

Public Document Pack

Date of meeting Tuesday, 19th July, 2022
Time 7.00 pm
Venue Garden & Astley Rooms - Castle House, Barracks Road,
Newcastle, Staffs. ST5 1BL
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** **(Pages 3 - 4)**
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - MORSTON HOUSE, THE MIDWAY, NEWCASTLE-UNDER-LYME. THE DIRECTOR - WUKPG. 22/00300/FUL** **(Pages 5 - 18)**
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CHEMICAL LANE, TUNSTALL. RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD. 22/00353/FUL** **(Pages 19 - 26)**
This item includes a supplementary report.
- 6 APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - MAER VILLAGE HALL, MAER, (REF: 22/23001/HBG) AND ST JAMES CHURCH HALL, AUDLEY (22/23002/HBG)** **(Pages 27 - 30)**
This item includes a supplementary report for Maer Village Hall
- 7 URGENT BUSINESS** **(Pages 31 - 32)**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Northcott (Chair), Crisp (Vice-Chair), Bryan, Fear, Gorton, Holland, Hutchison, D Jones, S Jones, Moffat, G Williams and J Williams

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:

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

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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Agenda Item 3

Planning Committee - 21/06/22

PLANNING COMMITTEE

Tuesday, 21st June, 2022
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Paul Northcott (Chair)		
Councillors:	Nicholas Crisp Andrew Fear Mark Holland	Amy Bryan David Hutchison John Williams	Gillian Williams Dave Jones Richard Gorton
Apologies:	Councillor(s) Simon Jones and Sue Moffat		
Substitutes:	Councillor Stephen Sweeney Councillor Sylvia Dymond		
Officers:	Rachel Killeen Geoff Durham Daniel Dickinson Jeff Upton	Senior Planning Officer Mayor's Secretary / Member Support Officer Head of Legal & Governance /Monitoring Officer Interim Head of Planning	

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

Resolved: That the minutes of the meeting held on 26 May, 2022 be agreed as a correct record.

3. **APPLICATION FOR OTHER DEVELOPMENT - LAND TO EAST OF CONEYGREAVE LANE, WHITMORE. HIGH SPEED TWO (HS2) LIMITED. 22/00388/SCH17**

Resolved: That the Schedule 17 application be granted subject to conditions relating to the following:

- (i) Carried out in accordance with the approved plans.

[Watch the debate here](#)

4. **APPLICATION FOR OTHER DEVELOPMENT - 57-59 STAFFORD CRESCENT, CLAYTON. EDGELEY BUILDERS - ANTHONY PODMORE. 22/00350/FUL**

Planning Committee - 21/06/22

Amended recommendation proposed by Councillor Sweeney and seconded by Councillor Holland

Members felt that the concerns of the previous application had not been addressed. The site would still be overdeveloped and would not be consistent with the street scene. Concerns were also raised regarding the potential for on street parking.

Resolved: That the application be refused for the following reason:

The proposed development by reason of its intensification of the site, its design and position within the street scene would conflict with the appearance of neighbouring properties and result in a poor quality design and overdevelopment of the site, which would be harmful to the character and appearance of the area. As such the development is contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 and the provisions of the National Planning Policy Framework 2021, in particular paragraphs 126 and 130.

[Watch the debate here](#)

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

The appeal hearing was scheduled to take place on 12th July, 2022.

Resolved: (i) That the information be received.
(ii) That an update be brought to the next Planning Committee.

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

The site continued to be monitored and investigated accordingly.

Resolved: (i) That the information be received.
(ii) That an update report be brought to the August Planning Committee.

7. URGENT BUSINESS

There was no Urgent Business.

**Councillor Paul Northcott
Chair**

Meeting concluded at 7.43 pm

MORSTON HOUSE, THE MIDWAY, NEWCASTLE-UNDER-LYME
THE DIRECTOR - WUKPG

22/00300/FUL

Full planning permission is sought for the change of use and upward and side extensions to Morston House to provide student living accommodation in the form of cluster bedrooms (48) and studios (146), with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The 13 week period for the determination of this application expired on 5th July but an extension of time has been agreed to 22nd July 2022.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by agreement by 26th August to secure financial contributions of £323,206 towards the enhancement of public open space and £10,000 towards travel plan monitoring

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

- i. Commencement time limit**
- ii. Approved plans**
- iii. Occupation by students only**
- iv. Off-site highway works**
- v. Construction Method Statement**
- vi. Secure cycle parking**
- vii. Gated Maintenance access on The Midway and Lower Street not to permit the use of motorised vehicles and gates shall be made to open inwards only**
- viii. Implementation of travel plan**
- ix. Details of boundary treatments**
- x. Tree protection plan**
- xi. Arboricultural Method Statement**
- xii. Schedule of works to retained trees**
- xiii. Details of alignment of utility apparatus.**
- xiv. Full landscaping proposals**
- xv. Details/samples of materials**

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

Reason for Recommendation

The site provides a highly sustainable location for residential development. The public benefits of the scheme include the 'lift' to the area through the provision of a residential use and the addition of an attractive landscaped area onto Lower Street, which would provide more activity and natural surveillance. It is considered that such benefits would outweigh the limited harm to the setting of the nearby listed St Giles' Church and the character and appearance of the Conservation Area. The development would provide acceptable living conditions for its occupiers, there would be no harm to trees and given its highly sustainable location, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

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

Amended plans have been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the conversion of the building to student accommodation including an upward three storey extension along with hard and soft landscaping. The scheme comprises 194 new bedrooms in the form of cluster bedrooms (48) and studios (146).

Consent has previously been granted for the conversion of the lower ground and upper ground floors to 31 student studio flats (Ref. 20/00282/FUL) and for the conversion of the upper four floors to 84 studio flats (Ref. 20/00264/COUNOT).

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The key issues in the determination of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area?
- Are acceptable residential amenity levels achieved for the occupiers?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?
- Would there be any adverse impact on trees?
- What, if any, planning obligations are necessary to make the development policy compliant?

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

As indicated above the proposal is for residential accommodation specifically for students. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

The SPD places the application site within the Town Centre Historic Core where any development opportunities would be likely to be infilling and intensification, with special attention to conservation. It also states that retail activities must continue to predominate. This site is not on the Prime Frontage of the Primary Shopping Area which is where the SPD states that pure retail should dominate.

This is a previously developed site in a highly sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2021. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

Development for residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for additional residential development.

Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area?

The application site lies within the Newcastle Town Centre Conservation Area and close to the Grade II* Listed St Giles' Church.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF states that in determining planning applications, local planning authorities should take account of:

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

Paragraph 199 of the NPPF states 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. 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.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

The site is bound by The Midway to the north-east, the Midway multi-storey carpark to the south-east, Lower Street to the south-west and the roundabout on the A34 to the east. The site forms a prominent corner to the key junction on the dual carriageway ring road which encloses the town centre. There is a varied context within which the building is set in terms of the scale and height of the buildings. In particular, Blackburn House (8 storeys in height) is sited at the other end of The Midway to the east and The Met, (12 storeys in height) is sited part way along the Midway.

The proposal comprises the conversion of the existing building and an upward three storey extension along with a side extension to infill the space between Morston House and the adjacent Midway car park. The existing brown brick envelope of the building would be retained and the grey framed windows would be replaced with black frames. The new extension would be partly clad in brick slip and partly in cladding of 2 colours. The side extension would comprise expanded metal mesh.

The SPD states that while elsewhere there are opportunities for taller buildings on suitably located sites, the historic core is very sensitive, and runs the risk of being undermined by buildings that are too high or too low. It states that the need to safeguard important views will also be a key issue on determining acceptable heights. It goes on to state that existing landmark buildings and features provide orientation within the town and are important at both a strategic and local level. They should be protected and enhanced and so new development should not detract, nor compete with them. Important views should not be obscured. St. Giles' Church to the north-west of the site is identified as an existing tall landmark.

The Conservation Area Appraisal notes that the area around The Midway is considered to be a negative character area characterised by large bulky development of the 1960s and later, mainly associated with the construction of the ring road in the mid-1960s. It goes on to state that the area is an unpleasant and in places threatening environment for pedestrians.

The Design & Access Statement (DAS) which accompanies the application states that the massing development of the building was driven by the form of the existing building, which has a stepped and elongated profile. Adopting significant elements of the current elevation to the new design, a continuity of form has been provided that is sympathetic to its setting and surroundings, enhancing the overall appearance of the building. The new stories will be an amalgamation of new and traditional materials and visual interest will be created by giving it a high-quality facade. The infill extension will be brought beyond the original building line to maximise habitable space and provide better interaction with the street scene on Lower Street, which currently lacks active frontage and passive surveillance, making it unsafe in the evening. Infilling the lower ground floor car park creates an opportunity for a raised terrace area, an ideal social space for the tenants.

The DAS states that by contrasting the new upper floors to the existing it creates a visual break and softens the impact of the height of the building, making it less imposing. The existing Morston House

building has vertical brick elements which protrude from the primary line of the façade. This elongates the building, drawing the eye upwards and creates shadow gaps, adding depth and interest to the façade. This architectural language will be carried into the upper floor extension creating a uniformity between the existing brickwork and the grey metal sheet cladding. Additionally, the ledge will act as a visual stopper to reduce the perception of height. Keele House student accommodation has also been used as a reference point in the design development. Keele house is of the same architectural style as the application building and also uses strong linear language across the elevations.

As part of the application a Townscape and Visual Impact Assessment (TVIA) has been prepared which assesses the visual impact of the scheme from a number of viewpoints utilising a series of 'before' and 'after' visually verified views. The TVIA document reviews the townscape of the area and assesses the relationship of the scheme with existing buildings and assesses the townscape impact of the proposals. The application states that whilst some aspects of the built environment will change, notably through the addition of the upward extension, the magnitude of the townscape impact will be limited and the changes proposed are acceptable.

The Heritage Statement reviews the TVIA views, concluding that St Giles' Church will retain its setting and appearance as a prominent and distinctive heritage building and will continue to contribute towards the Town Centre skyline.

Regarding the scheme as originally proposed, the Conservation Officer had concerns regarding the design of the scheme and on balance, felt that it competed with the church to be the dominant view in the skyline of certain viewpoints and had the potential to obscure from some viewpoints. Regarding the revised proposals, the Conservation Officer considers it clear that further consideration has been given to the impact of the upward extension of the proposal in relation to the existing building and to the setting of building adjacent to the church and some views. It is felt that the amendments have gone some way to working the new upward extension into the existing, by extending the brickwork and pillar features into the first of the extra floors and the string course which has the effect of appearing to reduce the height of the extension. The step downs in height on either side are welcome.

The Conservation Advisory Working Party (CAWP) felt there were notable improvements on the original proposal and more thought had gone into the design. There was still an uneasiness over the square windows and that these would look further incongruous at night when rooms were lit and there would be a preference for the side extension cladding to blend in with the other cladding and the existing building.

The additional height of the building would undoubtedly result in it being more prominent in the street scene but given the topography and the height of the surrounding buildings, it is considered that St Giles' Church tower would remain dominant in views and that the impact on the Conservation Area would not be significant. Given that the proposal would lead to less than substantial harm to the significance of the designated heritage asset, in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal.

In addition to the benefit of the provision of residential accommodation within an appropriate sustainable location, the introduction of student accommodation in this area should benefit the Town Centre, making it a more vibrant place. In particular, a residential use into the lower levels of the building and the addition of an attractive landscaped area onto Lower Street, would provide more activity and natural surveillance, and should help to "lift" the area.

On this basis the proposed development accords with the NPPF and the local planning policies and guidance set out above.

Are acceptable residential amenity levels achieved for the occupiers?

The area is predominantly commercial in nature and therefore external noise levels from road traffic noise and night time noise during the weekend are likely to affect the living conditions of the occupiers of the development. The application is accompanied by a Noise Impact Assessment which concludes that noise levels measured internally demonstrate that the existing external building fabric would be sufficient in providing a suitable residential environment and therefore no further mitigation measures should be required in order to protect the proposed habitable spaces from external noise intrusion.

Although no comments have been received from the Environmental Health Division (EHD), they raised no objections from a noise perspective to the previous application subject to conditions.

It is considered that the residents of all rooms would have an acceptable outlook and level of amenity and some outside amenity space would be available in addition to a number of open spaces and parks within and around the town.

Overall it is considered that the development would provide acceptable living conditions for its occupiers.

Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include.

The NPPF, at paragraph 111, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. It went on to state that Local Planning Authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network.

As already stated, consent has previously been granted for a total of 115 studio flats at the site. The current proposal would comprise 194 bed spaces. As with the previous scheme, no parking is proposed within the site but a cycle store with capacity for 98 cycles and electric scooter charging would be provided.

A short-stay loading layby is proposed at the approximate location of the existing on-street ambulance bay to the front of the site. It is considered suitable for this loading layby to accommodate deliveries and refuse collection associated with the site and also accommodate pick-up and drop-offs at the start and end of term.

The application is supported by a Transport Statement which states that given that the scheme is proposed to be promoted as car free development, it is not anticipated that the scheme would generate any significant amounts of traffic on the site. It is stated that the location of the site and lack of on-site car parking results in a limited requirement/ability for private cars to access the site. It is therefore considered that the delivery of student residential development would not result in a material impact on traffic and transport in the local area. Indeed, the scheme would result in an overall reduction in vehicle movements to/from the site when compared to its former office and NHS Wellbeing Centre uses, which operated with 26 on-site parking spaces.

The Statement concludes that overall, it is considered that the proposed development represents a practical and sustainable approach for the Morston House site, which would result in fewer vehicle movements to/from the site when compared to its former uses, therefore resulting in an improvement in operation of the immediate local highway. The site is considered to be highly accessible via a range of sustainable travel options, which would back up the car free development strategy. Given the above, the Statement concludes that there are no material highway grounds for refusing the development proposals.

The Highway Authority has no objections to the proposal. They refer to the fact that the principle of the car free development has previously been accepted to support the provision of student

accommodation at the site due to its sustainable location and excellent accessibility to sustainable modes of transport. The submitted Transport Statement has demonstrated that the same approach for redevelopment of the site to accommodate 194 no. student living accommodation would be acceptable subject to implementation of Travel Plan as submitted.

Your Officer's view is that there is a very good bus service between the town centre and Keele University Campus or Staffordshire University, and very limited parking is available to students at both Staffordshire and Keele Universities – all of which would influence students to leave any vehicle they may have at home. In addition there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

In allowing an appeal in 2018 for 211 rooms of student accommodation at the former Savoy Cinema/Metropolis nightclub on the Midway (reference 17/00174/FUL) without any on-site parking provision, the Inspector agreed that the University's measures to discourage students from driving to campus and parking their vehicles will have some effect of discouraging students bringing their cars of study. He acknowledged that it is inevitable that some students will wish to use their own vehicles and may wish to park in unrestricted residential streets but concluded that given the provisions of the Framework in the light of the Written Ministerial Statement and the package of measures that can be put in place to encourage the use of more sustainable means of transport there was insufficient evidence that the proposal would be likely to have a harmful effect on highway safety resulting from additional demand for on-street parking.

Having regard to the conclusions of the Inspector in relation to the Savoy scheme and given the highly sustainable location of the proposed development, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

Would there be any adverse impact on trees?

Policy B15 of the Local Plan states that trees and landscape features which contribute to the character and appearance and are part of the setting of a Conservation Area will be retained. Where consent is given to remove protected trees conditions will be imposed to require trees of the appropriate species and size to be planted and replaced if they die within 5 years.

Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme. Where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

Regarding the plans as originally proposed, changes in surfacing, levels and installation of new structures within Root Protection Areas (RPAs) would have resulted in the loss of trees. The Landscape Development Section (LDS) objected to the loss of the trees on the grounds that they provide important visual softening and screening due to their highly visually prominent position and make a contribution to the visual appeal of the Town Centre (when viewed from the busy Ring Road) and the Town Conservation Area.

Amended plans were received and the LDS no longer objects to the proposals subject to the imposition of conditions. The majority of the trees would be retained and for the few trees to be removed, replacement planting is proposed. In conclusion, it is not considered that an objection could be sustained on the grounds of impact on trees.

What, if any, planning obligations are necessary to make the development policy compliant?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The development would put pressure on nearby areas of public open space given that such needs are not satisfied on site and it is considered that in principle a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD.

The Landscape Development Section (LDS) has requested a contribution of £4933 per dwelling for the studios and £5,579 per cluster for nearby public realm spaces and/or Brampton Park which is a 790m walk away. For the studios, the play area element (£512) and a proportionate amount of the maintenance contribution (£134) has been deducted from the total.

The Applicant has requested that the contribution is adjusted to take into account the following:

- The requested sum assumes 2.5 occupancy per residential unit. The student units are for single people and therefore the contribution should be adjusted to respond to the occupancy proposed.
- Students, unlike C3 residents, will not be reliant on Council provision, as they typically spend a high proportion of time on campus where they will use purpose built open spaces, playing fields and sports provision which will either be free or subsidised.
- Most students will return home outside term time with students spending 25% of the year at the parental address during vacations which reduces demand during vacations and holiday period.

In the previous application for this site, adjustments were made to the required contribution in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and that all of the units within that development were to be single person accommodation. The adjustment that was made was to request 2/5ths of the total for each unit. It is also considered reasonable to deduct the funding for play in recognition of it being for students rather than families with children. However, it is not considered that the arguments made by the applicant regarding the use of facilities on the campus and students returning home can be given any weight as it cannot be guaranteed.

On this basis, for this site, the contribution for each studio room is £1,947. For each of the clusters of 8 rooms, with a reduction of the play funding element, a contribution of £4,868 is sought. This equates to a total contribution of £323,206. This is considered reasonable. The LDS has indicated that any financial contribution that is secured could be used for nearby public realm spaces and/or Brampton Park which is a 790m walk away. Given the proximity of the application site to the town centre green spaces and Brampton Park, this is considered acceptable as it would be directly related to the development.

A travel plan monitoring fee of £10,000 as requested by the Highway Authority is considered to meet the CIL Regulations Section 122 tests and therefore is considered necessary.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy T17: Parking in Town and District Centres
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy Framework](#) (2021)

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

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

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

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

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

[Newcastle Town Centre Conservation Area Appraisal](#) (August 2008)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

[Relevant Planning History](#)

06/00827/COU Change of use of ground floor from use as offices to part use for provision of consultancy services for mental health and part use for administration - Approved

17/00430/COUNOT	Prior notification of conversion of 1st, 2nd, 3rd and 4th floors from offices to form 48 no. residential units (B1a - C3) – Approved
19/00698/COUNOT	Prior notification of change of use of the existing Class B1 (a) (office) floorspace on 1st, 2nd, 3rd and 4th floors to Class C3 (residential) use as 92 studio flats – Approved
20/00264/COUNOT	Application for prior approval for change of use from offices (B1A) to residential (C3) – Approved
20/00282/FUL	Conversion of Lower Ground and Upper Ground Floors for Student Residential Development of 31 No Studio Flats – Approved

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding off-site highway works, submission of a Construction Method Statement, provision of cycle parking, the Gated Maintenance access to not permit the use of motorised vehicles and gates to be made to open inwards only, and the implementation of Travel Plan. A S106 contribution is requested towards residential travel plan monitoring fees.

The **Conservation Officer** states that it is clear from the revisions that further consideration has been given to the impact of the upward extension of the proposal in relation to the existing building and to the setting of the building adjacent to the church and some views. Disappointingly no floors have been removed from the scheme which would help to reduce the impact of the building on the setting of the church and conservation area. There is no step back for the upper floor/floors to reduce massing although the amendments have gone some way to working the new upward extension into the existing, by extending the brickwork and pillar features into the first of the extra floors and the string course. This has the effect of appearing to reduce the height of the extension but the bulk of the building is still apparent from some viewpoints. It would be preferable if the windows had a more horizontal emphasis. The step downs in height on either side are welcome.

The **Conservation Advisory Working Party** felt there were notable improvements on the original proposal and more thought had gone into the design. There was still an uneasiness over the square windows and that these would look further incongruous at night when rooms were lit. The group would prefer the side extension cladding to blend in with the other cladding and the existing building. Concern was raised again about ensuring no plant equipment was located on the roof and that the cladding was safe.

Historic England does not offer any advice.

The **Environmental Health Division** has no objections in respect of potential land contamination and has made no comments regarding general matters.

The **Landscape Development Section** has no objections subject to the provision of additional detail in the finalised Arboricultural Impact Assessment and conditions requiring approval of a dimensioned tree protection plan, an Arboricultural Method Statement, schedule of works to retained trees, full landscaping proposals and details of alignment of utility apparatus. A public open space contribution of £4933 per dwelling for the studios and £5,579 per cluster is sought for nearby public realm spaces and/or Brampton Park which is a 790m walk away.

The **Waste Management Section** states that ideally 32 euros would be required in order to meet the fortnightly refuse and recycling service collection pattern and it is not clear if the extra space required for the food waste bins impacts on the number of euros which can be accommodated. The situation is not one where a developer can simply opt to plan around collections at a greater frequency than that. The default will always be fitting into the fortnightly cycle, except for food waste collections, which will always be made weekly. The situation proposed is regrettable and the letter does not confirm that a trade refuse contract for the more frequent collections will be entered into.

Staffordshire Police **Crime Prevention Design Advisor** states that it is apparent and encouraging that the applicant has given some careful thought to matters of security and student safety. Bringing this building back into life in the manner proposed should provide significant opportunities for natural surveillance over the surrounding areas (where currently it is limited) and increase the amount of activity within the locality, which should be generally beneficial. The elimination of the vehicle access from the Midway MSCP and effective separation of Morston House from it (via the side extension) is viewed positively. A number of security recommendations are made.

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

Representations

None received.

Applicant's/Agent's submission

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/22/00300/FUL>

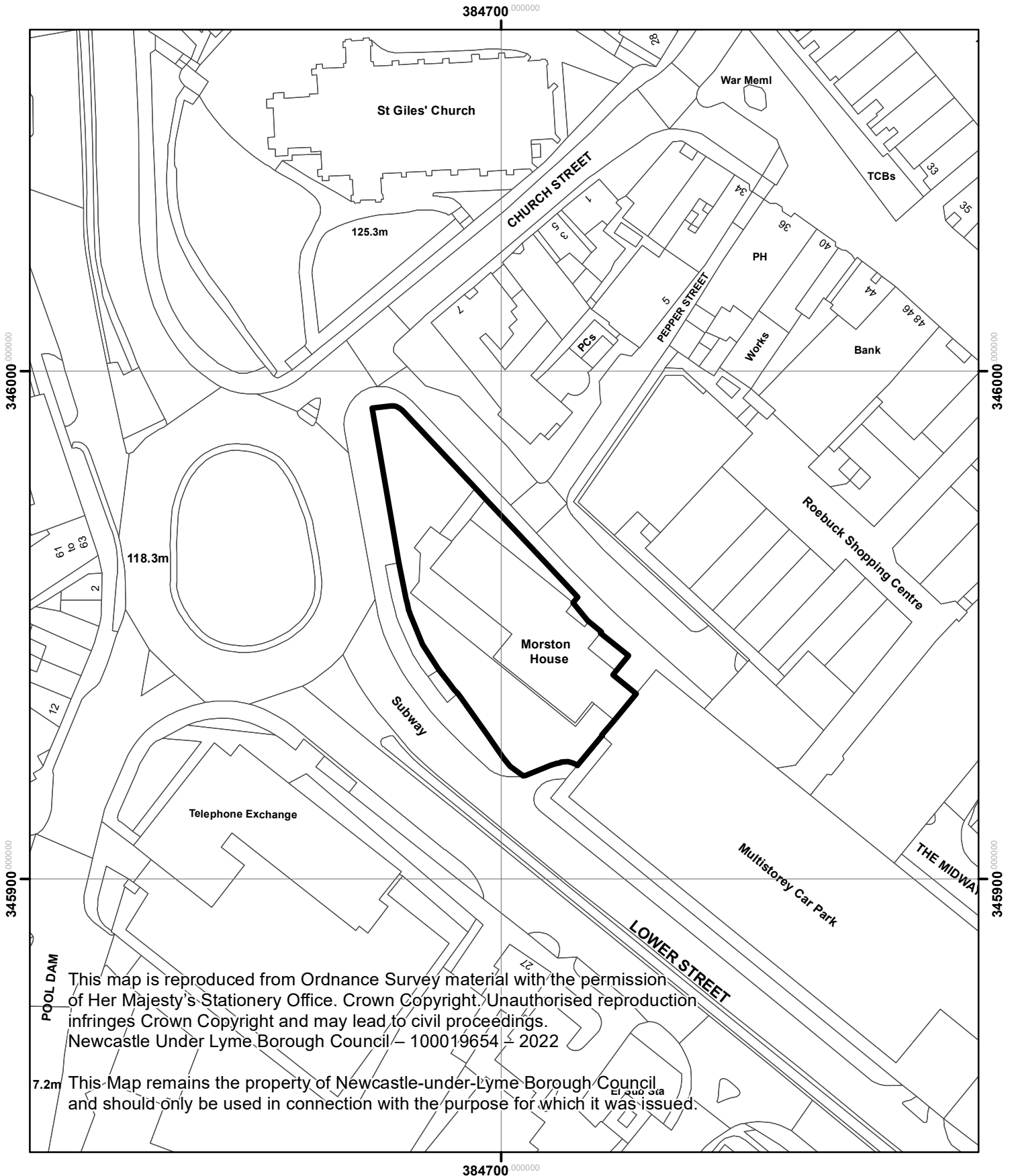
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th July 2022

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LAND OFF CHEMICAL LANE, TUNSTALL
RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD
22/00353/FUL

This application seeks full permission for the variation of conditions 2 and 15 of planning application 20/01047/FUL (Proposed Distribution Warehouse with Offices, Parking and Vehicle Wash) for approval of revised plans to allow changes to the elevations and drainage arrangements.

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

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

The application site measures 2.6 hectares in size and the building would have a gross internal floor area of 6,887 square metres. Vehicle access to the site is proposed by a single access point off an unnamed road off Chemical Lane.

The construction of the development has commenced.

The 13 week period for the determination of this application expires on 21st July.

RECOMMENDATION

A) Subject to the applicant entering into a planning obligation by 19th August that preserves the Council's position in respect of the obligation secured prior to the grant of permission 20/01047/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Variation of Condition 15 to refer to revised drainage details**
- 3. Any other conditions attached to planning permission 20/01047/FUL that remain relevant at this time**

B) Should the above Deed of Variation to the original Section 106 obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The changes to the elevations maintain the scheme's good quality design that enhances the appearance of the area and the revised drainage arrangements provide a suitable surface water drainage strategy. The development represents a sustainable form of development that accords with the development plan for the area and the guidance and requirements of the NPPF.

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 development plan for the area and National Planning Policy Framework.

Key Issues

This application seeks to vary conditions 2 and 15 of planning permission 20/01047/FUL which granted the construction of a distribution warehouse with offices, parking and vehicle wash at land off Chemical Lane.

Condition 2 relates to the list of approved drawings and documents while condition 15 requires the development to be built in accordance with the approved drainage scheme.

In considering an application to vary or remove a condition, the Authority has to consider only the question of the conditions that are the subject of the application, it is not a complete reconsideration of the application. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied or removed it should refuse the application.

The approved materials for the industrial unit comprise vertical sheeting broken into bays of azure blue, goosewing and anthracite grey. This proposal removes the azure blue and includes merlin grey and an orange feature band. The different shades of grey and the orange feature band reflect the company's corporate business colours.

In addition to the colour of the materials to be used, alterations to the elevations are proposed as follows:

- A personnel door added to the north elevation.
- A window and personnel door are removed and two new windows are added to the south elevation.
- The size, number (an increase from 4 to 6) and location of the roller shutter doors are altered and 3 support poles are added to the canopy on the west elevation.
- The size and location of the personnel doors are altered and 3 roller shutters replace two personnel double doors on the east elevation.

The proposed development was for a large distribution warehouse on a piece of land which benefits from soft landscaping on the northern, eastern and western boundaries. The changes to the proposed materials and elevations of the building maintain its functional nature which is typical of a development of this nature. The different types of grey sheeting and orange feature band provide a subtle contrast and help to further break up the appearance of the building which is already broken up by two roof pitches.

In this regard, it is considered that the changes to the materials and elevations of the building are appropriate for this location and use and do not have an adverse impact on the immediate or wider locality. In addition, they reflect the company's corporate brand and seek to make the operation of the building more effective and efficient.

As such, the changes to the plans are considered acceptable and in accordance with local and national planning policy.

Condition 15 requires the implementation and retention of the drainage scheme as set out in the approved documents. The applicant has amended the drainage design and provided revised drainage plans which demonstrate a suitable surface water drainage strategy. In addition, a management and maintenance plan for the drainage system has been submitted and a company has been named to undertake the maintenance of the drainage system in perpetuity.

The Lead Local Flood Authority (LLFA) has no objections to the revised drainage plans and as such, the revised wording of the condition to reflect the amended details is considered acceptable.

Is a planning obligation required?

In law the consequence of the granting of an application to vary conditions of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (20/01047/FUL in this case). The previous permission was granted on the 16th April 2021 following the completion of a Section 106 agreement which secured a contribution towards travel plan monitoring. In some cases, there is a clause within the Section 106 which states that in the event that the Council grants a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. There is no such clause within the Unilateral Undertaking

for this site and therefore the applicant is required to enter into a Deed of Variation to the original Section 106 agreement to ensure that the Council's interests are protected.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP10: Planning Obligations

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

Policy E6: Chemical Lane

Other Material Considerations include:

[National Planning Policy Framework \(2021\)](#)

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

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

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

Relevant Planning History

20/01047/FUL Proposed Distribution Warehouse with Offices, Parking and Vehicle Wash - Approved

Views of Consultees

The Lead Local Flood Authority has no objections subject to a condition requiring implementation and retention of the approved drainage details.

Representations

None

Applicant's/Agent's submission

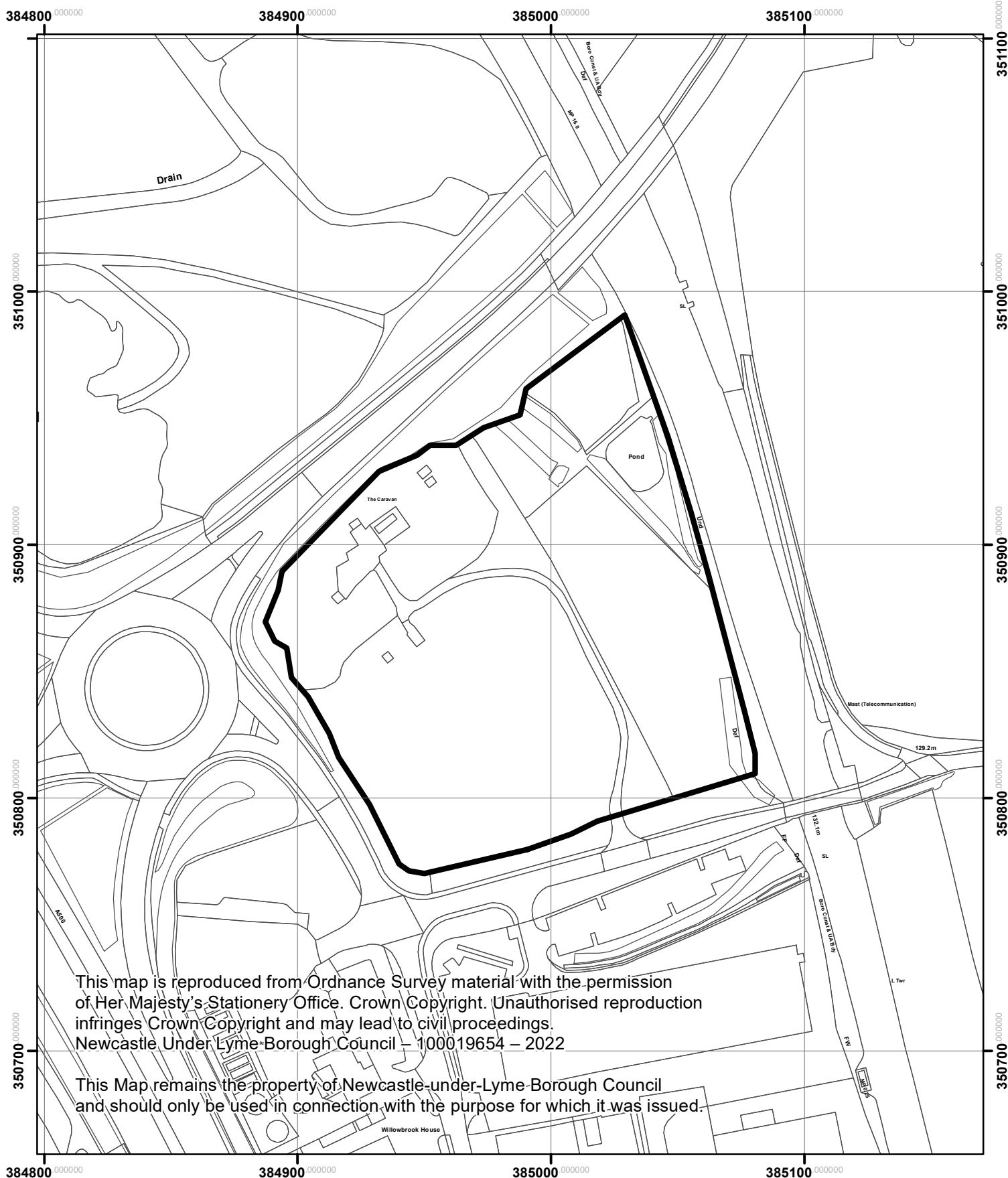
All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00353/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

8th July 2022



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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
19th July 2022

Agenda Item 5

Application Ref. 22/00353/FUL

Land off Chemical Lane, Tunstall

Since the publication of the main agenda report, it has been confirmed by the County Council that the developer has paid the travel plan monitoring fee of £2,443, thus complying with the planning obligation set out within the S106 Agreement dated the 14th April 2021. Therefore, there is no longer a requirement for a deed of variation to preserve the Council's position in respect of the obligation.

Recommendation amended as follows;

PERMIT the application subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans,**
- 2. Variation of Condition 15 to refer to revised drainage details, and**
- 3. Any other conditions attached to planning permission 20/01047/FUL that remain relevant at this time.**

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Applications for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund for Maer Village Hall, Maer (Ref: 22/23001/HBG) and St James Church Hall, Audley (22/23002/HBG)

RECOMMENDATION:

That the following grants be approved:-

- 1. £ 3,423 Historic Building Grant be given towards external stonework repairs and roof repairs to Maer Village Hall.**
- 2. £ 5,000 Historic Building Grant to be given towards roof repairs and window repairs at St James Church Hall, Audley.**

Purpose of report

To enable members to consider the applications for financial assistance.

1. Maer Village Hall

The hall is located in the centre of Maer village and was the former school built by the Harrison family in the 19th century. The application is for assistance to help pay for repair works to external stone walls and the roof and repointing at Maer Village Hall.

The Hall committee have received advice and a specification of work from a heritage accredited architect to deal with the red sandstone, which has eroded and is very friable in places and needs dressing back and re-facing and repointing with a lime mix. Some roof tiles have also slipped or are missing and the ridge tiles need rebedding. There is also potential work to the chimney flashing which will be investigated once the scaffolding is in place.

Two quotations have been received. The total cost of this work is £34,236 including VAT.

The church hall is a historic building within Maer Conservation Area, and the work is eligible for 10% grant towards the cost which equates to £3,423.

2. St James Church Hall, Audley

The listed building includes a house and attached church hall, built in a gothic style in the late 19th century of red brick and forms a group with the attached terraces. It lies within the Audley Conservation opposite the church. It was originally built as the National School and the school master's house. The application includes a comprehensive heritage statement which describes in much detail the state of the buildings including plans and the complex issues which have arisen over the years and the core of the proposed works.

There is evidence to show that some of the original construction practices were flawed, however aesthetically this group of buildings contribute significantly towards the quality of the environment and to the conservation area. They are also invaluable to the community and are well used providing a vital income to the church.

There was essentially a defect with a roof purlin over the main hall during some planned repair works and other defects were found, showing another defective repair of a purlin

which was exacerbating the instability of the whole roof. Purlins were generally undersized for the job they needed to do and two roof trusses have significant splits in them where 1990s tie beams had been bolted to them and were now twisted and no longer structurally viable. In addition rafters were found to be considerably undersized as well as sections of failing rafters as well as the ridge board showing significant deflection. This has caused the fascia and wall plate to dislodge and the external wall had also bowed. All this movement meant that the roof was also leaking. The consulting engineer deemed the building unsafe and all work stopped for analysis of the best way forward. The method is an improved structural approach to allow original trusses to be secured and retained whilst stabilising the overall structure.

The grant application is for emergency repairs and partial replacement of the church hall roof structure and coverings and associated repair and redecoration of window and roof and chimney repairs to the attached dwelling. Although the contractors were on site, the level of work required continued to unfold and was more extensive than originally planned for so a new scheme and new costings were put forward. The church have managed to get an emergency loan from Lichfield Diocese for this additional work.

The total cost of the works including fees and VAT is £149,000 meaning 20% of these costs would be over £29,000. As the maximum grant given is capped at £5,000 it is proposed to offer the maximum amount to the church.

The church contacted the council in 2021 to ask for financial assistance but at this point in time, due to covid-19, all money had been withdrawn from the fund. The fund was reinstated recently and while some of the works have begun on site and the scheme is not completely retrospective, it seems applicable that the Fund assists the church in the costs of the repair of the Hall.

The Conservation Advisory Working Party will consider both of the grants at its next meeting on 12th July 2022 and its views will be reported to the committee.

Financial Implications

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

10% of the cost of the repair work to Maer Village Hall is £3,423. In the case of St James Church Hall, the maximum grant of £5,000 is eligible work. A total of £8,423 for both grants.

There is sufficient funding to meet this grant application with a little under £10,991 in the Fund; allowing for commitments. This will leave £2,568 available to offer subsequent heritage assets within the Borough.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
19 July 2022

Agenda item 6

Applications for Financial Assistance from the Conservation and Heritage Fund for

1. Maer Village Hall, Maer (22/23001/HBG)

The **Conservation Advisory Working Party** recommends that this grant (£3,423) is offered to the applicant, subject to the standard conditions.

2. St James Church Hall, Audley (22/23002/HBG)

The **Conservation Advisory Working Party** recommends that this grant (£5,000) is offered to the applicant, subject to the standard conditions

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

The purpose of this report is to provide Members with an update on this case

RECOMMENDATION

That the information be received.

Members will be aware following recent updates that the appeal hearing date was set for the 12th July. However, the day before the hearing the Local Planning Authority received notification from the Planning Inspectorate (PINS) that the hearing had been cancelled following the receipt of correspondence that the appellant was unable to attend the hearing for health reasons.

Subsequent to this PINS has offered a new hearing date of the 31 January 2023. A response will be sent to PINS seeking an earlier date for the hearing.

Date report prepared: 19th July 2022

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