

Public Document Pack

Date of meeting Tuesday, 14th April, 2020
Time 6.00 pm
Venue via Video - Conference
Contact Geoff Durham 01782 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 3 - 4)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF ECCLESHALL ROAD, LOGGERHEADS. PLANT DEVELOPMENTS LTD. 20/00159/FUL** (Pages 5 - 10)
- 5 **APPLICATION FOR MINOR DEVELOPMENT - BUTTERTON GRANGE FARM, TRENTHAM ROAD, ACTON. MR JOHN SKIDMORE. 19/00636/FUL** (Pages 11 - 18)
- 6 **APPLICATION FOR MINOR DEVELOPMENT - APEDALE HERITAGE CENTRE, APEDALE COUNTRY PARK. DR JOHN ROWLANDS. 20/00003/FUL** (Pages 19 - 26)
- 7 **APPLICATION FOR OTHER DEVELOPMENT - THE COTTAGE, BOWSEY WOOD LANE, NEWCASTLE. MR & MRS CURRY. 19/00938/FUL & 19/00939/LBC** (Pages 27 - 36)
- 8 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** (Pages 37 - 40)
- 9 **5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 41 - 42)
- 10 **LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** (Pages 43 - 44)

**11 TREE PRESERVATION ORDER -SELBOURNE. PINWOOD (Pages 45 - 48)
ROAD, ASHLEY. TPO206**

12 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), M. Reddish (Vice-Chair), J Williams, P. Northcott, B. Proctor, D. Jones, H. Maxfield and S. Moffat

ONLINE COMMITTEE MEETING JOINING INSTRUCTIONS

The meeting of the Planning Committee will begin at 6pm on Tuesday, April 14th. This meeting will be held virtually using Zoom.

Watching the Meeting:

You can attend the meeting in the following ways:

Web: zoom.us/j/237880531

Using the Zoom App

Telephone: 0330 088 5830 or 0131 460 1196

The Conference ID for telephone and Zoom App users is: 237 880 531

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.

Representations in support or against applications:

If you would like to make a representation at the meeting, please inform the Planning Department by emailing planningapplications@newcastle-staffs.gov.uk not later than 5pm on the day before the meeting. In your email, please include your name, a contact telephone number, details of the item you would like to speak on.

When joining the webinar using the App or Web link, please ensure that you enter the name you have registered to speak under as your screen name, so that you can be identified during the meeting and asked to speak at the appropriate time. Speakers are given five minutes in which to make their representations after which, no further part is taken in the proceedings but you will still be able to listen to the debate.

If you will be joining the webinar by phone please ensure that your Caller ID is not blocked otherwise we will not be able to identify you as a speaker during the committee meeting.

PLANNING COMMITTEE

Tuesday, 31st March, 2020
Time of Commencement: 6.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors: M. Reddish

Officers:

Shawn Fleet	Head of Planning and Development
Daniel Dickinson	Head of Legal /Monitoring Officer
David Elkington	ICT Operations and Development Manager
Martin Hamilton	Chief Executive

1. CORONA VIRUS

In line with the Government's advice in respect of the CV-19 outbreak, and in particular the advice around social distancing, working from home and the self-isolation advice given to those considered to be most vulnerable, it was decided that the meeting be conducted under 'emergency powers'.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

4. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 3 March, 2020 be agreed as a correct record.

5. APPLICATION FOR OTHER DEVELOPMENT - NEWCASTLE CEMETERY, LYMEWOOD GROVE, NEWCASTLE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 20/0088/DEEM3

Resolved: That Prior Approval be granted, subject to conditions to secure;

- (i) Demolition hours
- (ii) Dust mitigation measures

6. HIGH CARR FARM, 2 TALKE ROAD, BRADWELL. MRS NORMA BAILEY. SCC REF: N.19/07/294 MW (NULBC REF 20/00126/CPO)

Resolved: That 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.

7. URGENT BUSINESS

There was no Urgent Business. However, a discussion took place regarding the scheduling of an additional meeting to be held on 14 April, 2020 so as to avoid too heavy an agenda on 28 April. This was agreed.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 7.10 pm

LAND OFF ECCLESHALL ROAD, LOGGERHEADS
PLANT DEVELOPMENTS LTD

20/00159/FUL

This application seeks consent to vary condition 6 of outline planning permission 16/00866/DEEM4 for residential development for up to 55 homes, with associated landscaping and infrastructure.

The application site lies outside the village envelope of Loggerheads and within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for the planning application expires on 28th May 2020.

RECOMMENDATIONS

PERMIT the variation of Condition 6 of 16/00866/DEEM4 so that it reads as follows:

In relation to the development hereby permitted, construction activities, including deliveries, shall be restricted to the following days and times:

08:00 - 18:00 Monday to Friday

08:00 - 13:00 Saturdays

Construction shall not be undertaken on a Sunday or a public holiday.

and subject to the imposition of all other conditions attached to planning permission 16/00866/DEEM4/FUL that remain relevant at this time.

Reason for Recommendation

Whilst an extension of the weekday hours to 18:00 would have no significant adverse impact on residential amenity, it is not considered that an extension past 13:00 on a Saturday would 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 requested variation is not acceptable however the variation detailed above is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Consent is sought to vary condition 6 of outline planning permission 16/00866/DEEM4 for residential development for up to 55 homes, with associated landscaping and infrastructure.

Condition 6 states as follows:

In relation to the development hereby permitted, construction activities, including deliveries, shall be restricted to the following days and times:

08:00 - 16:00 Monday to Friday

08:00 - 13:00 Saturdays

Construction shall not be undertaken on a Sunday or a public holiday.

The application proposes to amend condition 6 to extend the hours to 18:00 Monday to Saturday. The applicant's agent states that the existing condition is far too restrictive to the deliverability of the

proposed development and that the proposed revision to the condition would enable the applicant to efficiently deliver the proposed development.

There are residential properties adjacent to, directly opposite, and to the rear of the site. The reason for the imposition of the condition was to protect the amenity of residents during the construction phase of the development. The Environmental Health Division raises no objection to the extension to the weekday hours to 18:00 but does object to the requested extension to 18:00 on Saturdays.

Construction hours are generally restricted on a Saturday to no later than 13:00 and given the proximity to residential dwellings, it is not considered that an extension past that hour would be acceptable. It is considered however that an extension of the weekday hours to 18:00 would have no significant adverse impact on residential amenity and therefore such an extension is considered to be acceptable.

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

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](#)

Nil

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

Nil

Other Material Considerations

National Planning Policy

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

[Planning Practice Guidance](#) (2018)

Relevant Planning History

16/00866/DEEM4	Erection of up to 55 dwellings	Approved
20/00158/REM	Reserved Matters application (appearance, landscaping, layout and scale) for residential development of 44 bungalows	Pending consideration

Views of Consultees

The **Environmental Health Division** objects to the hours after 13.00 on a Saturday but has no objections to construction taking place until 18.00 during the week.

Loggerheads Parish Council objects strongly to the request to change working hours on Saturdays and requests that the condition for Saturday remains 9am to 1pm.

Representations

Two letters of representation have been received stating that an extension of the hours of construction between 1pm and 6pm would constitute a significant noise nuisance and the original restriction on a Saturday should be maintained.

Applicant's/Agent's submission

The submitted documents are available for inspection on the Council's website by searching under the application reference number 20/00159/FUL on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00159/FUL>

Background papers

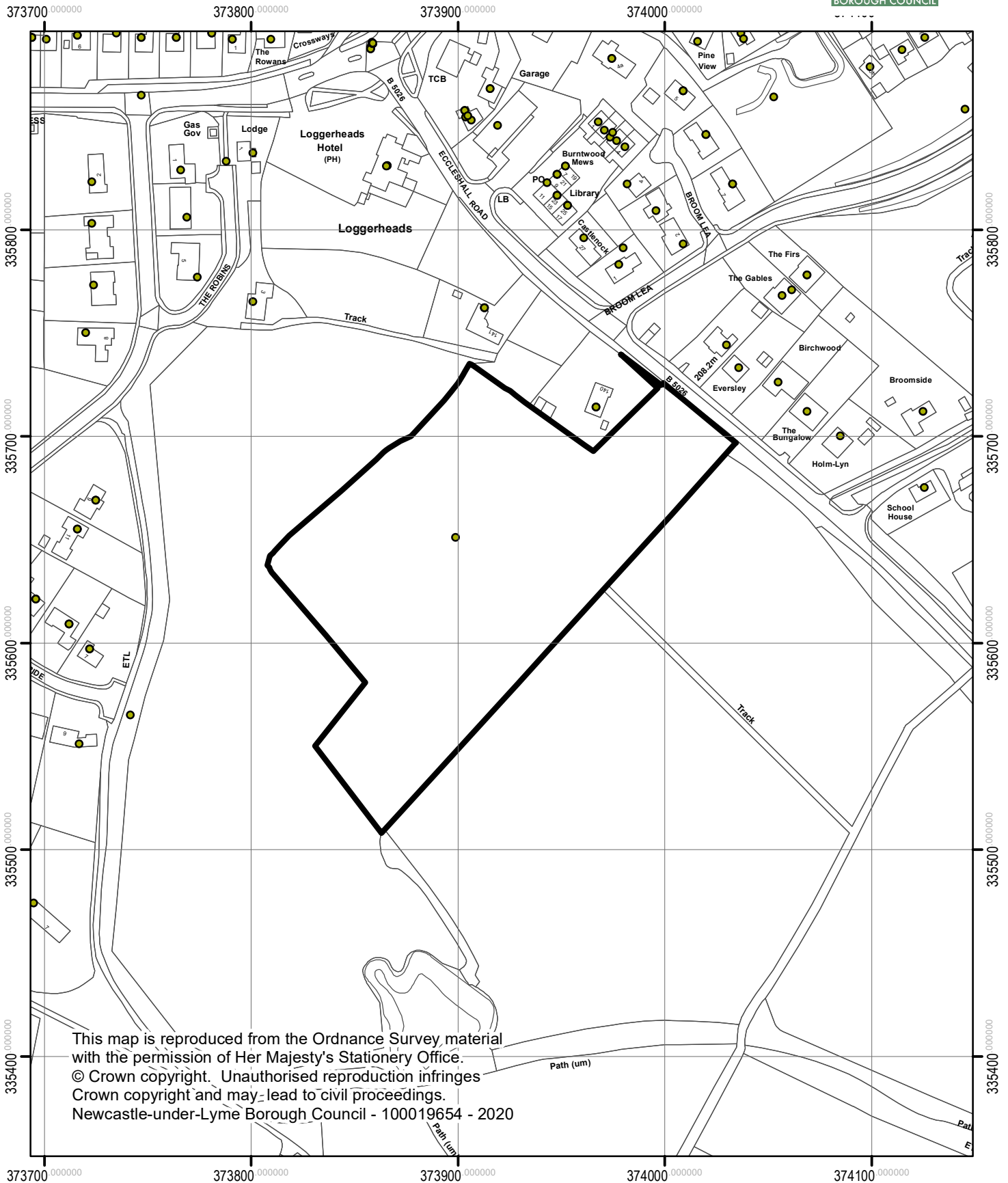
Planning files referred to
Planning Documents referred to

Date report prepared

1st April 2020

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Land Off Eccleshall Road Loggerheads



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BUTTERTON GRANGE FARM, TRENTHAM ROAD, ACTON
MR JOHN SKIDMORE

19/00636/FUL

The application is for the retention of the change of use of a building and land and the erection of a new building for dog agility training.

The application site is located within the Green Belt and a Landscape Maintenance Area, as indicated by the Local Development Framework Proposals Map.

Butterton Grange Farm is a Grade II* Listed Building.

The 8 week period for the determination of this application expired on 24th December 2019 but the applicant has agreed to an extension of time to 30th April 2020.

RECOMMENDATION

Permit subject to conditions regarding the following:

- Standard time limit
- Approved plans
- Revised access details
- Details of parking and turning areas
- Access to remain ungated
- Tree protection measures
- Hours of use
- Restriction on the number of dogs
- Training sessions to be pre-booked
- No kennelling facilities
- Submission and approval of a noise management plan
- House on site and facilities to be linked
- Restriction on additional lighting
- Waste storage and collection arrangements
- Removal of obstacles and jumps when outdoor training area not in use

Reason for Recommendation

The development comprises appropriate development in the Green Belt and subject to the imposition of conditions it is not considered that there would be any adverse impact on either visual or residential amenity. On this basis it represents a sustainable form of development in accordance with local and national planning policy.

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

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

Key Issues

This is an application for full planning permission for the retention of the change of use of a building and land at Butterton Grange Farm and the erection of a new building for dog agility training. The application site is located within the Green Belt and a Landscape Maintenance Area as indicated by the Local Development Framework Proposals Map.

Butterton Grange Farm is a Grade II* Listed Building.

It is not considered that the application raises any issues of impact on highway safety, trees or on the setting of the Listed Building. Therefore, the key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Is the impact on the character and appearance of the area acceptable?
- Would there be any adverse impact on residential amenity?

Is the proposal appropriate development within the Green Belt and if not, do the required very special circumstances exist?

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

Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate development in the Green Belt with a number of exceptions which include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 146 goes on to state that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

The applicant’s agent states that dog agility is an increasingly popular form of outdoor sport and leisure. The building that is currently in use for indoor agility training is of a permanent and substantial construction and given that no external alterations or extensions to the building are proposed, it is considered that the use preserves the openness of the Green Belt. The outdoor training area comprises a wooden boundary fence and involves the setting up of obstacles and jumps while the dogs are actively training. It is not considered that the perimeter fence has any significant adverse impact on the openness of the Green Belt and subject to the removal of the jumps and obstacles when not in use, it is considered that the outdoor training area maintains the openness of this Green Belt location. On this basis, it is considered that the proposed use constitutes appropriate development.

The proposed new building would be sited to the north of the existing farm buildings surrounded by substantial landscaping. It would constitute the provision of appropriate facilities (in connection with the use of the land for dog agility training) for outdoor sport and recreation and its siting and design would minimise the impact of the building on the openness of the Green Belt. On this basis, it is considered that the proposed building would comprise appropriate development in the Green Belt.

There is no requirement for the applicant to demonstrate that very special circumstances exist.

Is the impact on the character and appearance of the area acceptable?

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

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

The application site is also located within a Landscape Maintenance Area. Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The external training area is enclosed by a low post and rail wooden fence. The proposed new building which would be sited adjacent to the training area and to the existing farm buildings, would measure 40m x 25m in plan with a maximum height of 5.6m. The materials would comprise concrete panels for the lower walls with green profiled sheeting for the upper walls and grey profiled sheeting for the roof. The scale and the design of the building is considered appropriate in the context of the existing buildings. There is mature landscaping along the boundaries and the building and the external training area would not have any adverse impact on the quality of the landscape or the visual amenity of the area.

Would there be any adverse impact on residential amenity?

The nearest residential properties are Grange Cottages to the south, and the residential accommodation at Frost Racing stables to the north. Noise from the proposed use has the potential to have an adverse impact on residential amenity and therefore the application is accompanied by a Noise Impact Assessment (NIA). The NIA predicts no future impact from any of the three agility training areas.

The Environmental Health Division highlights that the NIA does not consider the three sites operating concurrently but acknowledges that whilst the three areas may be operating at the same time, the times when all three will have dogs barking at the same time for prolonged periods will be rare. They also accept that the dogs are likely to be under the control of their handlers whilst participating in the agility training and whilst on site. However, they recommend a number of conditions to limit the activities on site and ensure that the level of usage remains acceptable.

The applicant's agent queries a number of the recommended conditions. They argue that a noise management plan is not a reasonable requirement and that a limit on the number of dogs to 6 is unjustified. In addition, they assert that the request to link the business and the house on site would be unduly restrictive.

The noise management plan would require details of signage and other measures to be taken by site management to try and reduce dog barking that is likely to take place outside of the training arenas. These are considered to be potential noise sources that have not been considered by the NIA. The figure of 6 dogs is quoted in the NIA as the maximum number of dogs to be in each arena. The assessment has been carried out on this basis and therefore, such a restriction is considered justified. The requirement to link the business to the residential accommodation on the site is considered necessary as the house on site is immediately adjacent to the noise source and the uses are incompatible.

Subject to the imposition of the conditions recommended by the Environmental Health Division, it is not considered that an objection could be sustained on the grounds of adverse impact on residential amenity and the proposal complies with 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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Consideration
Policy N19: Landscape Maintenance Area

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 \(2010\)](#)

[Relevant Planning History](#)

None relevant

[Views of Consultees](#)

The **Conservation Officer** has no objections and considers that there will be no harmful impact upon the setting of the Grade II* listed farmhouse.

Whitmore Parish Council supports this application on the grounds that the development of the business has been very successful and is putting the farm to some practical use and employment. The farm is far enough away from any residential land and would enhance the general view of the site. No further comments have been made in respect of the amended plans received.

The **Environmental Health Officer** has no objections subject to conditions regarding hours of use, maximum number of dogs, training session to be pre-booked, dogs to be with associated handler with no kennelling facilities, submission and approval of a noise management plan, house on site and facilities to be linked, restriction on additional lighting and waste storage and collection arrangements.

The **Landscape Development Section** has no objections subject to a condition regarding tree protection.

The **Highway Authority** has no objections subject to conditions regarding revised access details, details of parking and turning areas for staff and visitors and the access to remain ungated.

Natural England has no objection.

[Representations](#)

None

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00636/FUL>

Background papers

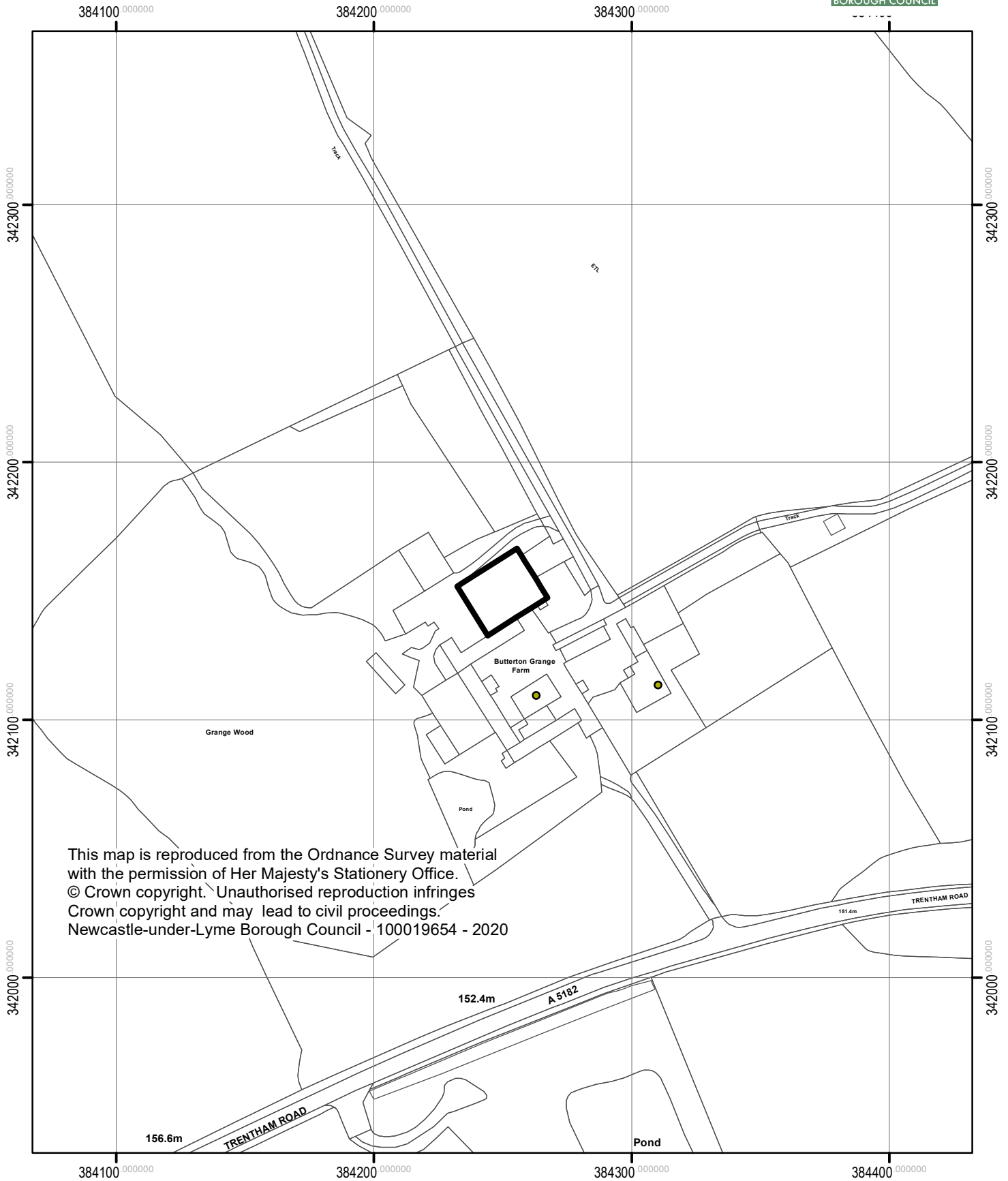
Planning files referred to
Planning Documents referred to

Date report prepared

1st April 2020

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**Butterton Grange Farm
Trentham Road
Acton ST5 4DY**



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APEDALE HERITAGE CENTRE, APEDALE COUNTRY PARK
DR JOHN ROWLANDS

20/00003/FUL

The application is for full planning permission for the erection of a steel storage building within the grounds of the Apedale Valley Light Railway.

The site is located within the open countryside and an area of Landscape Regeneration. It is also within the Green Belt, as identified within the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on the 16th of March 2020.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Site investigations in respect of coal mining legacy**
- 5. Remediation scheme in respect of coal mining legacy**
- 6. Submission and approval of a verification report (for coal mining legacy) prior to the first occupation/ use of the development**
- 7. Prior approval of external lighting**

Reason for Recommendation

Whilst the proposed development represents inappropriate development within the Green Belt, and it is acknowledged that there would be harm to openness, there are considered to be appropriate very special circumstances to justify the development. The building would be of significant benefit to the Apedale Valley Light Railway, an established leisure and recreation attraction that is of local and national heritage significance. The development would provide appropriate facilities for the storage of heritage rail artefacts and would contribute to the vitality of this use. It is therefore considered that very special circumstances exist that justify approval of planning permission. In all other respects the development accords with local and national planning policy.

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

The development is considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the erection of a steel building within the grounds of the Apedale Valley Light Railway. The application site is located within the open countryside and an area of Landscape Regeneration. It is also within the Green Belt, as identified within the Local Development Framework Proposals Map.

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

- Is the proposal appropriate development within the Green Belt?
- Design of the proposal and its impact on the appearance of the Community Park and area of Landscape Regeneration;
- Implications with regards to coal mining and land instability, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

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

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

Policy S3 of the Local Plan states that Development for sport or recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. Such development must use reclaimed land, or low grade agricultural land, where practicable. Any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt.

The application is for a new detached building to be used in association with the Apedale Valley Light Railway and Apedale Heritage Centre, an established museum and visitor centre operating from the site.

In support of the application the applicant has detailed that the building is required for the storage of railway artefacts including rail vehicles and also road vehicles used in the construction and maintenance of the heritage railway and museum. Currently these vehicles are stored outside and so are at risk of deterioration and vandalism. The proposal would also facilitate the creation of new access tracks from the existing railways system to allow vehicles to be moved to and from the proposed building.

Despite serving an existing use, the development is not considered to meet the exceptions listed within the NPPF. It would not be required for the provision of appropriate facilities for outdoor recreation, and would introduce a new building into an area of Green Belt that is currently open and undeveloped.

The proposal therefore represents inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

Design of the proposal and its impact on the appearance of the Community Park and area of Landscape Regeneration

Paragraph 124 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

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

The proposed building would be sited approximately 84m north east of the main Heritage Centre building. It would have the maximum dimensions 9.1m width x 42.6m depth and would be constructed from galvanised sheet cladding in Juniper Green. It would feature a pitched roof with three steel roller shutter doors on the front elevation, and one access door on the rear.

The design of the building is largely driven by its functional and practical requirements. However, this more industrial style building would not appear out of context with the wider area given the industrial heritage of the landscape and the appearance of other associated buildings within the application site. The majority of the building would be naturally screened by the surrounding land levels and planting that surrounds the application site. Any wider vantage points achieved of the building would be seen against the context of the main heritage and light railway centres, and so the development is not considered to be detrimental to the appearance of this area of Landscape Regeneration.

The Environmental Health Division (EHD) has raised no objections to the proposal but has noted that given the nature of the area and the significance of the items to be stored within the building, it is likely that it will be required to be illuminated externally for either security or safety purposes. Due to the inherently dark nature of the surrounding area during the night, EHD has recommended a condition to secure full details of any external lighting prior to its installation. Such a condition is considered to be reasonable and appropriate.

The development is therefore seen to comply with Policy N22 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

Implications with regards to coal mining and land instability

The application site is identified as falling within a Development High Risk Area with regards to former coal mining activities. The application is supported by a Ground Investigation Report, Coal Mining Report and Coal Mining Risk Assessment.

A consultation response from the Coal Authority has noted that the author of the Coal Mining Risk Assessment Report correctly identifies that a roadway crosses under the application site at a shallow depth and so recommends that the risk from ground instability can be mitigated by adopting standard remedial and protection practises, like a reinforced raft foundation.

However, the Coal Authority do not consider that the risk posed by the roadway can be satisfactorily mitigated by the adoption of a foundation alone. They therefore recommend that a scheme of intrusive site investigations need to be undertaken in order to assess the line of the roadway and a suitable scheme of remedial measures devised.

Subject to the attachment of conditions to secure the appropriate site investigations and remedial measures, the Coal Authority raises no objections to the proposal. Therefore the development is considered to comply with the requirements of the NPPF.

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

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

It is accepted that the proposed building is of a substantial scale which is largely driven by the need for the building and size of the objects that are to be stored within it. Therefore it would undoubtedly have an adverse impact on the openness of this part of the Green Belt.

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

The application site is of local heritage significance and is already an established leisure and recreation attraction. The need to store rail and heritage artefacts in a covered and secured structure is considered to represent a very special circumstance and is crucial for the ongoing viability of the heritage centre.

Also, a large number of the vehicles and artefacts are currently stored outside within the grounds of the site which can present a cluttered and somewhat untidy appearance. Therefore the construction of the building would allow these vehicles to be stored neatly inside the building, reducing the visual clutter from within the site, and thus enhancing the appearance of this area of landscape regeneration.

Comments received in support of the application further emphasise the local importance of the heritage museum and railway, and fully support proposals to allow for the preservation of historic artefacts and equipment.

Given the benefits that the scheme would have on preserving local heritage and the general improvements that it would make to the appearance of the landscape, on this occasion it is considered that the necessary very special circumstances exist to permit the proposed development and that these circumstances would outweigh the harm that would result to the openness of this part of the Green Belt.

APPENDIX

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

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

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

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

Policy S3: Development in the Green Belt
Policy N22: Areas of Landscape Regeneration
Policy C13: Additional Facilities at Apedale Community Country Park

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

98/00381/FUL - Development of mining museum including erection of associated buildings and high gauge railway – Approved

06/00600/FUL - A. Full planning permission for the use of land as a Railway Heritage Museum, the erection of a storage building for railway artefacts, the construction of a narrow gauge railway line, platforms and associated works. B. Outline planning permission for the erection of a Railway Heritage Museum building and water storage towers – Approved

09/00493/REM - Details of the erection of a railway heritage museum building and water storage tower granted outline planning permission 06/00600/FUL, and associated landscaping – Approved

Views of Consultees

The **Environmental Health Division** raises no objections with regards to land contamination. They do however request the attachment of a condition to control the installation of external lighting.

The **Coal Authority** acknowledges the presence of a roadway beneath the application site. They raise no objections to the proposal subject to conditions to secure appropriate site investigations and remedial measures.

The **Staffordshire Police Crime Prevention** draws the applicants attention to options that should be considered to reduce and prevent anti-social behaviour and any resulting damage to the application site.

No comments were received from the **Staffordshire Wildlife Trust** or the **Staffordshire County Minerals Planning Authority**

Representations

Seven representations have been received in support of the application with their comments summarised as follows;

- Proposal will enhance the site and provision of storage for heritage artefacts
- It will contribute towards the preservation of the industrial heritage and history of the local area
- The Railway is a significant local and national visitor attraction
- Proposal will enhance Apedale Community Country Park.

Applicant's/Agent's submission

The submitted plans and supporting documents are available for inspection at Castle House and on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00003/FUL>

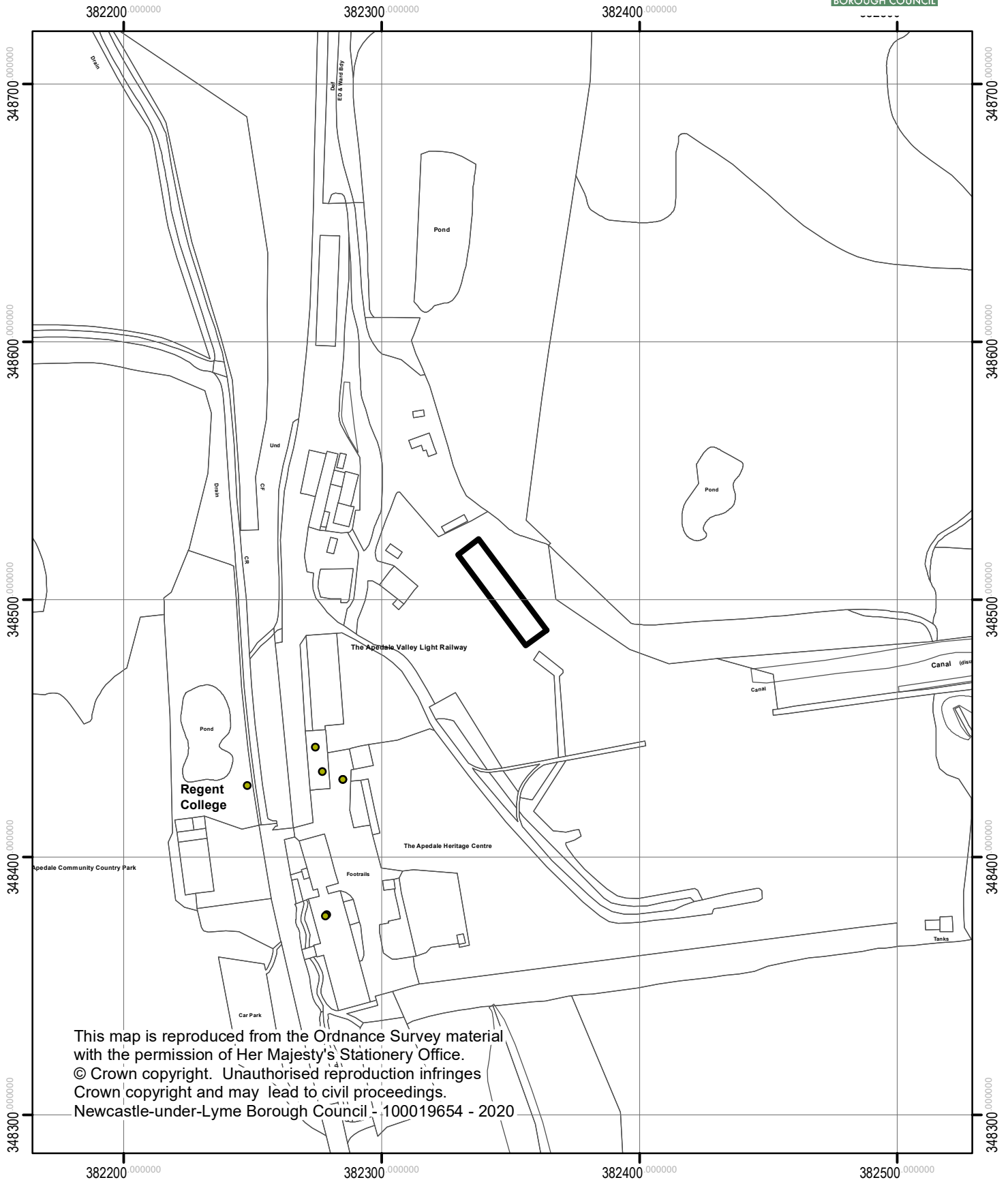
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st April 2020

**Apedale Heritage Centre, Apedale Country Park
Apedale Road, Chesterton ST5 7LB**



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THE COTTAGE, BOWSEY WOOD LANE, NEWCASTLE
MR & MRS CURRY

19/00938/FUL & 19/00939LBC

These applications are for full planning permission and listed building consent for the demolition, alteration and extension of this residential dwellinghouse that is a Grade II Listed Building.

The application site is located within the open countryside on land designated as being within the Green Belt and an Area of Landscape Maintenance (policy N19), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 24th January but the applicant has agreed an extension of time to the statutory determination period to the 7th April 2020.

RECOMMENDATION

A) Application 19/00938/FUL:

Permit, subject to the following conditions relating to;

- Time limit condition
- Approved plans
- Submission and approval of sample facing materials, including doors, windows and guttering
- Conservation style roof lights
- Section drawings of glazed link
- Outbuildings to be demolished and removed from site
- Details of fabric repairs to the listed building
- Fabric repairs carried out prior to the occupation of the proposed extension
- Details of design and finish of louvered canopy
- Timber frame repairs and archaeological reporting
- Archaeological/ heritage watching brief
- Alignment of Utility Apparatus
- Approval of an Arboricultural Method Statement

B) Application 19/00939/LBC:

Permit, subject to the following conditions relating to;

- Time limit condition
- Approved plans
- Submission and approval of sample facing materials, including doors, windows and guttering
- Conservation style roof lights
- Section drawings of glazed link
- Details of fabric repairs to the listed building
- Timber frame repairs and archaeological reporting
- Archaeological/ heritage watching brief

Reason for Recommendations

Whilst the proposed development represents inappropriate development within the Green Belt it is accepted that there are very special circumstances that would outweigh any harm to the openness of the Green Belt and purposes for including land within the Green Belt, namely the removal of existing extensions and the proposed extension would help to ensure that a vulnerable listed building can function better. The proposed development is now of a scale, design and appearance that would respect and protect the historic features of the listed building whilst preserving the character and

quality of the landscape also. As such the Local Planning Authority has exercised the legal requirements, when making a decision on any planning application for development that affects a listed building or its setting to have special regard to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest that it possesses. In addition the proposed development accords with Policies S3, B5, B6, N17 and Newcastle under Lyme Local Plan 2011, Policies CSP1 & CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the NPPF.

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

Pre application advice was given and significant amendments have been sought during the consideration of the application. Those amendments have now been achieved and the proposed development is now considered acceptable.

KEY ISSUES

These applications are for full planning permission and listed building consent for the demolition, alteration and extension of the dwelling which is a Grade II Listed Building.

The application site is located within the open countryside on land designated as being within the Green Belt and an Area of Landscape Maintenance (policy N19), as indicated on the Local Development Framework Proposals Map.

Trees on this site are affected by Tree Preservation Order ref T/3.

The proposed development does not raise issues of residential amenity or highways safety and on this basis the main issues for consideration of the planning application are;

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

It is considered that the key issue in the determination of the application for listed building consent is:

- Does the proposal preserve the special character and appearance of this listed building?

Is the proposal appropriate development within the Green Belt?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

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

Paragraph 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate. Exceptions include: the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposal is for the extension of the existing dwelling which will include existing extensions and outbuildings being removed.

The application is supported by volume calculations which set out the volume of the original building that existed pre 1948, the volume of the existing extensions and outbuildings (to be removed) and the volume of the proposed extension.

The scheme has been amended during the consideration of the application due to concerns raised by your officers about the scale of the proposed extension.

Notwithstanding the reductions to the volume of the proposed extension the proposal still amounts to a 52% increase over and above the size of the original dwelling. On this basis it is considered that the proposed extension represents a disproportionate addition and is inappropriate development within the Green Belt.

Does the proposal preserve the special character and appearance of this listed building?

When considering applications for alterations to a listed building, the Local Planning Authority is required to have special regard to the desirability or preserving the building or its setting or any features of special architectural or historic interests which it possesses.

Paragraph 193 of the NPPF details that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Policy B6 of the Local Plan states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy states that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

The proposal is for an extension to this grade II listed building which is in use as a residential dwelling.

The proposals include the demolition of existing extensions and alterations to the existing building also.

The listed building (asset) has been vulnerable and at risk for a number of years and the application is supported by a comprehensive heritage statement (HS) which sets out the history and evolution of the asset including three unsympathetic 20th Century extensions to the north, east and west elevations. The HS also identifies internal features which are recommended to be retained.

The removal of the previous extensions is supported by your officers on the basis that they are of limited design quality due to their age and the removal would open up the original fabric of the building.

The conservation officer and CAWP broadly agree with the removal of the existing extensions subject to conditions which ensure that these works are carried out appropriately and include archaeological reporting and a watching brief. Conditions which secure appropriate repairs to the fabric of the building (following the demolition of the existing extensions), including the timber frame, are necessary in the interests of preserving the special character and appearance of the listed building also. It is considered necessary to ensure that these works are carried out prior to any new extension being fully occupied and this again can be the subject of a suitably worded condition.

Notwithstanding the above, your officers and CAWP had concerns about the proposed extension and how it would dominate the original building due to its scale. There were also concerns about design features of the proposed extension. However, amended plans have now been submitted which reduce the size of the proposed extension and your officers now accept that the proposal would not unduly dominate the character and appearance of the asset. Design improvements have also been made which would enhance the appearance of the extension.

Your officers have expressed some concerns regarding a louvered canopy on the rear elevation. The applicant has indicated that they would prefer this feature to be maintained and subject to the final design and finish it is accepted that a fundamental objection cannot be raised.

The asset has been recognised as vulnerable for a number of years and it is considered that the removal of the existing extensions and the repair works to the existing building, along with the proposed extension, will improve the function of the building as a residential dwelling.

The proposed development, subject to conditions, which ensure that acceptable facing and roofing materials are submitted, it is considered that the proposed extension would not result in significant harm to this heritage asset or its setting and would comply with Policy B6 of the local plan, policy CSP2 of the CSS and requirements of the NPPF. The proposed development is therefore supported by your officers.

The design and impact on the character and appearance of the area

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

Policy CSP1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

The application site is also located within an area of Landscape Maintenance (policy N19) which indicates that the Council will support proposals that will help to restore the character and improve the quality of the landscape.

The general design of the proposed extension is a considered acceptable and despite its size it would have limited views from any main vantage points due to its location and heavy tree screening in the locality.

Trees on this site are affected by Tree Preservation Order ref T/3 but the proposals should not harm TPO trees, subject to the conditions advised by the Landscape Development Section (LDS).

The proposal is also considered to maintain the appearance of the landscape, as required by policy N19 of the local plan.

Subject to conditions which secure appropriate facing and roof materials the design and impact of the proposal on the character of the landscape is considered acceptable. A landscape scheme, as advised by LDS) is not considered relevant in this instance

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

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A fundamental aim of the Green Belt policy in the Framework is to keep land permanently open.

The proposed extension due to its size would result in some harm to the openness of the Green Belt by virtue of it being a disproportionate addition. However, the harm to the openness of the Green Belt would only be marginally greater than the existing extensions and outbuildings to be removed and these do not preserve the special character and appearance of the building. Therefore their removal would be a benefit.

There are also a number of other significant benefits, including making the existing vulnerable building more viable and restoring the fabric of the existing building. In this respect it is considered necessary to ensure that the restoration works to the listed building are carried out prior to the occupation of the new extension on the basis of the very special circumstances that being accepted.

Your officers have considered the possibility of removing permitted development rights for future outbuildings on the site but there are no such permitted development rights for outbuildings within the curtilage of a listed building i.e. planning permission is always required for an outbuilding within the curtilage of a listed building. Future extensions and additions could be carried out without permission, subject to the position and size, but any extensions and additions would be restricted and would require listed building consent. Therefore in Green Belt terms the removal of permitted development rights is not considered justified in this instance.

It is considered that the above represents the very special circumstances that are required to justify the proposed development in this instance.

APPENDIX

Policies and Proposals in the approved development plan relevant to the decision on the planning application:-

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

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

Policy S3: Development in the Green Belt
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character - General Considerations
Policy N19: Area of Landscape Maintenance

Policies and Proposals in the approved development plan relevant to the decision on the application for listed building consent:-

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

Policy CSP2: Historic Environment

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

Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings

Other Material Considerations include:

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

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

[Supplementary Planning Documents/Guidance](#)

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

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

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

[Relevant Planning History](#)

N2715 (1976) Extension to existing cottage of rear porch and cloakrooms Permit

NNR313 (1950) Alterations and Additions to Cottage Permit

[Consultation Responses](#)

Madeley Parish Council raises no objections.

The **Urban Design and Conservation Officer** originally raised significant concerns about the proposals but following the submission of amended plans she has indicated that the applicant has responded very positively to the issues that were raised with the original scheme and the reduction in size on all aspects has made a considerable difference to the relationship between the historic asset and the new proposal, including the link. Other key issues are the alterations to the functionality of both of the buildings which will enable the two to co-exist rather than making the historic building redundant with only occasional use. The removal of the raised platform (decking) from the scheme is supported but concerns now remain regarding a louvered canopy feature. Conditions to secure the following are advised;

- Fabric repairs to the Listed Building;
- Making good and timber framed repairs including any additional archaeological reporting;
- A watching brief;

The **Conservation Advisory Working Party (CAWP)** objects to the original scheme that was submitted on the grounds of the design and the lost opportunity to make the extension something special. The proposed extension is potentially oppressive given it competes and dominates the modest listed building. If this design is retained then it should be smaller and further away to give greater separation. The glazed gable feature is not supported and any timber framing that is revealed should be appropriately dealt via a method statement. They support the demolition of the extensions and the sentiment to refurbish and improve the heritage asset.

The **Highways Authority** raises no objections subject to conditions which secure the widening and completion of the existing access and parking provision.

Landscape Development Section raises no objections subject to conditions which secure the alignment of utility apparatus, approval of an arboricultural method statement and full hard and soft landscaping proposals.

Representations

No letters of representation have been received.

Applicants/agents submission

The application is supported by a detailed Heritage Statement, Design and Access Statement and the requisite amended plans. These documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00938/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00939/LBC>

Background papers

Planning files referred to

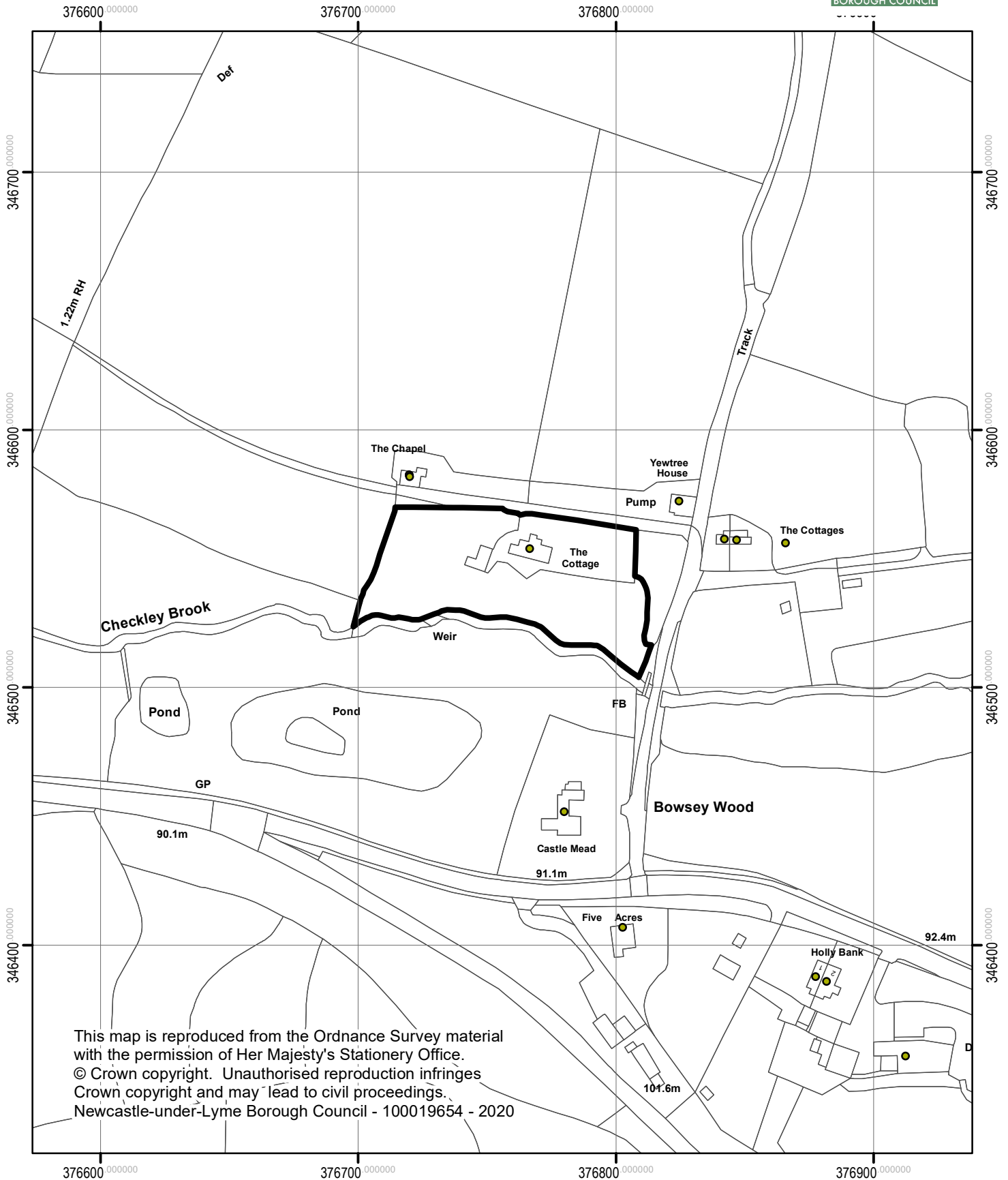
Planning Documents referred to

Date report prepared

1st April 2020

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The Cottage, Bowsey Wood Lane
Newcastle Under Lyme CW3 9DJ



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

Purpose of the Report

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

Recommendations

a) That the report be noted

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

Introduction

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

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

This report covers the period between 7th January 2020 (when the Committee last received a similar report) and the date of the preparation of this report (1st April 2020).

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

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

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

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

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

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

Details of the applications involved are provided below:-

(1) Land Bound By Rycroft, Ryebank, Merrial Street 17/00637/FUL

This application for full planning permission for demolition of existing buildings and construction of a mixed use development of student accommodation, retail and commercial units and associated car parking originally came before the Planning Committee at its meeting on the 7th November 2017 (at around week 15). The resolutions of the Committee inter alia required obligations be entered into securing a financial contributions of; at least £542,797 to public realm improvements with the remainder (being at least £250,000) to be spent on the enhancement of public open space at Brampton Park or Queen Elizabeth Gardens, £2,245 towards travel plan monitoring; Real Time Passenger Information system for bus services; improvements to the cycle route from Newcastle town centre to Keele University; Real Time Town Centre Car Parking Capacity Information System; to review and provide/amend traffic regulation and Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems. The resolution included the requirement that the agreement containing these obligations should be completed by the 8th January 2018.

However a further report came back to the Planning Committee on the 2nd February 2018 which set out that it is not legally possible for the Council to enter into an agreement with itself. The Planning Committee then resolved that all parties should enter by 8th March 2018 into an Agreement under Section 111 of the Local Government Act 1972, which requires that a draft S106 Agreement (in the terms as per the resolution of Planning Committee on 7th November), annexed to the S111 Agreement, is entered into once the transfer of the site has taken place.

The 8th March 2018 date was not achieved and whilst further ongoing delays have occurred your Officer has considered it appropriate to agree further extensions of time within which the Section 111 agreement can be secured. However, it would now appear that the applicant does not wish to progress this matter and clarification is now being sought in this regard.

Some 134 weeks have now passed since receipt of the application.

(2) 4 Meadows Road Kidsgrove 18/00889/FUL

This application for full planning permission for the change of use from warehouse (Class B8) and taxi base (sui generis) to a Working Men's Club (use class D2) came before the Planning

Committee at its meeting on the 21st May (at around week 27). The resolution of the Committee required an obligation to secure the financing of improved glazing provision to any properties which would be materially impacted by the development. The resolution included the requirement that the agreement should be completed by the 28th June.

The agreement was not completed by the 28th June due to a number of delays on behalf of the Council which meant that your Officer agreed an extension of time by which the Section 106 should be completed.

In preparing the obligation it has become apparent that the development could not be made acceptable through a planning obligation to finance the provision of improved circumstances. The concern is that the obligation would not make the development acceptable in planning terms as any sum of money obtained to fund mitigation measures, as may be required, does not guarantee that the measures would be implemented as the owner of the adjoining the Meadows, Aspire, is under no obligation to undertake the required mitigation not being a party to the obligation (and could not be a party as they do not have an interest in the application site).

The applicant has been advised that if Aspire were prepared to give an informal undertaking to the Council that they would implement any required mitigation measures a negatively worded obligation that prevents the commencement of the use of the premises as a Working Men's Club until the mitigation measures are in place or, at the very least, the funds to implement the mitigation measures are provided to the LPA before the use commences may be acceptable. At this point in time no progress has been made towards completing such an obligation and clarification is being sought from the applicant in this regard.

Some 78 weeks have now passed since receipt of the application

(3) Kidsgrove WMC Hardingswood Road Kidsgrove 18/00916/FUL

This application for full planning permission for the demolition of existing buildings and construction of retail store (2,206sqm GEA) (Use Class A1) came before the Planning Committee at its meeting on the 21st May (at around week 27). The resolution of the Committee required an obligation to secure a travel plan monitoring fee of £2,407 and a financial contribution of £10,000 for the provision of signal controlled pedestrian crossing facilities on the A50 Liverpool Road. The resolution included the requirement that the agreement should be completed by the 28th June.

The agreement was not completed by the 28th June due to a number of delays on behalf of the Council which meant that your officer agreed extensions of time by which the Section 106 should be completed, the latest being to the 11th February 2020. The agreement was completed on the 7th February and the decision notice was issued on the 11th February 2020

The decision was issued in this case some 65 weeks after receipt of the application.

(4) Compound C and Compound E, Lyndale Cross 18/00997/FUL

This application for full planning permission for a warehouse unit and 7 no. business starter units came before the Planning Committee at its meeting on the 3rd December (at around week 31). The resolution of the Committee required an obligation to secure a travel plan monitoring fee of £2,407. The resolution included the requirement that the agreement should be completed by the 8th February.

The agreement was not completed by the 28th June due to a number of delays on behalf of the Council and officers are seeking an update from the legal services section on the status of the obligation.

An update on this case may need to be provided to the Committee.

Some 46 weeks have now passed since receipt of the application.

Date Report prepared

1st April 2020

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 reported in the previous reports, the Planning Inspectorate has confirmed that the appeal that has been made against the Enforcement Notice is valid.

Your Officer is now also able to report that a 'start letter' was issued on 11th March 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 timetable set out in the 'start letter' the Council notified, by 25th March 2020, the occupiers of properties near the site and any other persons who, in the Council's opinion, are affected by the breach of planning control that the appeal has been made. The notification invited interested persons to make their views known to the Planning Inspectorate. By the same date the Council submitted a completed questionnaire and documents to the Inspectorate and the appellant.

The Council must submit its statement of case by 22nd April 2020. Interested parties must submit their representations to the Planning Inspectorate by this date also.

Date report prepared: 1st April 2020

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

The purpose of this report is to provide Members with an update of the progress in relation to this site 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

The position remains as it did when the last update was reported at the Planning Committee of the 4th February.

At the time that this report was written your officers are not aware that works to the track have commenced. Therefore, at the time of writing there is no breach of the 13 conditions subject to which the track was granted planning permission 18/00299/FUL, which is what the Committee asked to be advised of when it determined that application at its November 2018 meeting.

However, other activities, close to the track, have been identified by your officers during a site visit. These activities do not appear to be planning related matters but they have been reported to the Environment Agency for their information and investigation.

It remains the case that the Environment Agency are still unlikely to grant a further U1 Exemption licence which would be necessary to allow the owner to re-commence the works to the track.

Date Report Prepared – 1st April 2020

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Confirmation of Tree Preservation Order

Trees at Selbourne, Pinewood Road, Ashley, Market Drayton.

Tree Preservation Order No 206 (2019)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order

The Provisional Tree Preservation Order protects trees at land at Selbourne, Pinewood Road, Ashley, Market Drayton.

The Order was served using delegated powers on 28/10/2019. The consultation period ended on 25/11/2019.

Approval is sought for the order to be confirmed as varied.

The 6 month period for this Order expires on 28th April 2020

RECOMMENDATION

That Tree Preservation Order No 206 (2019), Trees at Selbourne, Pinewood Road, Ashley, Market Drayton be confirmed as varied and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

Mature trees on this site make an important contribution to the local landscape being clearly visible from Pinewood Road as individual Key trees, a mature visually prominent roadside group of trees and as backdrop trees to the newly developed properties; the trees are visible from nearby Public Footpath ref Loggerheads 17.

There was some concern about tree loss following recent planning applications that affect the site, and damage caused to trees and rooting areas of trees shown to be retained and protected throughout the construction period.

The loss of trees at Selbourne would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

In order to safeguard the long-term well-being of these trees, a Tree Preservation Order should protect them.

Representations

Following the consultation period, one representation supporting the Tree Preservation Order was made by one of the owners of the land affected by the order.

Issues

Since the serving of the tree preservation order an application to install a driveway has been refused (ref 19/00539/TWA) the reason for refusal being that *'the proposed development would have an adverse impact on the health of visually significant Pine trees that contribute considerably to the character and appearance of the area'*.

Following communications with the applicant/owner additional information has been provided concerning the reasons for the refusal. The present situation is that the applicant's agent is trying to establish if there is a way to adjust the proposed driveway so that it can be installed in accordance with current regulations.

A separate Tree Work Application ref 19/00970/TWA was submitted requesting the removal of 3 Scots Pine trees to improve the existing entry/exit of the driveway off Pinewood Road. This application was refused on 28th January 2020, as no information was submitted to demonstrate that the entry and exit to the site are insufficient, or that the proposals for access provided in recent planning applications that affect the property are not appropriate.

Following a site visit T1 (Beech) was found to have an area of basal decay and as such would not meet the criteria for protection through a Tree Preservation Order. The order will be varied, and the Beech tree to be removed from the order will be identified as being crossed out and initialled on the confirmed order and plan.

The placing of the new TPO will not prevent future development on the site nor tree management; however, it will allow the Borough Council the opportunity to prevent any unwarranted tree loss or pruning that is not in accordance with good arboricultural practice.

In order to protect the long-term wellbeing of the trees on this site, they should be protected by a confirmed (as varied) Tree Preservation Order.

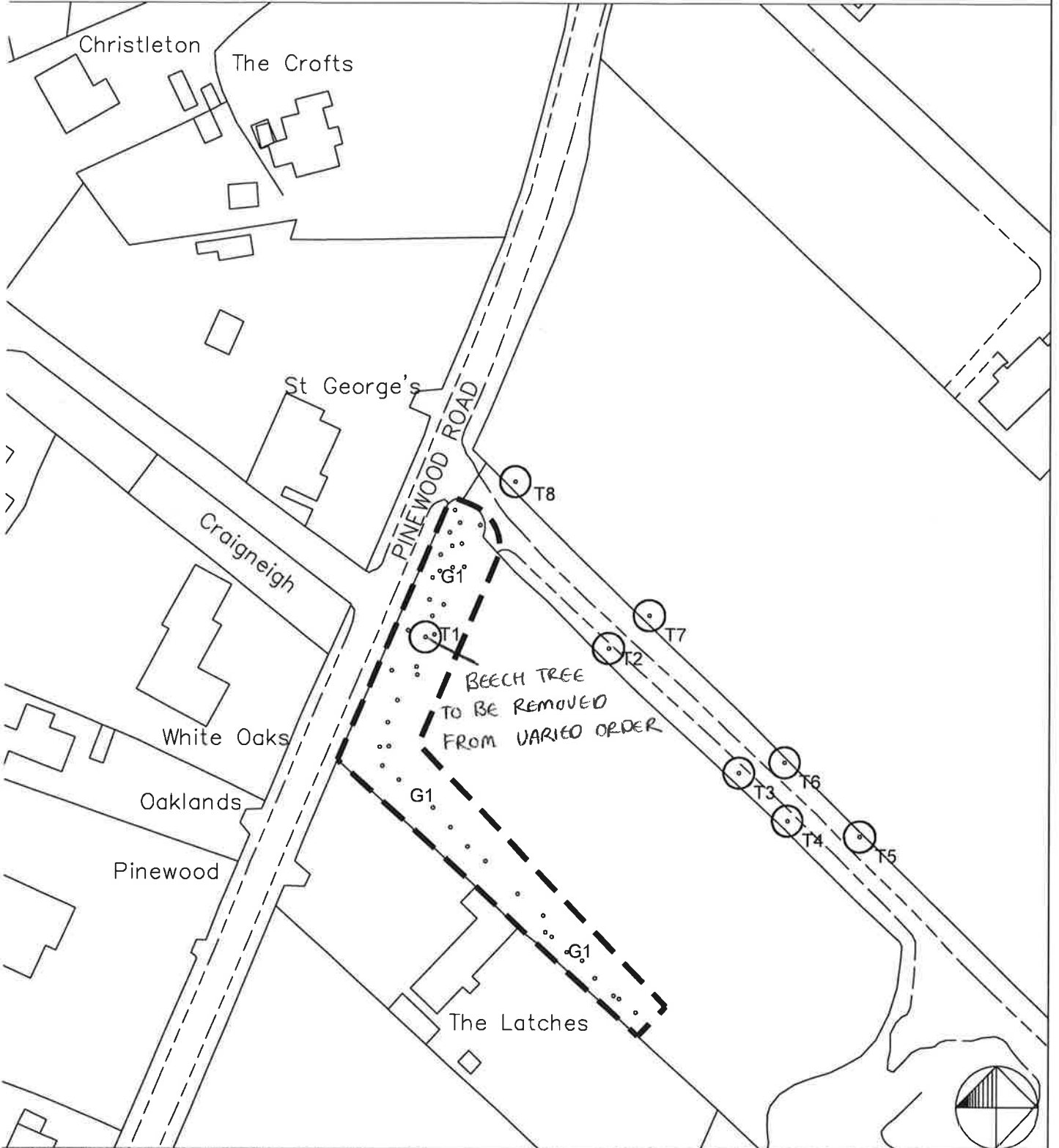
Date report prepared

3rd March 2020

SIGNED:

COPY

DATED: 2019



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DAVE ADAMS
EXECUTIVE DIRECTOR -
OPERATIONAL SERVICES
CIVIC OFFICES, MERRIAL
STREET
NEWCASTLE, STAFFORDSHIRE.
ST5 2AG

TITLE:

Land at Selbourne, Pinewood Road

DESCRIPTION:

TREE PRESERVATION ORDER
NUMBER 206 (2019)

SCALE:
1:1000

DATE:
Aug 2019

DRAWN BY:
H.

DRAWING NO.
TPO 206

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