

**THE HAWTHORNS, KEELE VILLAGE AND BARNES, KEELE CAMPUS, KEELE
KEELE SEDDON LTD**

17/00953/FUL

The application seeks to vary conditions 2, 4, 20 and 22 of planning permission 15/01004/FUL which granted permission for the demolition of certain buildings at the Hawthorns and construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele. The conditions relate to the residential development at the Hawthorns. Condition 2 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for amendments to the siting of some of the dwellings within their plots along with some elevational changes. The other conditions refer to the timing of the provision of site accesses and of contaminated land site investigations and remediation.

The site is washed over by the Green Belt and lies within an Area of Landscape Maintenance as identified within the Local Development Framework Proposals Map. The south-eastern part of the site is within the Keele Village Conservation Area and a number of trees on the site are the subject of Tree Preservation Orders (TPOs).

The 13 week period for the determination of this application expires on 26th February 2018.

RECOMMENDATION

(A) Subject to the applicant entering into a planning obligation by 1st March 2018 that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/01004/FUL, PERMIT the variation of condition 2 to list the revised plans and the variation of conditions 4, 20 and 22 of 15/01004/FUL so that they read as follows:

4. No dwelling shall be occupied until the access serving that dwelling has been provided in accordance with Drawing No. 0377-01.

20. In accordance with the Phase I and Phase II Site Investigations, a further investigation and risk assessment post demolition shall be submitted and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the remainder of the development. The report of the findings shall include:

- a. A survey of the extent, scale and nature of any contamination;***
- b. An assessment of the potential risks to:***
 - Human health;***
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;***
 - Adjoining land;***
 - Ground and surface waters;***
 - Ecological systems; and,***
 - Archaeological sites.***
- c. An appraisal of remedial options, and proposal of the preferred option(s).***

This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

22. The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable of works agreed as part of Condition 21.

and subject to the imposition of all other conditions attached to planning permission 15/01004/FUL that remain relevant at this time.

(B) Should the matters referred to in (A) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such obligations, there would be insufficient provision for additional secondary education places to meet the need for such places generated by the development, account would not be able to be taken of a change in market conditions, a development that could have made required contributions (to primary school places and affordable housing) would not do so, and appropriate long term arrangements would not have been made for the public open space within the development; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

Reason for Recommendation

The minor amendments to the siting and elevations of the dwellings would have no adverse impact on the character and appearance of either the Conservation Area or the village and there would be no adverse impact on the trees.

There would be no adverse impact on highway safety or the future users of the land and neighbouring land due to ground contamination as a result of the variation in the wording of the other conditions.

The effect of a grant of approval is to create a new planning permission. The previous permission was only granted following the entering into of a Section 106 agreement securing a number of matters, all of which remain relevant and would require a further obligation to be entered into to ensure that these matters continue to be secured.

Subject to this and the imposition of the same conditions as were imposed on 15/01004/FUL that remain relevant at this time it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

The application seeks a variation of conditions 2, 4, 20 and 22 of planning permission 15/01004/FUL which granted permission for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele. The conditions relate to the residential development at the Hawthorns which comprises 83 dwellings.

In October last year, the Planning Committee resolved to grant planning permission for the variation of Conditions 4, 20 and 22 (Ref. 17/00646/FUL) which refer to the timing of the provision of site accesses and of contaminated land site investigations and remediation. The resolution to permit the variation of those conditions was subject to the applicant entering into a planning obligation. The obligation is yet to be completed and therefore that application is not yet approved. There has been no change in planning circumstances since the previous application was considered and therefore it is not necessary to consider those conditions again.

Condition 2 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for amendments to the siting of some of the dwellings within their plots along with some elevational changes.

The site is washed over and surrounded by the Green Belt and lies within an Area of Landscape Maintenance as identified within the Local Development Framework Proposals Map. The south-eastern part of the site is within the Keele Village Conservation Area and a number of trees on the site are the subject of Tree Preservation Orders (TPOs). The site is bounded to the east by Quarry Bank Road and to the north-west is open farmland.

It is not considered that the changes proposed would have any material impact on the openness of the Green Belt and therefore, the main issues for consideration in the determination of this application are:

- Do the proposed amendments have any adverse impact upon the character and appearance of the village and in particular, the Conservation Area?
- Does the proposed development have any significant adverse impact on the trees on the site?
- Is a planning obligation required?

Do the proposed amendments have any adverse impact upon the character and appearance of the village and in particular, the Conservation Area?

Amendments are proposed to primarily three house types (Ackworth, Chelford and Mottram) on approximately 20 plots. The amendments include minor changes to the footprints of the dwellings to accommodate alterations to internal layout, changes to fenestration, and the addition of areas of

render. Minor amendments are proposed to parking, garages and positioning of dwellings within the plots and amendments are proposed to all house types to include full stone surrounds to windows on front elevations, brick soldier courses to side and rear elevations and increased window heads on front elevations. In addition, substitutions of housetypes are proposed on 21 plots across the site. The latter changes are mainly like for like, i.e. a 5-bedroom property to another 5-bedroom property.

Regarding the revised plans as originally submitted, concerns were raised that the layout of the dwellings to the north of the site which on the approved scheme was varied in terms of the positioning and orientation of the dwellings, had been revised to the detriment of the character of the village and the surrounding area. The revised layout proposed a more regimented line of dwellings and your Officer was concerned that the variety and interest that reflects more the character and appearance of the village was to be lost. Amended plans have been received which introduce some variety back into the layout of those dwellings and it is considered that the proposed changes are acceptable in terms of their impact upon the character and appearance of the village.

Both the Conservation Officer and the Conservation Advisory Working Party (CAWP) have raised no objections to the revised plans and it is not considered that the proposed amendments would have any adverse impact on the character and appearance of the Conservation Area.

Does the proposed development have any significant adverse impact on the trees on the site?

There are a significant number of mature trees on the site, many of which are the subject of a Tree Preservation Order (No. 140). A number of the trees covered by the TPO are within the Conservation Area.

There are instances where dwellings have been moved closer to existing trees, and in relation to the plans as originally received, the Landscape Development Section (LDS) raised a number of concerns regarding the relationship of some plots with existing trees and open space as well as post development resentment of trees leading to pressure for the felling or pruning of trees. Amended plans have been received which seek to address the concerns of the LDS. The LDS has no objections to the revised scheme and subject to the imposition of conditions it is not considered that an objection could be sustained on the grounds of impact on trees.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one. The previous permission was granted on the 5th April 2016 following the completion of a Section 106 agreement which included the payment of an education contribution to secondary places, a requirement for a financial reappraisal should the development not be substantially commenced within 12 months of the date of the planning permission (i.e. by 4th April 2017), and the payment of such policy compliant contributions as could be afforded towards primary education and offsite affordable housing provision.

The substitutions of housetypes and amendments to housetypes may impact on the viability of the scheme, but given that the 4th April has passed, a further appraisal upon substantial completion would be required in any event. Changes in viability associated with the changes to house types would be factored into that appraisal.

Subject to the applicant entering into a Section 106 agreement as outline above, the Council's interests would be protected.

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 CSP2: Historic Environment
Policy CSP4: Natural Assets
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N19: Area of Landscape Maintenance
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 B15: Trees and Landscape in Conservation Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Relevant Planning History

15/01004/FUL Demolition of some of the buildings at the Hawthorns, Keele and construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele – Approved

15/01009/FUL Demolition of Management Centre Buildings at The Hawthorns – Approved

17/00646/FUL Variation of conditions H4 (provision of site accesses), H20 (further site investigations) and H22 (remediation scheme) of the Hawthorns part of planning permission 15/01004/FUL for residential development of 83 dwellings – Resolution to approve subject to completion of a Section 106 agreement

Views of Consultees

In relation to the amended plans submitted, the **Conservation Officer** appreciates the small change to vary the building line of properties towards the rear of the site and has no objections.

In relation to the amended plans submitted, the **Landscape Development Section** states that the revised plan addresses most of their concerns and they have no objections subject to submission of an updated Tree Protection Plan and Landscape Plan to reflect the amendments.

The **Conservation Advisory Working Party** considers that the amendments are not particularly an improvement on the scheme but has no objections.

The **Highway Authority** has no objections.

The **Environmental Health Division** has no objections.

Staffordshire County Council Rural County (Environmental Advice) raises no historic environment concerns.

Historic England makes no comment.

Staffordshire Gardens and Parks Trust makes no comment.

The **Highway Authority** has no objections.

The **Education Authority** states that as there is no change to the dwelling numbers, their comments remain the same as in relation to the original planning application.

The **Lead Local Flood Authority** makes no comment.

Natural England has no comment to make.

No comments have been received from the **Environment Agency**, the **Housing Strategy Section**, **Severn Trent Water** and **Staffordshire Wildlife Trust**. Given that the date for comments has passed, it must be assumed that they have no comments to make.

Comments on the amended plans are awaited from **Keele Parish Council**.

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00953/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

17th January 2017