

**PLOT 3, KEELE UNIVERSITY SCIENCE & INNOVATION PARK, KEELE ROAD, KEELE**  
**NOVINITI DEV CO 5 LTD & KEELE UNIVERSITY** **20/01083/FUL**

This application seeks to vary Condition 2 and remove Condition 8 of permission 18/01011/FUL which granted consent for the construction of a new veterinary training school incorporating a specialist veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping. Condition 2 lists the approved drawings and the variations sought are to allow for the introduction of phased drawings to enable the development to be carried out in two distinct phases; minor elevational changes to the buildings; and the inclusion of detailed landscaping drawings allowing the removal of Condition 8.

The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

**The 13 week period for the determination of this application expires on the 17<sup>th</sup> March 2021.**

**RECOMMENDATION**

**A. Subject to the applicant entering into a planning obligation by 2<sup>nd</sup> April 2021 that preserves the Council's position in respect of obligations secured prior to the grant of permission 18/01011/FUL, PERMIT subject to conditions relating to:**

- 1. Variation of condition 2 to list the revised plans**
- 2. 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.**
- 3. 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.**

**Reason for Recommendation**

The proposed amendments to the elevations are very minor and would have no discernible impact on the appearance of the development. The high quality contemporary design and materials would be unchanged and the introduction of the phased construction would have no adverse impact on the character and appearance of the area. The landscaping is acceptable. The previous permission was granted following the entering into of a Section 106 agreement and therefore a Deed of Variation is now required. Subject to this and the imposition of any conditions of 18/01011/FUL that remain relevant at this time, the proposal is considered to be acceptable.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

**Key Issues**

This application seeks to vary Condition 2 and remove Condition 8 of permission 18/01011/FUL which granted consent for the construction of a new veterinary training school incorporating a specialist

veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping. Condition 2 lists the approved drawings and the variations sought are to allow for the introduction of phased drawings to enable the development to be carried out in two distinct phases as well as minor elevational changes to the buildings. The application also seeks the removal of Condition 8 which requires the approval and implementation of a landscaping scheme and replacement of any planting lost within a five year period. The submission therefore includes detailed landscaping drawings.

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 applicant is seeking to vary the condition (2) which lists the approved drawings and remove Condition 8. The principle of the development is not therefore for reconsideration. No change to the amount or timing of the provision of the car parking is proposed and therefore the application raises no issues of its impact on highway safety and capacity and the level of car parking.

The issues in the consideration of the application are therefore as follows:

- Would the introduction of the phased construction or the elevational changes have any impact on the design of the proposed development?
- Is the proposed landscaping acceptable?
- Is a planning obligation required?

#### **Would the introduction of the phased construction or the elevational changes have any impact on the design of the proposed development?**

The approved building comprises three wings laid out in a triangular form. The revised drawings show the building to be constructed in two separate phases. Phase 1 would involve the creation of a two-winged building (north and west) and Phase 2 would involve the addition of the final wing of the building creating a Veterinary First Opinion practice and laboratory space. All infrastructure, landscaping and parking works would form part of the Phase 1 works. This would allow construction of part of the approved development while the remaining funding for Phase 2 is secured. Once secured, the Phase 2 element would be implemented, resulting in the same development that was originally approved.

The elevational changes are minor in nature. The approved development comprises predominantly a mix of smooth and textured fibre cement cladding and ceramic backed opaque glass panels. The same materials would be utilised but some of the window and cladding panels would be reorganised and louvres would also be added.

The proposed amendments to the elevations are very minor and would have no discernible impact on the appearance of the development. The high quality contemporary design and materials would be unchanged and the introduction of the phased construction would have no adverse impact on the character and appearance of the area.

#### **Is the proposed landscaping acceptable?**

The original planning permission for this scheme was subject to a condition (No. 8) which required the submission and approval of full landscaping proposals. Details were subsequently submitted and approved in August last year. Landscaping drawings have been submitted with this application (which are identical to those previously approved) but they now also include a landscaping scheme to cover Phase 1.

The Landscape Development Section raises no objections to the proposals and the scheme is considered acceptable.

The application seeks to remove Condition 8 however it is considered necessary to retain that part of the condition which requires the planting to be carried out within 12 months of the commencement of the development, and the replacement of any planting which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased. The applicant has confirmed that a variation of the condition, rather than its removal, would be acceptable.

**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 (18/01011/FUL in this case). That previous permission was granted on the 11<sup>th</sup> July 2019 following the completion of a Section 106 agreement which secured a travel plan monitoring sum. Subject to the applicant entering into a Deed of Variation to the original Section 106 agreement that ensures the Council's interests would be protected, then the application can be permitted.

## 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 CSP4: Natural Assets  
Policy CSP10: Planning Obligations

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

Policy E8: Keele University and Keele Science Park  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas  
Policy T16: Development – general parking requirements  
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

### **Other Material Considerations include:**

#### National Planning Policy

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

#### [Planning Practice Guidance \(March 2014\)](#)

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

#### Relevant Planning History

- 05/01146/OUT (A) Full planning permission for engineering operations including plateau formation, earthworks, layout of road network, cyclepaths and footpaths, drainage works and other ancillary works  
(B) Outline planning permission for development for (a)academic function's; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - Approved
- 17/00934/OUT Proposed development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure - for the use of students, staffs, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods – Approved
- 18/01011/FUL Construction of a new veterinary training school incorporating a specialist veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping detail – Approved

#### Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding provision of the access, parking, turning and servicing areas, details of secure weatherproof parking for 38 cycles and submission and approval of a Travel Plan.

**Keele Parish Council** makes no comment.

The **Landscape Development Section** raises no objection and requests that landscaping be installed in accordance with the information provided.

The **Police Crime Prevention Design Advisor** has no objections but states that the phased implementation would enable intrusion on foot by anyone into the central area until the southern section is constructed and therefore the applicant should put in place any appropriate security measures.

No comments have been received from the **Environmental Health Division** by the due date and therefore it must be assumed that they have no comments to make.

Representations

None received.

Applicant's/Agent's submission

The application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01083/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

11 February 2021