

Public Document Pack

Date of meeting Tuesday, 31st March, 2020
Time 7.00 pm
Venue via Video - Conference
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

PLEASE NOTE: If anyone wishes to participate in this meeting, please notify Geoff Durham geoff.durham@newcastle-staffs.gov.uk not later than 5pm on Monday 30 March, 2020. Please include your telephone number in order for arrangements to be made. Thank you.

AGENDA

PART 1 – OPEN AGENDA

- 1 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 2 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 4)
To consider the minutes of the previous meeting(s).
- 3 APPLICATION FOR OTHER DEVELOPMENT - NEWCASTLE CEMETERY, LYMEWOOD GROVE, NEWCASTLE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 20/00088/DEEM3** (Pages 5 - 10)
- 4 HIGH CARR FARM, 2 TALKE ROAD, BRADWELL. MRS NORMA BAILEY. SCC REF: N.19/07/294 MW (NULBC REF 20/00126/CPO)** (Pages 11 - 16)
- 5 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors A. Fear (Chair) and M. Reddish (Vice-Chair)

***PLEASE NOTE THAT THESE DECISIONS WILL BE TAKEN UNDER URGENCY PROVISIONS.*

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PLANNING COMMITTEE

Tuesday, 3rd March, 2020
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	M. Reddish	B. Proctor	Mrs J Cooper
	J Williams	S Tagg	H. Maxfield
	P. Northcott	S. Burgess	S. Moffat
	G Williams	D. Jones	

Officers:	Elaine Moulton	Development Manager
	Nick Bromley	Development Management Team Manager
	Darren Walters	Team Leader Environmental Protection
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Peter Stepien	Landscape Officer

Also in attendance:

1. **APOLOGIES**

There were no apologies.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

Resolved: That the Minutes of the meeting held on 6 February, 2020 be agreed as a correct record, subject to the inclusion of Councillor Burgess' apologies.

4. **APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE. WISH DEVELOPMENTS. 19/00825/FUL**

Proposed by Councillor Moffatt and seconded by Councillor Jones.

Resolved: That the application be refused due to the insufficient level of on-site parking to meet the needs of the development, resulting in highway safety issues arising from on-street parking.

5. **APPLICATION FOR MINOR DEVELOPMENT - LAND BETWEEN CAR PARK/BUTCHERS ARMS, CHURCH STREET, AUDLEY. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 20/00029/DEEM3**

Resolved: That the application be permitted subject to the undermentioned

conditions:

- (i) Time limit condition
- (ii) Approved plans
- (iii) Arboricultural impact assessment and tree protection plan
- (iv) Construction management plan

**6. APPLICATION FOR MINOR DEVELOPMENT - MOSS HOUSE BARN,
EARDLEYEND ROAD, AUDLEY. MS A TOSEVA AND MR R MANDAIR.
19/00629/FUL**

Resolved: That the period for determination of the application be extended to 6 March, 2020.

The Committee indicated that no further extensions would be agreed.

7. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 7.35 pm

NEWCASTLE CEMETERY, LYMEWOOD GROVE, NEWCASTLE
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

20/00088/DEEM3

This application is for the prior approval of the demolition of buildings associated with Newcastle Cemetery, as required by Class B, Part 11 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015.

The only matters that can be taken into consideration are the method of demolition of the buildings and the restoration of the site.

The Cemetery is located within the Urban Area of Newcastle as indicated by the Local Development Framework Proposals Map.

The statutory determination expires on the 2nd April 2020.

RECOMMENDATION

Prior Approval is Granted, subject to conditions to secure;

- **Demolition hours, and**
- **Dust mitigation measures**

Reason for Recommendation

The proposed method of demolition of the buildings and the restoration of the site are acceptable subject to conditions which mitigate the impact of the works on neighbouring residential amenity levels.

KEY ISSUES

Planning permission is not required for the demolition of the buildings as this is permitted under Class B Part 11 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015. However, a determination as to whether the prior approval of the Local Planning Authority (LPA) as to the method of demolition of the buildings and the restoration of the site has to be made.

The applicant has already been advised that the prior approval of the LPA is required, as to the method of demolition of the buildings and the restoration of the site, due to the proximity to neighbouring residential properties on Balcombe Close. Therefore the only matter now for consideration is whether prior approval for the method of demolition of the buildings and the restoration of the site is granted or not.

Should prior approval be granted?

The application is to demolish an existing mortuary and toilet block that are no longer in use.

The buildings to be demolished are located in close proximity to neighbouring residential properties on Balcombe Close.

Information on the demolition of the buildings has been submitted to support the application and sets out that the demolition will be to ground level and the method of demolition will be via 360 demolition. A pulveriser will then break up the concrete roof and the rubble will then be removed (off site) to a transfer station.

Taking into account the scale of the demolition the details of the methodology of the demolition are considered appropriate.

The Environmental Health Division (EHD) has requested two conditions which would control the hours of demolition and dust mitigation measures.

Due to the proximity of neighbouring properties on Balcombe Close it is considered necessary to impose the conditions advised by EHD to mitigate the impact of the demolition work so that it is kept to a minimum.

In respect of the restoration of the site there are limited details provided but all buildings and hardstanding will be removed. No significant concerns are raised in this respect.

On the basis of the above and subject to conditions the advice of officers is that prior approval should be granted for the method of demolition of the buildings and the restoration of the site.

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](#)

None

Other material considerations include:

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

[Planning Practice Guidance](#) (PPG) (2018)

Relevant Planning History

None

Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions.

The Council's **Urban Design and Conservation Officer** has no observations to make.

Representations

One letter of support has been received indicating that the demolition of the buildings are long overdue because they are structurally unsafe and an eyesore for neighbours and cemetery visitors and a haven for rough sleepers. They are also the subject of anti-social behaviour and crime.

Applicant/agent's submission

The application has been supported by a Heritage Statement. The submitted documents and plans are available for inspection at Castle House or on the Councils website by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00088/DEEM3>

Background Papers

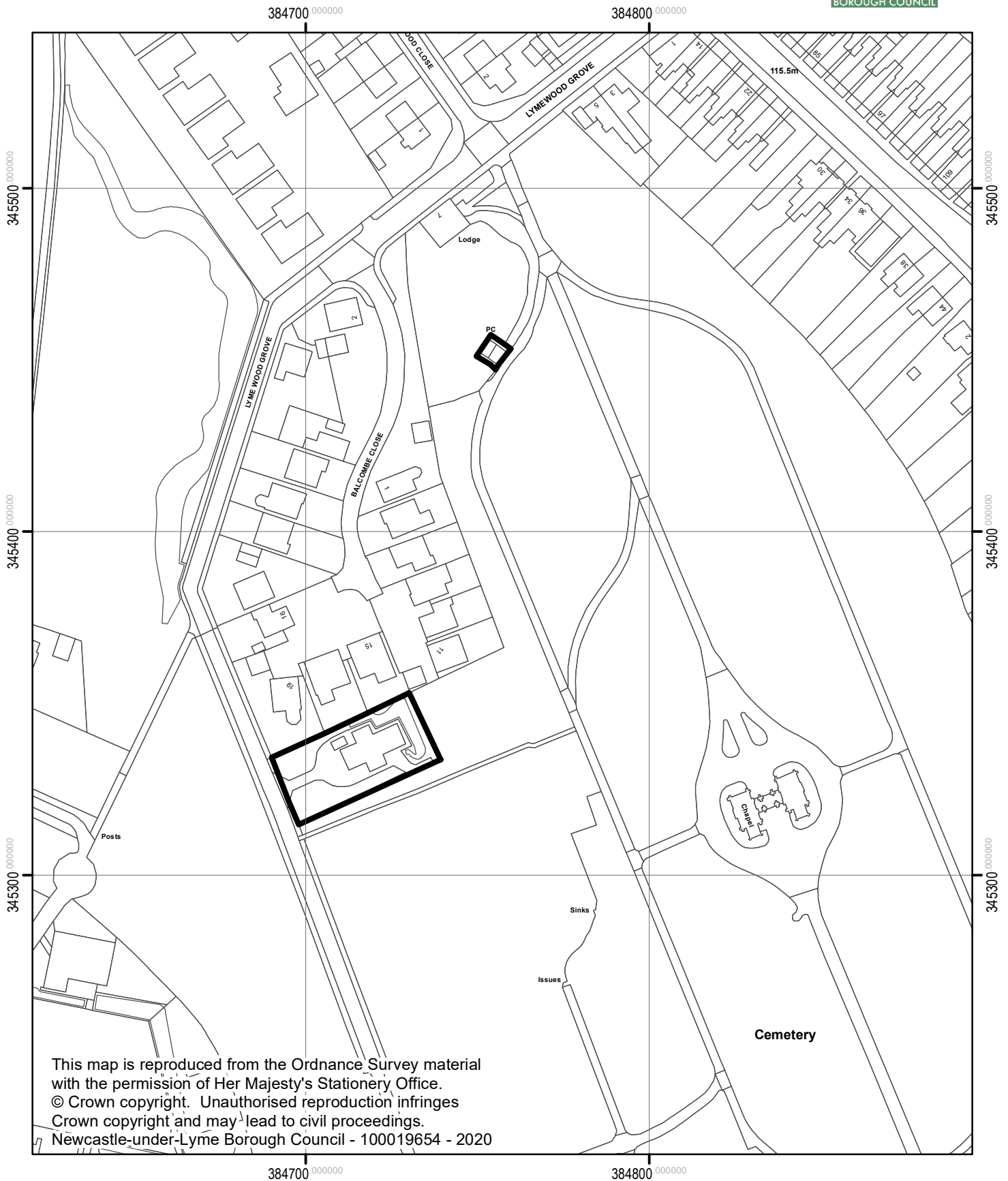
Planning file and the Development Plan

Date report prepared

16th March 2020

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Cemetery, Lymewood Grove, Newcastle-under-Lyme.



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HIGH CARR FARM, 2 TALKE ROAD, BRADWELL

MRS NORMA BAILEY

SCC REF: N.19/07/294 MW (NULBC REF 20/00126/CPO)

This is a consultation by the County Council on an application for a variation of condition 2 of planning permission N.11/01/294 MW to allow for the continuation of clay extraction up to 31 December 2029 and for the site to be restored by 31 December 2030.

The site is within the North Staffordshire Green Belt, an Area of Landscape Restoration and Community Woodland Zone all as designated by the Local Development Framework Proposals Map.

The site is accessed off Talke Road (A34), lies to the north of the High Carr industrial estate and to the south of the A500, and extends to approximately 1.9 hectares

The Planning Committee has the authority (within the Borough Council) to make comments upon such an application

For any comments that the Borough Council may have on this proposal to be taken into account, they have to be received by the County Council by no later than the 2nd April 2020.

RECOMMENDATION

The County Council be advised that this Council raises NO OBJECTIONS to the proposal to extend the period of time for a further 10 years within which the extraction can be undertaken and the restoration must occur, subject to the imposition of all other conditions attached to planning permission N.11/01/294 MW.

Reason for Recommendation

The development affects land adjacent to that owned by the Council and comments are being sought from the relevant departments on that aspect. There is no apparent reason associated with other corporate objectives of the Council, such as the creation of a prosperous Borough that more time should not be given for the previously approved extraction to be completed by. Subject to the appropriate conditions/controls being put in place relating to the prevention and reduction of noise and dust at the site; and the site is fully reclaimed and restored and appropriately landscaped, the proposal is considered to be acceptable and to not cause adverse harm to the local environment or neighbouring uses.

Key Issues

Background

The original permission to extract clay from this site was granted in May 1949. Following the introduction of the Environment Act 1995 the site was classified as a dormant mineral working. Under the Environment Act (under paragraph 9 of Schedule 13) the owner made an application to the County Council to review the permission and its conditions. This application was granted permission in October 2000 subject to a number of conditions, including a time limit condition controlling the period of extraction and the period for the restoration of the site.

A second application was then submitted which sought permission for the variation of condition 1 of the original permission as to allow for the continuation of clay extraction up to 31 December 2019 and for the site to be restored by 31 December 2020. The variation of condition application was approved in 2011, and now permission is being sought to extend these time limits for an additional 10 years. The applicants' agent has provided a statement which states that the reason for this application to extend the time to extract the mineral and restore the site are to allow for extraction of the remaining 23618.8 cubic metres of valuable material.

The Borough Council is being asked for its views on this proposal – the County Council being the Minerals Planning Authority. The Planning Committee, with respect to “major developments”, is the part of the Borough Council which decides what comments are to be put to the County Council in response to such

consultations. In deciding what representations to make the first consideration is whether the proposal has an impact upon any particular interests of the Borough Council (such as its landholdings). The Borough Council does own land immediately adjacent to the site (as part of a substantial area of land that lies to the north of Bradwell Woods and the north east of the High Carr industrial estate), and your officers are considering whether as an adjoining landowner it is necessary to raise any concerns.

Beyond that members may wish to consider whether any aspect of the development has a particular bearing upon the amenity of the residents of the Borough, and to comment upon whether the proposal appears to conflict with any policies within that part of the development plan or emerging local development framework for which the Borough Council is the responsible Planning Authority, and upon whether the proposal has any bearing upon the strategic aims of the Council – of creating a Borough of opportunity; a cleaner, safer and greener Borough; and a healthy and active community.

The Borough Council should not attempt to deal with the matter as if it were the relevant planning Authority. It is suggested that there is no merit in commenting upon detailed technical considerations upon which the County Council will obtain advice both from their specialist officers and consultees. This is a particularly complicated application given the history of the site. Given that the acceptability of mineral extraction of the site has been established over a considerable number of years and that this type of extraction can only occur where the minerals are located, it is considered the principle of mineral extraction is established. It is not apparent to your officers that there has been any material change to the relevant material considerations which the County Council would have taken into account in 2011, when the last extension to the works timescales was approved.

It would appear that the issue that will be being considered by the Mineral Planning Authority is really the appropriate length of time over which the extraction can occur and also by when the site must be restored, rather than the principle of the proposal. A 10 year extension is being sought, but it is assumed that the County could, if it wishes, indicate a lesser extension period, or if it was justified none at all.

One of the Borough Council's strategic aims is to create a Borough of opportunity. The site lies on the opposite (southern) side of the A500 road from the Chatterley Valley/Peacock Hey Premium Employment Site but it is some distance back from the A500 and there is no particular reason to consider that the mineral extraction scheme here would have any particular implications for the likely bringing forward of the employment proposals within Chatterley Valley. It is relevant to note that one of the approved great crested newt relocation sites associated with the second phase of the Chatterley Valley development is in fairly close proximity to the extraction site but again there is not considered to be any fundamental conflict between the two developments.

The County Council will have to determine what would be an appropriate extension period to allow, balancing a range of considerations including the visual, environmental and traffic implications of the development as it is undertaken. Obviously the longer the period is the more drawn out is the impact of the development.

Insofar as the Borough Council's interests are concerned your officer considers there is no apparent conflict between this proposal and another that the County Council's attention should be drawn to. Proposals such as this can lead to concerns regarding noise or dust nuisances. The nearest residential property is located over 300 metres from the site, fronting the A34.

Noise disturbances could be generated from either the extraction of the mineral or from the vehicle movements from and to the site. The extraction of the mineral would be carried out by heavy plant machinery and vehicle movements would be via the existing access road to the site from the A34.

The existing permission contains a number of conditions controlling potential nuisance issues including hours of operations and the plant and machinery to be adequately silenced and maintained in such a manner.

The area is dominated by the existing road noise from the A34 and A500 and with the topography of the site and surrounding area it is considered the proposal would not result in adverse impact on residential amenity in the area.

Such operations can result in dust pollution and again the existing planning approval contains a condition minimising the dust generated from the site.

APPENDIX

Policies and Proposals in the approved development plan relevant to this matter: -

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

Policy ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development within the Green Belt

Policy N9: Community Woodland Zones

Policy N21: Areas of Landscape Restoration

The Minerals Local Plan for Staffordshire (2015-2030)

Policy 4: Minimising the impact of mineral development

Policy 6: Restoration of Mineral Sites

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (2019)

Planning Practice Guidance (updated 2018)

Relevant Planning History

99/00490/CPO - Importation of 18,000 cubic metres of soils and 8,000 cubic metres of fill material for agricultural land restoration and agricultural improvement – permitted

99/00600/CPO - Soil stripping and deposit of inert waste material to form agricultural improvement – permitted

00/00115/CPO - Use of the existing High Carr access road, wheel wash and weighbridge for the proposed clay extraction and infill area and change of use of land for clay stockpile and loading area – permitted

00/00425/CPO - Importation of inert waste and infilling to facilitate restoration to part agricultural land and part fishing pond – permitted

01/00161/CPO - Variation of conditions 3 and 22 of planning permission 99/660/CPO regarding soil replacement on phase 1 and 2 and handling of soil on site – permitted

11/00275/CPO - N.11/01/294 MW - Variation of condition 1 of planning permission N.EA/3 to allow for the continuation of clay extraction up to 31 December 2019 and for the site to be restored by 31 December 2020 at High Carr Farm, Chesterton, Newcastle under Lyme – permitted

12/00083/CPO - Submission of details in compliance with conditions 14, 21 and 22 of planning permission N.11/02/294 MW relating to floodlighting (Condition 14), landscaping (Condition 21) and invasive species management plan (Condition 22) – observations to county council

Views of consultees

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

Applicant/Agent's Submission

The application is accompanied by a Minerals Development Statement, Ecological appraisal and a flood risk assessment. These documents can be viewed on the County Council's website searching under reference N.19/07/294_at www.staffordshire.gov.uk

Background Papers

Planning file
Documents referred to

Date report prepared

11th March 2020

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