5%.



There was a small increase in the number of new complaints received in 2019/20 (228) compared with the number in 2018/19 (234) and this is the second year running that this target was not achieved, having achieved it for three preceding years. Notwithstanding this the shortfall was marginal and is, no doubt, a reflection on the complexity of the cases that were received in this period. A further factor affecting performance is cases where there are multiple complainants. Where the complainants aren't informed within the required period in such cases this can have a disproportionate effect on overall performance.

A Local Planning Enforcement Policy was recently approved and is being rolled out and it is anticipated that this together with performance management tools that are being developed will ensure that performance improves in the period 2020/21.

TARGET FOR 2019/20 NOT ACHIEVED

Footnotes

¹ 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more.

² 'In-time' means determined within an extended period of time beyond the normal 8 week target period that has been agreed, in writing, by the applicant.

³ 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of 'Other' Development.

⁴ 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

⁵ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

Date report prepared:

29th June 2020

Source of information/background papers

- **General Development Control Returns PS1 and PS2 for 2017 – 2019**
- **Planning Services own internal records, produced manually and from its UniForm modules.**
- **MHCLG Live Planning Tables.**

APPENDIX 1: 'PERFORMANCE' INDICATORS FOR DEVELOPMENT MANAGEMENT 2016/17, 2017/18, 2018/19 and 2019/20.

| Indicator | Year | Target for year | <-----Actuals-----> | | | | Final result for the year |
|--|---------|-----------------|---------------------|-------------|-----------|-----------|---------------------------|
| | | | April - June | July - Sept | Oct - Dec | Jan - Mar | |
| % of 'Major' applications determined "in time" Replaced in 2014/15 former indicator of percentage of applications determined within 13 weeks | 2019/20 | 72.5% | 80.0% | 66.7% | 100% | 100% | 86.2% |
| | 2018/19 | 72.5% | 44.4% | 70% | 100% | 88.9% | 70.0% |
| | 2017/18 | 70% | 85.7% | 50% | 80% | 100% | 78.4% |
| % of 'Minor' applications determined "in time" of applications determined within 8 weeks | 2019/20 | 77.5% | 94.7% | 94.3% | 97.7% | 97.9% | 96.0% |
| | 2018/19 | 77.5% | 58.7% | 77.3% | 70.6% | 63.8% | 67.1% |
| | 2017/18 | | 68.5% | 68% | 70.6% | 61.9% | 67.5% |
| % of 'other' applications determined "in time" <i>15.01.2020 - Replaced former indicator of % of 'other' applications determined within 8 weeks</i> | 2019/20 | 85% | 91.8% | 95.1% | 98.8% | 97.5% | 95.5% |
| | 2018/19 | 85% | 80.2% | 73.7% | 76.2% | 84.5% | 78.3% |
| | 2017/18 | 85% | 81.5% | 79.5% | 80% | 63.9% | 76.4% |
| % of "Non-Major" applications determined "in time" <i>New target for 2016/17</i> | 2019/20 | 85% | 93.1% | 94.7% | 99.1% | 97.6% | 95.6% |
| | 2018/19 | 85% | 77.9% | 82.1% | 82% | 77.6% | 79.9% |
| | 2017/18 | 85% | 81.9% | 78.1% | 82% | 72.1% | 78.6% |
| % of pre-application enquiries answered in time | 2019/20 | 75% | 67.1% | 77.3% | 71.8% | 63.7% | 69.6% |
| | 2018/19 | 75% | 76.5% | 88.5% | 72.7% | 71.3% | 77.6% |
| | 2017/18 | 75% | 63.5% | 62.7% | 64.4% | 68.0% | 65.3% |
| % of applications for approval required by conditions determined "in time" <i>15.01.2020 - Replaced former indicator of % of conditions determined within 8 weeks</i> | 2019/20 | 75% | 49.1% | 57.3% | 80.6% | 96.9% | 67.6% |
| | 2018/19 | 75% | 36.9% | 49.1% | 70.9% | 46.0% | 52.9% |
| | 2017/18 | 75% | 54.3% | 34.8% | 55.3% | 57.0% | 51.4% |
| % of complainants informed within required timescale of any action to be taken | 2019/20 | 75% | 67.2% | 79.2% | 63.0% | 73.0% | 71.4% |
| | 2018/19 | 75% | 76.4% | 75.6% | 71.1% | 68.6% | 72.8% |
| | 2017/18 | 75% | 79.2% | 85.2% | 73.2% | 75.0% | 78.7% |

Target achieved for complete year

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**APPEAL BY MR P SHAW AGAINST THE DECISION OF THE COUNCIL TO REFUSE
OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT COMPRISING
THE ERECTION OF UP TO 4 NO. DETACHED DWELLINGS ON LAND TO THE REAR OF
FIELD HOUSE AND RETENTION OF EXISTING BUILDING FOR USE AS A DETACHED
DWELLING AT FIELD HOUSE, SANDY LANE, NEWCASTLE-UNDER-LYME**

| | |
|----------------------------------|--|
| <u>Application Number</u> | 19/00365/OUT |
| <u>LPA's Decision</u> | Refused on 5th July 2019 |
| <u>Appeal Decision</u> | Dismissed |
| <u>Date of Decision</u> | 29th June 2020 |

Appeal Decision

The Inspector identified the main issues to be the effect of the development on the character and appearance of the area and the living conditions of adjoining occupiers.

The Inspector considered that the development would appear excessively dense in its surroundings and harmfully out of keeping with the established pattern of development along this side of Sandy Lane. He concluded that the development would significantly harm the character and appearance of the area and would be contrary to Policy H7 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the guidance in the Urban Design SPD.

With regards to living conditions the Inspector considered that the traffic associated with 4 additional dwellings would be relatively light and concluded that the development would not significantly harm the living conditions of adjoining occupiers with regards to noise and disturbance.

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/00365/OUT>

Recommendation

That the appeal decision be noted.

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Clayton Hall Academy, Clayton Lane, Newcastle (Ref: 20/21002/HBG)

RECOMMENDATION:

That the following grant is approved:-

- 1. £2,006 Historic Building Grant be given towards the repair of the original staircase.**

Purpose of report

To enable members to consider the application for financial assistance.

Clayton Hall is a Grade II Listed Hall which sits with a parkland estate. The current Hall was built around 1840 to replace an earlier house. It became a school in 1948 and is now Clayton Hall Academy specialising in business and enterprise and languages. The main staircase within the historic building requires 3 decorative cast iron balusters to be replaced and all existing balusters to be tightened to the stone treads and hardwood handrail.

This work was investigated and identified because one metal baluster became loose and fell and hurt someone and on investigation the stability of the handrail and balusters was found to be compromised, with some sections moving. The school commissioned a conservator to consider the staircase and the report is available to view on the file. At present there is also a contingency in the quotation for additional work – that is to install a steel core rail, formed to fit on site for strengthening purposes. This may not be necessary but will be identified once the contractor is on site.

Two competitive quotations have been received by contractors. The cost of the work is estimated at £9,160 excluding VAT as this is recoverable, Fees are 870.20 with total cost £10,030. The building is a Grade II Listed Building, and the work is eligible for 20% grant towards the cost of the works.

The Conservation Advisory Working Party has not considered this application because due to the corona virus all meetings of this group have been suspended until further notice.

Financial Implications

Historic buildings and structures are entitled to apply for up to a maximum of £5,000 from the Conservation and Heritage Grant Fund. The intervention rate is 20% of the cost of the work for Listed Buildings. Buildings within Conservation Areas or on the Register of Locally Important Buildings are eligible to apply for 10% of the cost of such work.

There is sufficient funding to meet this grant application with £8,000 in the Fund; allowing for commitments.

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