

PLANNING COMMITTEE

Tuesday, 26th February, 2019
Time of Commencement: 6.30 pm

Present:- Councillor Andrew Fear – in the Chair

Councillors S. Burgess, Mrs J Cooper, S. Dymond, H. Maxfield, P. Northcott, S. Pickup, M. Reddish, S Tagg, G White, G Williams and J Williams

Officers Becky Allen - Landscape Manager, Head of Planning and Development - Guy Benson, Nick Bromley - Senior Planning Officer, Geoff Durham - Mayor's Secretary / Member Support Officer and Trevor Vernon -Solicitor

1. APOLOGIES

Apologies were received from Councillor Bert Proctor who was substituted by Councillor Gary White.

The Chair welcomed Councillor Dymond onto the Planning Committee.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 29 January, 2019 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON. MR ANDREW GREEN. 18/00371/FUL

Proposed by Councillor Simon Tagg and seconded by Councillor Reddish.

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

- (i) The development, without suitable flood risk mitigation measures and SuDS, would lead to the potential for flooding and would not meet sustainable development objectives is therefore contrary to policy CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2018).
- (ii) In the absence of a secured planning obligation there is not an appropriate mechanism to secure a financial contribution of £18,900 towards education places and a review mechanism to allow for the possibility of changed financial circumstances should the development not proceed promptly, and, in such

circumstances, the potential provision of a policy compliant financial contribution towards public open space and education places is not achieved. The proposal would thus be contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 & IM1 of the Newcastle-under-Lyme Local Plan 2011, the Council's Open Space Strategy and the aims and objectives of the National Planning Policy Framework (2018).

- (iii) The development is overdevelopment of the site by reason of the quantum of development, its massing and scale, that would be harmful to the character and appearance of the area.

5. APPLICATION FOR MAJOR DEVELOPMENT - CROFT FARM, STONE ROAD, HILL CHORLTON. DAVID JAMES DEVELOPMENTS LIMITED. 18/00507/OUT

Proposed by Councillor Northcott and seconded by Councillor Reddish.

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

- (i) The adverse impacts of the development, namely the reliance on the use of private motor vehicles by reason of the site's location would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2018) taken as a whole and the proposal therefore represents an unsustainable development
- (ii) In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.
- (iii) The development would be detrimental to the character and form of existing development at Hill Chorlton and to the wider landscape.

6. APPLICATION FOR MAJOR DEVELOPMENT - NORTH BOUND KEELE MOTORWAY SERVICE AREA. WELCOME BREAK. 18/00537/FUL

Resolved: That the application be permitted subject to the appropriate procedure under the Town and country Planning (Consultation) (England) Direction having been undertaken and subject to the undermentioned conditions:

- (i) Standard time limit
- (ii) Approved plans
- (iii) Submission, approval and implementation of a detailed surface water drainage scheme
- (iv) Submission, approval and implementation of an Arboricultural Impact Assessment
- (v) Retention of all trees that are shown to be retained on the Landscape Concept Plan.
- (vi) Submission, approval and implementation of tree protection measures.

- (vii) Submission, approval and implementation of a Tree Protection Plan
- (viii) Submission, approval and implementation of details of the boundary treatment of the area including provision of an unclimbable secure fence is required around the lorry park area of 2.5 m in height, with also 0.5m of fence underground and other security measures including CCTV and details of the monitoring arrangements.
- (ix) Submission, approval and implementation of a detailed landscape scheme, which address recommendations of the Ecological Appraisal regarding increasing connectivity and foraging opportunities for bats. The landscaping scheme is to include provision for the planting of deterrent species, the avoidance of tall trees overhanging the fence and to be submitted at same time as the details pursuant to condition (viii)
- (x) Implement the recommendations within the Ecological Appraisal/Reptile Survey regarding biodiversity enhancements
- (xi) Submission, approval and implementation of a detailed lighting scheme
- (xii) No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been approved.**
- (xiii) Prior to first use of the HGV Parking and Amenity areas the recommendations within the Stage 1 RSA Design Team Response report should be implemented and approved.**

7. **APPLICATION FOR MAJOR DEVELOPMENT - CRACKLEY GATES FARM, LEYCETT LANE, SILVERDALE. MR DACEY. 18/00733/FUL**

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

- (i) Plans.
- (ii) No installation of external lighting without express consent of the Planning Authority.
- (iii) Details of the means of storing and disposing of wastes to be submitted within 6 weeks and implementation of the details once approved.
- (iv) No commercial use of the stables.
- (v) No burning of waste on the site.

8. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT BIRCH HOUSE ROAD, CHESTERTON. ASPIRE HOUSING. 17/01033/FUL**

Councillor Gardner spoke on this application.

Resolved: That the condition requiring affordable housing provision should

omit reference to such provision being “in perpetuity” and the condition should be worded in the following manner:

No development shall commence until a scheme for the provision of affordable housing as part of the development has been secured. The affordable housing shall be provided in accordance with the approved scheme, the scheme shall include:

- The provision of at least 8 of the dwellings as affordable rent tenure units.
- The arrangements to ensure that initial provision is affordable; and
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy will be enforced.

9. **REQUEST FOR VARIATION TO SECTION 106 AGREEMENT - LEA COURT, NEW ROAD, MADELEY. HOUSING AND CARE 21. 08/00555/FUL**

Resolved: That Housing and Care 21 be advised that the Council as the Local Planning Authority is willing to agree to the variations to the Section 106 agreement to amend the clauses related to liability to future mortgagees

10. **APPLICATION FOR MINOR DEVELOPMENT - BROUGHTON ARMS, NEWCASTLE ROAD, BALTERLEY. THE BROUGHTON PROPCO LTD. (MR RICHARD COLCLOUGH). 18/00846/FUL**

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

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) External materials
- (iv) Construction and demolition hours
- (v) Ventilation and odour abatement
- (vi) Control of noise
- (vii) Prevention of food and grease debris entering the drainage system
- (viii) Submission and approval of external lighting
- (ix) Approval of full landscaping proposals to include boundary treatments
- (x) Submission and approval of Tree Protection measures
- (xi) Arboricultural Method Statement
- (xii) Retention of trees
- (xiii) Submission and approval of new boundary treatment to (A531) Newcastle Road
- (xiv) Access, car parking and turning
- (xv) Car park shall remain ungated

11. **APPLICATION FOR MINOR DEVELOPMENT - THE OLD HALL FARM, MAIN ROAD, BETLEY. MR AND MRS MCDOWELL. 18/00927/FUL & 18/00929/FUL**

Resolved: That both applications be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) External materials
- (iv) Soft landscaping proposals
- (v) Arboricultural Impact Assessment
- (vi) Storage and disposal of waste

12. APPLICATION FOR MINOR DEVELOPMENT - 8-10 HIGH STREET, NEWCASTLE. PRACTICAL CONSTRUCTION LIMITED. 18/00774/FUL

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

- (i) Standard Time limit for commencement of development
- (ii) Approved Plans
- (iii) Shop front details and colour specification
- (iv) Joinery details for windows, doors and roof lights
- (v) Archaeological watching brief
- (vi) Cycle Parking
- (vii) Noise survey
- (viii) Design Measures to Secure Noise Levels
- (ix) Construction hours
- (x) External lighting
- (xi) Mechanical Ventilation/Extraction
- (xii) Suitable fume extract system
- (xiii) CCTV provision

13. APPLICATION FOR MINOR DEVELOPMENT - BARN 2, MOSS HOUSE FARM, EARDLEYEND ROAD, BIGNALL END. MS A TOSEVA AND MR R MANDAIR. 18/00937/FUL

Resolved: That the application be deferred for:

- (i) Additional information on whether appropriate approvals with respect to rebuilding were sought by applicant, when required, during the construction process
- (ii) Members to receive in advance of the consideration of the item by the next Committee copies of the two previous appeal decisions, and the full statutory declaration, if not published

14. APPLICATION FOR MINOR DEVELOPMENT - SITE AT LOOMER ROAD, CHESTERTON. MR HU (HHL DEVELOPMENT LTD). 18/00967/FUL

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

- (i) Time Limit.
- (ii) Plans.
- (iii) Approved external materials.
- (iv) Detailed hard and soft landscaping provision (including tree planting).
- (v) The provision of parking and access as submitted.

- (vi) The prior approval and implementation of parking surfacing and surface water drainage provision.
- (vii) The prior approval and implementation of a construction method statement.
- (viii) Prior approval of site investigation and any remediation works to deal with contamination.
- (ix) Prior approval and implementation of internal and noise level assessment and mitigation measures.
- (x) Restriction of construction hours.

15. APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT TO A525, KEELE GOLF COURSE, KEELE ROAD, KEELE. NEWCASTLE BOROUGH COUNCIL. 19/00010/DEEM3

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

- (i) Approved plans
- (ii) Tree/hedgerow protection measures and/or replacement
- (iii) planting of trees/hedgerows.
- (iv) Highway method statement to address installation and maintenance of the sign, such arrangements to be adhered to at all times that the sign is displayed otherwise the sign is to be removed or alternative arrangements to be agreed.

16. APPLICATION FOR OTHER DEVELOPMENT - LAND OFF TALKE ROAD, NORTH OF PARKHOUSE ROUNDABOUT (ADJACENT BREWERS FAYRE). NEWCASTLE BOROUGH COUNCIL. 19/00012/DEEM3

Resolved: That, subject to Public Right of Way Unit raising no objections which cannot be addressed by appropriate conditions, authority be delegated to the Head of Planning to permit the application subject to the undermentioned conditions in addition to the standard advertisement display conditions:

- (i) Approved revised plans
- (ii) Prior approval of details of the design of the bollards
- (iii) Submission, approval and implementation of a Tree Protection Plan, Arboricultural Method Statement and Schedule of Tree Works to BS5837:2012
- (iv) Any such conditions as referred to above

17. LAND AT DODDLESPool, BETLEY. 17/00186/207C2 - ENFORCEMENT UPDATE

Resolved: That the information provided in the report and the supplementary report be received, and that a further update report be provided to the April Planning Committee

18. 5 BOGGS COTTAGE, KEELE, 14/00036/207C3 - ENFORCEMENT UPDATE

Resolved: That the information be received and that a further update report be provided to the April Planning Committee

19. **QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED**

Resolved: That the information be received.

20. **OPEN ENFORCEMENT CASES**

Resolved: (i) That the report be received.
(ii) That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

21. **REPORT ON DECISION RECEIVED WITH RESPECT TO AN APPEAL AGAINST THE COUNCIL'S DECISION TO REFUSE TO GRANT PLANNING PERMISSION FOR CHANGE OF USE OF A COMMUNAL AREA INTO A ONE BEDROOM SELF CONTAINED FLAT AT 1 WADE COURT, MARKET STREET, KIDSGROVE - 18/00393/FUL AND THE SEEKING OF CONTRIBUTIONS TOWARDS PUBLIC OPEN SPACE FOR DEVELOPMENTS OF TEN UNITS AND UNDER**

This item was withdrawn from the agenda.

22. **MAKING OF THE LOGGERHEADS NEIGHBOURHOOD PLAN**

Resolved: That the decision to make the Loggerheads Neighbourhood Plan, and its status as part of the Development Plan, be noted.

23. **URGENT BUSINESS**

Members agreed to receive the next item as one of Urgent Business.

24. **THE SEEKING OF CONTRIBUTIONS TOWARDS PUBLIC OPEN SPACE FOR DEVELOPMENTS OF TEN UNITS AND UNDER**

Resolved: (i) That the Wade Court appeal decision be noted;
(ii) That the Local Planning Authority (LPA) cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other than in the circumstances expressly stated as possible in the Planning Policy Guidelines;
(iii) In the case of each of those (7) applications for 10 dwellings or less which have been determined by the Planning Committee where such a Public Open Space (POS) contribution has been sought, and the related planning obligation has not yet been secured (and thus no decision notice has been issued), a report should be brought to the Committee at the next meeting so that the Committee can reconsider the position of the LPA;
(iv) In the case of one single application for 10 dwellings or

less which has been determined by the Planning Committee where a POS contribution is being required in the event of the development not being substantially commenced and a subsequent viability appraisal demonstrating that it can be afforded, and the related planning obligation has not yet been secured (and thus no decision notice has been issued), a report should be brought to the Committee at the next meeting so that the Committee can reconsider the position of the LPA;

- (v) That in the case of those (12) applications for 10 dwellings or less which have been determined by your Officer acting under delegated powers on the basis that planning permission can be granted subject to a Unilateral Undertaking securing a public open space contribution, and that Unilateral Undertaking has not yet been received, your Officer has the authority to issue such permissions without such Unilateral Undertaking; and

- (ix) In any cases involving 10 or less dwellings where in refusing an application a reason for refusal relating to the failure to provide such a contribution has been given and an appeal has been or is now lodged, your officers have delegated authority to (a) withdraw that reason for refusal, (b) not to give any evidence in support of that reason for refusal and (c) if it were the sole reason for refusal to invite the submission of a new planning application, so as to avoid an unnecessary appeal.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 9.54 pm