

**PLANNING COMMITTEE**

Tuesday, 2nd March, 2021  
Time of Commencement: 7.00 pm

**Present:** Councillor Andrew Fear (Chair)

<b>Councillors:</b>	Marion Reddish	Silvia Burgess	Sue Moffat
	John Williams	Dave Jones	Mark Holland
	Paul Northcott	Jennifer Cooper	Kenneth Owen
	Gillian Williams	Helena Maxfield	

<b>Officers:</b>	Rachel Killeen	Senior Planning Officer
	Elaine Moulton	Development Management Team Manager
	Darren Walters	Team Leader Environmental Protection
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
Jordan Ibinson	Apprentice - Infrastructure Technician	

**Note:** In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted by video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

Councillor Dave Jones declared pecuniary and non-pecuniary interests respectively on items 5 and 7, applications 20/01083/FUL and 20/01076/FUL. As an employee of Keele University, Councillor Jones would not take part in any discussion or decision making on these items.

Councillor Jennifer Cooper declared non-pecuniary interests in items 5 and 7, applications 20/01083/FUL and 20/01076/FUL as an employee of Keele University. Councillor Cooper would be able to take part in the decision making process on both of the applications.

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

**Resolved:** That the minutes of the meetings held on 5 January and 2 February, 2021 be agreed as correct records.

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CHEMICAL LANE, TUNSTALL. RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD. 20/01047/FUL**

*Councillor Jennifer Cooper moved the addition of a condition regarding prior approval of security measures. This was seconded by Councillor Paul Northcott.*

- Resolved:**
- (A). That, subject to the receipt of no objections from the Lead Local Flood Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd March 2021 upon receipt and consideration of the Lead Local Flood Authority comments, and
  - (B). Subject to the applicant first entering into a Section 106 obligation by the 16th April 2021 to secure a travel plan monitoring fee of £2,443, the application be permitted subject to the undermentioned conditions:
    - (i) Standard time limit for commencement of Development
    - (ii) Approved plans
    - (ii) Soft landscaping scheme, to include replacement tree planting
    - (iv) Tree protection measures
    - (v) Provision of access, parking, servicing and turning areas
    - (vi) Visibility splays
    - (vii) Surfacing materials, surface water drainage and delineation of the parking spaces and servicing areas
    - (viii) Access barrier
    - (ix) Secure, weatherproof parking for 12 cycles
    - (x) Implementation of Travel Plan
    - (xi) Construction Management Plan
    - (xii) Construction hours
    - (xiii) External lighting
    - (xiv) Contaminated land
    - (xv) Electric vehicle charging provision
    - (xvi) Flood risk mitigation measures and Sustainable Drainage Strategy
    - (xvii) Land contamination investigations and mitigation measures
    - (xviii) Bat and Bird Boxes
    - (xix) Recommendations of the Preliminary Ecological Appraisal
    - (xx) Prior approval of security measures.

- (C) Should the matters referred to in (B) above not be secured within the above period, then 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.

**5. APPLICATION FOR MAJOR DEVELOPMENT - PLOT 3, KEELE UNIVERSITY SCIENCE & INNOVATION PARK, KEELE ROAD, KEELE. NOVINITI DEV CO 5 LTD & KEELE UNIVERSITY. 20/01083/FUL**

*Councillor Dave Jones took no part in the discussion and did not vote on this application.*

**Resolved:** (A). That, subject to the applicant entering into a planning obligation by 2nd April 2021 that preserves the Council's position in respect of obligations secured prior to the grant of permission 18/01011/FUL, the application be permitted subject to the undermentioned conditions:

- (i) Variation of condition 2 to list the revised plans
- (ii) Variation of condition 8 to require the landscaping to be carried out in accordance with the approved details within 12 months of the commencement of the development and to require replacement of any planting that dies or becomes seriously damaged within 5 years.
- (iii) Any other conditions attached to planning permission 18/01011/FUL that remain relevant at this time.

- (B). Failing completion by the date referred to in the above resolution (A) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that without such an obligation the development would fail to secure measures to ensure that the development achieves sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

**6. APPLICATION FOR MINOR DEVELOPMENT - ASHES FARM, 103 HIGH STREET, HARRISEAHEAD. MR NIGEL PORTER. 20/01065/FUL**

*Councillor Helena Maxfield moved refusal of this application which was seconded by Councillor Paul Northcott*

The Council's Development Management Team Manager, Elaine Moulton clarified that the height of the two proposed garages would be close to 7 meters to ridge height, which compared to the building to be demolished which had a ridge height of 4.2 meters. In terms of the footprint, the proposed garages had a much smaller one. The volume of the building lost was 840m<sup>3</sup> compared to the garages which would have 440m<sup>3</sup> volume.

Reference was made by the agent to the inclusion of a condition for a Construction Management Plan. This was not recommended by the Environmental Health Division but did recommend that a construction hours condition be imposed. Such a condition would be an appropriate one to impose if Members wished to include it.

Councillor Maxfield had no issue with bringing existing buildings back into use but had an issue with the height of the proposed garages in relation to the buildings to be converted. If the garage was to be the same height as the house, there was concern with regard to what it could be developed into in the future. Councillor Maxfield also asked for reassurance that the public footpath would remain in operation during and after construction.

Councillor John Williams had concerns that the new build was coming right onto the public footpath and would like the footpath to remain open during construction. In addition, Councillor Williams queried what materials would be used. Elaine Moulton confirmed that the Dutch barn was of a brick construction and weathered large cladding would be used to enclose the openings at the front of the building. The roof would be galvanised steel. The garages would be of a timber construction with a brindle clay tiled roof. With regard to the footpath, the Dutch barn's rear elevation did form part of the boundary.

Councillor Northcott shared Councillor Maxfield's views stating that the scale and height of the proposed garages was leading towards their being converted into dwellings in the future. The way in which the proposed buildings had been staggered on the plans would also make it easy to divide up into separate properties. In addition, the materials to be used in the construction of the garages did not inspire confidence for permanency.

Councillor Sue Moffat shared the concerns regarding the garages and enquired as to whether the application could be put to the Conservation Advisory Working Party for their consideration in terms of the Green Belt and suggested that a Construction Management Plan would be useful to give details on how the development was to be managed.

Councillor Holland shared the concerns of Members regarding the garages. This was a special circumstances application regarding impact on the Green Belt. The impact in terms of the footprint of the two garages compared to the existing buildings was interesting as was the difference in volumes. If the hardstanding was taken into account, there was an argument that the impact on the openness of the green space would be about the same. Councillor Holland asked if the garages came with any Permitted Development Rights and if so, would it be possible for this Committee to restrict them in order to prevent the garages being converted into dwellings without coming before the Planning Committee.

Elaine Moulton confirmed that there were no Permitted Development Rights that would enable the conversion of the garages into dwellings. Any proposal of that nature would require a further planning application. Permitted Development Rights could be removed to limit the impact of development on the openness of the Green Belt which would be justified from a visual point of view.

The Chair asked if there was an argument that the height of the proposed garages detracted from the openness of the Green Belt by the nature of their height rather than the footprint. Elaine Moulton confirmed that the height of a building did affect

the perception and could have a greater impact on openness than that of a greater volume but lower height.

Councillor Maxfield reiterated her concerns regarding the garages and that they could come back at some point with a planning application to convert them into dwellings. Experience had shown that any change of dwelling status would usually go to an officer for a delegated decision, bypassing the Planning Committee. Could a recommendation be added that any future change of dwelling status of the garages be brought back to Committee? Elaine Moulton stated that Councillors had a right to call in any application to bring it to Planning Committee for a decision. A note could be put on to highlight this Committee's request that any such application be brought to this Committee for a decision.

Councillor Holland referred to the access to the properties and whether, for example for the Council's refuse vehicles to get around the proposed turning circle. Elaine Moulton stated that waste would need to be presented at the entrance to the site.

Three proposals were put forward:

Refuse the application on the grounds of the scale and form and height of the garages which represented unacceptable development and had a cumulative impact of the special circumstances on the Green Belt. Moved by Councillor Maxfield and seconded by Councillor Northcott.

Defer the application to allow officer discussion with regard to the height of the garages – moved by Councillor Moffat and seconded by Councillor Jones

Permit with the removal of Permitted Development Rights – moved by Councillor Reddish and seconded by Councillor John Williams.

The first vote would be on whether the application should be refused, if that fell, deferral would be voted upon and finally a vote on to permit the application with the removal of Permitted Development Rights would be taken should the deferral vote fall.

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

The proposed garages would represent inappropriate development in the Green Belt that would result in harm to the openness of the Green Belt by virtue of the scale, form and height. There were no identified very special circumstances that would outweigh such harm and as such the proposed development was contrary to Policy S3 of the Newcastle-under-Lyme Local Plan (2011) and the aims and objectives of the National Planning Policy Framework (2019).

**7. APPLICATION FOR OTHER DEVELOPMENT - KEELE UNIVERSITY, THREE MILE LANE, KEELE. MR ASHLEY HULME, KEELE UNIVERSITY. 20/01076/FUL**

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

- (i) Approved plans.
- (ii) Removal of posters within 2 months of the date of the decision.

8. **APPLICATION FOR OTHER DEVELOPMENT - OAKLEY HALL, OAKLEY, MARKET DRAYTON. MR AND MRS GHANI. 21/00056/LBC**

Members were advised that this application had been withdrawn.

9. **APPLICATION FOR OTHER DEVELOPMENT - KNUTTON COMMUNITY CENTRE AND INFANT WELFARE CENTRE & CLINIC, KNUTTON LANE, KNUTTON. NEWCASTLE BOROUGH COUNCIL. 20/00958/CN01,20/01087/CN01 & 20/01087/CN02**

**Resolved:** That, subject to confirmation from the Environmental Health Division that the submitted information satisfies the requirements of the conditions, the following condition applications be approved:

- 20/00958/CN01
- 20/01087/CN01
- 20/01087/CN02

A note to be added to the decision relating to condition 2 of 20/01087/DEEM3 regarding fine mud or slurry.

10. **5 BOGGS COTTAGES, KEELE. 14/00036/207C3**

**Resolved:** That the information be received.

11. **LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2**

**Resolved:** That the information be received.

12. **HALF YEARLY REPORT ON PLANNING OBLIGATIONS**

Councillor Reddish enquired as to why the County Council were not pursuing the NTADS sum as referenced on page 83 of the agenda. The Chair suggested that a letter be sent to the County Council asking why the sum was not being pursued.

- Resolved:**
- (i) That the report be noted.
  - (ii) That, for Randles (Refs. 12/00701/FUL & 16/00219/207C2), a letter to be sent to the County Council's legal/monitoring section asking why the decision was taken not to pursue the NTADS sum secured under the Unilateral Undertaking.

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

- Resolved:**
- (i) That the report be noted
  - (ii) That the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

14. **APPEAL DECISION - 17 BOYLES HALL ROAD, BIGNALL END. 20/00590/FUL**

**Resolved:** That the appeal decision be noted.

15. **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A of the Local Government Act, 1972

16. **5 BOGGS COTTAGES, KEELE. 14/00036/207C3**

An update was given on this item.

**Resolved:** That the information be received.

17. **UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE**

An update was given on this item.

**Resolved:** That the information be received and the comments noted.

18. **URGENT BUSINESS**

There was no Urgent Business.

**CLLR ANDREW FEAR**  
**Chair**

Meeting concluded at 8.53 pm