

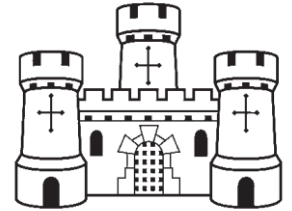
# Public Document Pack

**Date of meeting** Tuesday, 8th December, 2020

**Time** 7.00 pm

**Venue** Planning Committee - Hybrid Meeting - Conference  
with live online broadcast via YouTube.

**Contact** Geoff Durham 742222



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

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

## Planning Committee

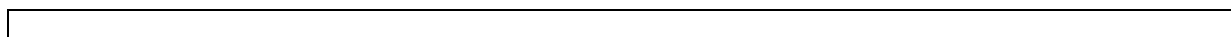
### AGENDA

#### 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 5 - 10)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS. ELAN HOMES LIMITED. 20/00293/FUL & 20/00294/FUL** (Pages 11 - 24)  
This item includes a supplementary report.
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. ASPIRE HOUSING LIMITED. 20/00633/DOB** (Pages 25 - 28)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST, APEDALE ROAD, CHESTERTON. HARVEY THORP. 20/00812/FUL** (Pages 29 - 34)
- 7 APPLICATION FOR MINOR DEVELOPMENT - HAZELEY PADDOCKS, KEELE ROAD, MADELEY HEATH. MS SOPHIE THORLEY. 20/00755/FUL** (Pages 35 - 42)
- 8 APPLICATION FOR MINOR DEVELOPMENT - FORMER PYKE & SON LTD, UNIT 4 LANCASTER BUILDINGS, HIGH STREET, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 20/00945/DEEM3 & 20/00946/LBC** (Pages 43 - 50)  
This item includes a supplementary report

- 9      **APPLICATION FOR OTHER DEVELOPMENT - 20 HIGH STREET, WOOD LANE. MR BEN JONES. 20/00722/FUL**      **(Pages 51 - 56)**
- 10     **APPLICATION FOR OTHER DEVELOPMENT - INFANT WELFARE CENTRE & CLINIC, KNUTTON LANE, KNUTTON. NEWCASTLE BOROUGH COUNCIL. 20/00958/DEEM3**      **(Pages 57 - 64)**
- This item includes a supplementary report
- 11     **APPLICATION FOR OTHER DEVELOPMENT - 1 COPPER CLOSE, KIDSGROVE. MR & MRS HOPPER. 20/00894/FUL**      **(Pages 65 - 70)**
- 12     **APPEAL DECISION - LAND ADJACENT TO 'GRACELANDS', STATION ROAD, ONNELEY. 19/00700/FUL**      **(Pages 71 - 72)**
- 13     **APPEAL DECISION - BALTERLEY GARDEN CENTRE, BALTERLEY GREEN ROAD, BALTERLEY. 19/00923/FUL**      **(Pages 73 - 74)**
- 14     **APPEAL DECISION - 19/00472/FUL. 16 FAIR VIEW, BOON HILL ROAD, BIGNALL END. 19/00472/CN04 & 19/00956/FUL**      **(Pages 75 - 76)**
- 15     **APPEAL DECISION - FORMER SEABRIDGE COMMUNITY CENTRE, ROE LANE, NEWCASTLE-UNDER-LYME. 19/00515/OUT**      **(Pages 77 - 78)**
- 16     **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - BUTTERTON GRANGE, TRENTAM ROAD, BUTTERTON. NEWCASTLE. 20/21003/HBG**      **(Pages 79 - 82)**
- This item includes a supplementary report.
- 17     **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT - 1 GLADSTONE VILLAS, VICTORIA ROAD, NEWCASTLE. 20/21004/HBG**      **(Pages 83 - 86)**
- This item includes a supplementary report.
- 18     **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO**      **(Pages 87 - 92)**
- This item includes a supplementary report.
- 19     **MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020**      **(Pages 93 - 104)**
- This item includes a supplementary report.
- 20     **URGENT BUSINESS**
- To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

**Members:**      Councillors Andrew Fear (Chair), Marion Reddish (Vice-Chair), John Williams, Paul Northcott, Gillian Williams, Silvia Burgess, Dave Jones, Jennifer Cooper, Helena Maxfield, Sue Moffat, Mark Holland and Kenneth Owen



**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 :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.**

#### **SUBSTITUTE MEMBER SCHEME** (Appendix 9, Section 4 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:	Stephen Sweeney	Sylvia Dymond
	Bert Proctor	Mike Stubbs
	Simon Tagg	June Walklate
	Barry Panter	

*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) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

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**PLANNING COMMITTEE**

Tuesday, 10th November, 2020  
Time of Commencement: 7.00 pm

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

Councillors:	Marion Reddish	Silvia Burgess	Mark Holland
	John Williams	Dave Jones	Kenneth Owen
	Paul Northcott	Jennifer Cooper	Barry Panter
	Gillian Williams	Sue Moffat	

Officers:	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

**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**

Apologies were received from Councillor Helena Maxfield.

**2. DECLARATIONS OF INTEREST**

Councillors' Paul Northcott and Barry Panter declared a non-pecuniary interest in item 4 – application 10/00961/OUT, as members of Chapel and Hill Chorlton Parish Council.

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

**Resolved:** That the minutes of the meeting held on 13 October, 2020 be agreed as a correct record.

**4. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH OF THE A51, SOUTH OF CHORLTON MILL LANE AND WEST OF THE RAILWAY, STABLEFORD, HILL CHORLTON. SKYE PROPERTY GROUP LIMITED (MR ADRIAN SYKES). 19/00961/OUT**

*Councillor Graham Hutton spoke on this application.*

**Resolved:** That the application be reused for the following reasons:

- (i) The proposal represents an unsustainable development due to the reliance on the use of private motor vehicles, by reason of the site's location, and as the proposed development fails to provide a safe all weather all season pedestrian route to local facilities, services and public transport facilities would increase the likelihood of pedestrian/vehicle conflict resulting in highway danger.
- (ii) The development would result in the loss of best and most versatile agricultural land and as such would represent unsustainable development contrary to the Neighbourhood Plan and the NPPF
- (iii) The development would have an urbanising effect on the open countryside and would have a significant adverse impact on the character and appearance of the area.
- (iv) 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.
- (v) In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.

**5. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WATERMILLS ROAD, CHESTERTON. CARDEN DEVELOPMENTS LTD. 20/00463/FUL**

**Resolved:** (A) That, subject to the applicant first entering into a Section 106 agreement by 18<sup>th</sup> December to require:

- i. In perpetuity, the provision of 25% of the dwellings as affordable units
- ii. A financial contribution of £373,793.00 towards the enhancement of public open space nearby

the application be permitted subject to the undermentioned conditions:-

- (i) Time limit for commencement of development
- (ii) Approved plans
- (iii) Construction environmental management plan
- (iv) Prior approval of noise mitigation measures
- (v) Permanent closure of windows facing Ibstock Brickworks
- (vi) Details of facing and roofing materials
- (vii) Boundary treatments
- (viii) Drainage plans for the disposal of foul and surface water flows
- (ix) Retention of trees as shown in Arboricultural Report
- (x) Prior approval of a tree protection plan
- (xi) Landscaping proposals

- (xii) Submission and approval of a sustainable drainage strategy
- (xiii) Electric vehicle charging
- (xiv) Land contamination
- (xv) Remediation strategy regarding controlled waters
- (xvi) Revised details showing removal of traffic calming scheme and provision of bin collection areas
- (xvii) Provision of visibility splays
- (xviii) Provision of access, internal roads and private drives
- (xix) Parking spaces to be a minimum of 5m x 2.5m
- (xx) Details of surfacing materials for private drives and parking areas

- (B) Should the matters referred to in (i) and (ii) 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 matters being secured the development would fail to make an appropriate contribution towards the development, improvement and maintenance of public open space and an appropriate level of affordable housing; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

**6. APPLICATION FOR MAJOR DEVELOPMENT - KINGS SCHOOL, FIRST AVENUE, KIDSGROVE. THE WADE FEDERATION GOVERNING BODY. 20/00670/FUL**

The Chair stated that it had been alleged that the recommendation involved a deviation from Council Policy in the way that the application was approached and asked officers if, in their opinion this was correct. Elaine Moulton advised that there had not been any deviation.

The Chair asked if previous breaches of planning agreements should be taken into account when considering this application and was advised that they should not.

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

- (i) Time limit condition
- (ii) Approved plans
- (iii) Joint community use agreement to be entered into within 6 months of the date of the decision or before the use of the development commences, whichever is sooner
- (iv) Confirmation that the Artificial Grass Pitch meets FIFA standards
- (v) Restriction on floodlighting hours to 8am-10pm from Monday to Friday and 9am-7pm on Saturdays and Sundays.
- (vi) Restriction on construction hours
- (vii) Floodlight management plan
- (viii) Noise management plan
- (ix) Construction environmental management plan

7. **APPLICATION FOR OTHER DEVELOPMENT - ST GEORGES CHAMBER, MERRIAL STREET, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 20/00851/DEEM3**

**Resolved:** That, subject to no issues being raised by consultees or by interested parties that cannot be addressed through conditions, the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Use to cease after March 2021

8. **5 BOGGS COTTAGE, KEELE. 14/00036/207C3**

Local residents had raised concerns that extra caravans had arrived on site. The Chair asked officers what the implications were.

The Council's Development Management Team Manager, Elaine Moulton advised that one caravan, in front of the garage was associated with 5 Boggs Cottages and this was not a breach of Planning Control. Another caravan there was a breach and as such, enforcement action could be taken but, by doing so delays could be caused with the hearing.

Councillor Dave Jones asked if this could be dealt with as part of the original appeal hearing or if it would need to be dealt with separately.

Elaine Moulton advised that it was not a 'clear-cut' breach but if it was to be dealt with it would be done separately. The siting of a caravan on a parking space was not a breach and the parking space was not in the curtilage of the dwelling. There was an argument that it could be a breach but it was not 'clear-cut'. The Council could serve an enforcement notice but the appellant could encourage the Planning Inspector to consider both which could then cause a delay.

- Resolved:**
- (i) That the information be received.
  - (ii) That an update report be brought to the 5 January, 2021 Planning Committee.

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

- Resolved:**
- (i) That the information be received.
  - (ii) That an update report be brought to the 5 January, 2021 Planning Committee.

10. **RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY. 17/00258/207C2**

Members were advised that the developer would fund the replacement facility and carry out all of the necessary works. This work would be carried out in January, 2021.

Councillor Dave Jones thanked the officers for the work that they had done and also thanked Silverdale Parish Council who would have offered to put up the funding had it been necessary.



- Resolved: (i) That the information be received.
- (ii) That an update report be brought to the 2 February, 2021 Planning Committee.

**11. UPDATE ON BREACHES OF PLANNING OBLIGATIONS**

Staffordshire County Council had advised the Borough Planning Department that, in respect of Randles Ltd, they would not be pursuing the payment of the financial contribution towards the NTADS.

Members asked why the County Council were not pursuing the financial contribution. Councillor Marion Reddish asked if there was anything that could be done.

Elaine Moulton advised that no explanation had been received from the County Council in respect of this. Only they could enforce it.

Councillor Marion Reddish advised that she would like to know the reason for the County's decision. Elaine Moulton advised that a letter would be sent to the County asking them to provide the reason why.

Councillor Dave Jones asked what the timeframe was for confirmation of the final payment for the former Silverdale Station and Goods Shed.

Elaine Moulton advised that the Council was awaiting calculation of what the contributions were. Once this was known, the developer would be written to. The process could be a minimum of three months.

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

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

Members asked to be informed of the conclusions reached in respect of Land to the West of Newcastle Road, Blackbrook. Officers would write to Members once the actions to be taken were known.

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

**13. REPORT ON 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.

**14. APPEAL DECISION - 12 CHAPEL LANE, MOW COP. 19/00766/OUT**

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

**15. REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - 2020 REVIEW**

Members were advised of four proposed additions to the Register:

- 1 Offley Arms, Madeley
- 2 Onneley Village Hall, Onneley
- 3 The Meadows Primary School, Madeley
- 4 Pattens, former Coop building 38-40 High Street, Wolstanton

**Resolved:** That the proposed additions to the Register, listed above, be agreed.

16. **URGENT BUSINESS**

**JUMBO SKIPS LTD. PLOT D, HOWLE CLOSE**

**JUMBO SKIPS LTD. SCC REFERENCE N.20/03/2014 W (NULBC REF 20/00823/CPO)**

Councillor John Williams queried whether the opening of this new site would mean that the Turner Crescent site would close as it was felt that there were too many site of this nature. If not, could it be sent back to the County Council as a comment?

Elaine Moulton stated that the County Council could be asked that, in granting permission, would it be acceptable to close the site at Turner Crescent, Chesterton.

**Resolved:** That the County Council be informed that this Council raises no objections to the proposed development subject to appropriate conditions that the County Council deem necessary including those recommended by Newcastle Borough Council's Environmental Health Division. In addition it is requested that the County Council considers requiring the existing Jumbo Skip Hire site be closed to avoid any further increase in such uses in the Chesterton area.

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

Meeting concluded at 8.55 pm

**LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS  
ELAN HOMES LIMITED**

**20/00293/FUL & 20/00294/FUL**

Application **20/00293/FUL** seeks to vary condition 1 of planning permission 19/00409/FUL which granted permission for the erection of five residential dwellings, and application **20/00294/FUL** seeks to vary condition 2 of planning permission 18/00315/REM which granted reserved matters consent for 73 dwellings. Both seek to incorporate revised drawings to show the inclusion of a footpath link and bridge through the woodland and the omission of the proposed extension to the footpath on the road frontage.

The sites together form a wider site that was granted outline consent in September 2015 for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (Ref. 15/00202/OUT).

The application sites lie on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Trees within the sites are the subject of Tree Preservation Order (TPO) no.147.

**The 8 week period for determination of 20/00293/FUL expired on 17<sup>th</sup> June and the 13 week period for determination of 20/00294/FUL expired on 22<sup>nd</sup> July but an extension of time to 11<sup>th</sup> December has been agreed for both applications.**

## **RECOMMENDATION**

**A) Application 20/00293/FUL be refused for the following reasons:**

- The omission of the proposed extension to the footpath on the Mucklestone Road frontage would reduce pedestrian connectivity and ease of linkages to the shops and services of Loggerheads and would have an adverse impact on highway safety.
- In the absence of a secured planning obligation the development would fail to secure the provision of affordable housing which is required to provide a balanced and well-functioning housing market, adequately maintained public open space, appropriate provision for required education facilities and measures to ensure that the development achieves sustainable transport outcomes

**B) Application 20/00294/FUL be refused for the following reason:**

- The omission of the proposed extension to the footpath on the Mucklestone Road frontage would reduce pedestrian connectivity and ease of linkages to the shops and services of Loggerheads and would have an adverse impact on highway safety.

## **Reason for Recommendation**

### *20/00293/FUL*

The highway safety benefits of the footpath extension and the improvements to accessibility to village facilities are considered significant and, therefore, the loss of the footpath connection is considered to be unacceptable. The previous permission was granted following the entering into of a Section 106 agreement and therefore a Deed of Variation would be required.

### *20/00294/FUL*

The highway safety benefits of the footpath extension and the improvements to accessibility to village facilities are considered significant and therefore, the loss of the footpath connection is considered to be unacceptable.

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

Additional information has been sought and submitted to overcome concerns regarding impact on trees but it is not considered that the applicant can overcome the principal objections to the loss of the proposed extension to the footpath on the road frontage.

**Key Issues**

Application 20/00293/FUL seeks to vary condition 1 of planning permission 19/00409/FUL which granted permission for the erection of five residential dwellings, and application 20/00294/FUL seeks to vary condition 2 of planning permission 18/00315/REM which granted reserved matters consent for 73 dwellings. Both seek to incorporate revised drawings to show the inclusion of a footpath link and bridge through the woodland and the omission of the proposed extension to the footpath on the road frontage.

The sites together form a wider site that was granted outline consent in September 2015 for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (Ref. 15/00202/OUT).

The application sites lie on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Trees within the sites are the subject of Tree Preservation Order (TPO) no.147.

The applicant states that the reasons for the amended drawings are as follows:

- To revert to the principle of a footpath link within the site, rather than a small extension to the existing footpath along the Mucklestone Road frontage as shown on the Masterplan approved at Outline Stage.
- The footpath link was previously removed at reserved matters stage on the grounds that the route of the footpath shown on the original Masterplan would have required a bridge with a span of approximately 30m which would have had implications for visual amenity and for the protected trees.
- The new proposal to reintroduce the link and bridge follow an alternative route through the existing woodland which will reduce the likely bridge span to approximately 15m. The route has also been specifically chosen to follow a natural gap between trees to minimise any impact and enhance the visual amenity of the POS/Woodland setting.
- The proposed route will decrease the travel distance between both phases (and the residents of the estate opposite) allowing for easier and safer access to the Play Areas on Phase 1.
- The new link will be more environmentally beneficial than the original proposal as the impact on the protected tree area will be reduced and the overall carbon footprint will be reduced by using sustainably sourced materials to construct the new path and bridge.
- The revised proposal does not involve the removal of the existing footway along the Mucklestone Road frontage (only the small proposed extension along the frontage of POS up to the access to Plots 74 -78), thus the existing important route providing pedestrian connectivity and linkages to the shops and services of Loggerheads is maintained.
- Under the new proposals, the residents in Plots 74 - 78 will have an enhanced connectivity route, avoiding the busy road frontage for part of the route to the shops and services.
- The new route will also alleviate the requirement for potential large scale retaining works along the Mucklestone Road frontage that would inevitably result in the removal of protected trees.

The main issues for consideration in the determination of these applications are:

- Is the proposed footpath link and bridge through the woodland acceptable, particularly with regard to impact on the trees?
- Is the omission of the proposed extension to the footpath on the road frontage acceptable, particularly with regard to accessibility to village facilities?

- Is a planning obligation required?

Is the proposed footpath link and bridge through the woodland acceptable with regard to impact on the trees?

The original scheme for the wider site included a footpath link and bridge through the woodland to link the two areas of the site. The subsequent reserved matters application, Ref. 18/00315/REM, omitted the link on the grounds that the applicant considered that the bridge would need to have a span of approximately 30m and that such a significant structure would have implications for the use and the visual appearance of the area as well as potentially trees in the stream corridor. In assessing that scheme, Officers acknowledged that the loss of the link was disappointing but accepted that given the potential impact of the scale of the bridge that would be required (both on the trees and the visual amenity of the area), on balance it was considered acceptable.

The revised plans propose an alternative route for the link through the woodland which would reduce the likely bridge span to approximately 15m. This would be more appropriate in terms of impact on visual amenity. Regarding the impact on the protected trees, further to the submission of additional information, the Council's Landscape Development Section raises no objections subject to the imposition of conditions.

The addition of the proposed footpath link and bridge is therefore considered acceptable.

Is the omission of the proposed extension to the footpath on the road frontage acceptable, particularly with regard to accessibility to village facilities?

There is currently no footway on the south-western side of Mucklestone Road along part of the site frontage. The original outline application for the wider site (Ref. 15/00202/OUT) and the subsequent detailed applications included the provision of a 2m wide footway along the site frontage linking existing footways. The footway would avoid occupiers of the dwellings on the smaller part of the site wishing to walk to the facilities of Loggerheads village centre having to cross the road to use the footway on the north-eastern side of the road before crossing back. This link has always been considered by the Council as important in assisting pedestrian connectivity and improving linkages to the shops and services of Loggerheads. The agenda report for the outline application stated as follows:

*In terms of the accessibility of the site to the services within the village, the introduction of a footway along the site frontage will provide a continuous pedestrian link to the A53 and centre of Loggerheads. This will improve linkages from the site to the village, will help to reduce the requirement for residents to use their car and to ensure a sustainable development.*

The current applications propose the omission of the footpath along the site frontage. The applicant argues that under the new proposals, the residents in Plots 74 - 78 would be able to use the proposed footpath through the woodland, thereby providing them with an enhanced route that avoids the busy road frontage for part of the route to the shops and services.

Whilst the footpath link through the woodland would provide an attractive additional route, it is a longer, less direct route that would not be a safe option, particularly for children, during hours of darkness. The completion of the footpath along the site frontage would be of far more benefit to families allowing safe and easy access to the village and its facilities.

The Highway Authority objects to the proposed applications on the grounds that it is considered likely that pedestrians may choose to walk on the verge or in the carriageway instead of crossing twice over Mucklestone Road having an adverse impact on highway safety.

Although the applicant asserts that the omission of the footpath extension on the road frontage would remove the requirement for potential large scale retaining works along the Mucklestone Road frontage that would inevitably result in the removal of protected trees, no evidence has been submitted to substantiate such a claim. The highway safety benefits of the footpath extension and the improvements to accessibility to village facilities are considered significant and therefore, the loss of the footpath connection is considered to be unacceptable.

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 original outline consent for the wider site, Ref. 15/00202/OUT, was granted following the completion of a Section 106 agreement. Although the variation of condition 2 of reserved matters consent 18/00315/REM is covered by the original Section 106 agreement, the variation of condition 1 of planning permission 19/00409/FUL requires a Deed of Variation of that Section 106. Subject to the applicant entering into a further Deed of Variation, 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 2006-2026 \(adopted 2009\) \(CSS\)](#)

Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

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

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local Species  
Policy N17: Landscape Character – General Considerations  
Policy N21: Areas of Landscape Restoration

[Loggerheads Neighbourhood Plan 2013-2033 \(passed referendum 10th January 2019\)](#)

Policy LNPP1: Urban Design and Environment  
Policy LNPT1: Sustainable Transport

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

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

[Planning Practice Guidance \(NPPG\)](#)

[Supplementary Planning Guidance](#)

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

### **Relevant Planning History**

15/00202/OUT Residential development of up to 78 units including affordable housing, public open space and vehicular and pedestrian accesses - Approved 3rd Sept 2015, following completion of legal agreement 28th August 2015

16/00784/REM Application for the approval of the details for layout, internal access arrangements, scale, appearance and landscaping details relating to outline planning permission 15/00202/OUT for residential development of up to 78 units – Approved

18/00314/FUL Erection of five residential dwellings, access and associated works – Approved

18/00315/REM Reserved Matters application for layout, internal access arrangements, scale, appearance and landscaping details for 73 dwellings – Approved

18/00315/NMA Application for non-material amendment to garages Plots 1 and 2 (18/00315/REM Reserved Matters application for layout, internal access arrangements, scale, appearance and landscaping details for 73 dwellings) – Approved

19/00409/FUL Application to vary condition 2 of planning permission ref 18/00314/FUL (Erection of five residential dwellings, access and associated works) to incorporate revised landscape drawings – Approved

### **Views of Consultees**

The **Highway Authority** recommends that the applications are refused for the following reasons:

- The route of the proposed footpath is a longer route and less direct than the footway extension on Muckleston Road.
- The footpath will not have street lighting and will not be adopted as a public footpath.
- It is not clear from the submitted plans but it appears that if pedestrians want to walk along Muckleston Road they will need to cross over to the northern footway into the junction of Folly View and then cross back over as the footway ends after a short distance.
- There is a likelihood that pedestrians may choose to walk on the verge or in the carriageway instead of crossing twice over Muckleston Road.

The **Landscape Development Section** has no objections subject to installation, monitoring and supervision in accordance with the information submitted in Arbtech Arboricultural Method Statement Rev A.

**Loggerheads Parish Council** object to the applications on the following grounds:

- Residents will have to cross Muckleston Road twice to get from one end of the site to the other without optimum visibility of oncoming traffic.
- The bound gravel surface of the alternative path is unsuitable for use by those with a disability using a wheelchair.
- All residents will continue to have to cross over Muckleston Road and this was supposed to be an improvement that was delivered by the application to develop homes on this particular site.
- Misleading drawings have been submitted which imply what appear to be newly planted Oak trees. These do not exist.
- It is not possible to tell from the new drawings where the bridge will be sited, but it is clear that there are no proposals to put lighting along the new path or to light the proposed bridge. This will be a very dark area which will create a dangerous and totally unsuitable footpath to use during the hours of darkness.

The **Environmental Health Division** makes no comment on the applications.

#### Representations

*Application 20/00293/FUL*

The following objections have been received from the occupiers of 2 properties.

- It is unclear where the bridge will be sited.
- Different trees have been planted to those shown on the plans.
- Will the builder be replacing the hedgerows that they have removed?
- Concerns regarding the safety of the bridge with no lighting.
- The completion of the footpath would be of far more benefit to families allowing safe and easy access to the village and its facilities.

*Application 20/00294/FUL*

One letter of objection has been received raising the following issues:

- The location of the proposed bridge is ambiguous.
- If the developer wishes to create a footway on Muckleston Road, they would need to trespass on the writer's land and compensation would be required for lost land and impact on existing landscaping.
- Constant hydraulic drilling is cracking the writer's floors and walls and having an impact on the foundations.



#### Applicant's/Agent's submission

The applications are both accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. These documents and the proposed plans are available to view via the following links:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00293/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00294/FUL>

#### **Background Papers**

Planning files referred to  
Planning Documents referred to

#### **Date report prepared**

24<sup>th</sup> November 2020

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8<sup>th</sup> December 2020**

**Agenda Item 4**

**Application Ref. 20/00293/FUL & 20/00294/FUL**

**Land South of Muckleston Road, Loggerheads**

After further discussions with Officers, it is accepted that whilst the omission of the proposed extension to the footpath on the Muckleston Road frontage would reduce pedestrian connectivity to the shops and services of Loggerheads and would have an adverse impact on highway safety for residents of the smaller part of the wider site to the north-west (Application Ref. 20/00293/FUL), that is not the case for the larger part of the site (Application Ref. 20/00294/FUL).

From the larger site, there is a continuous pavement on the south-west side of Muckleston Road enabling residents to walk safely to the A53 and the centre of Loggerheads. Given that the footpath extension on the Muckleston Road frontage is not required to improve accessibility for the occupiers of the larger part of the site, your officers are unable to justify a refusal of Application Ref. 20/00294/FUL.

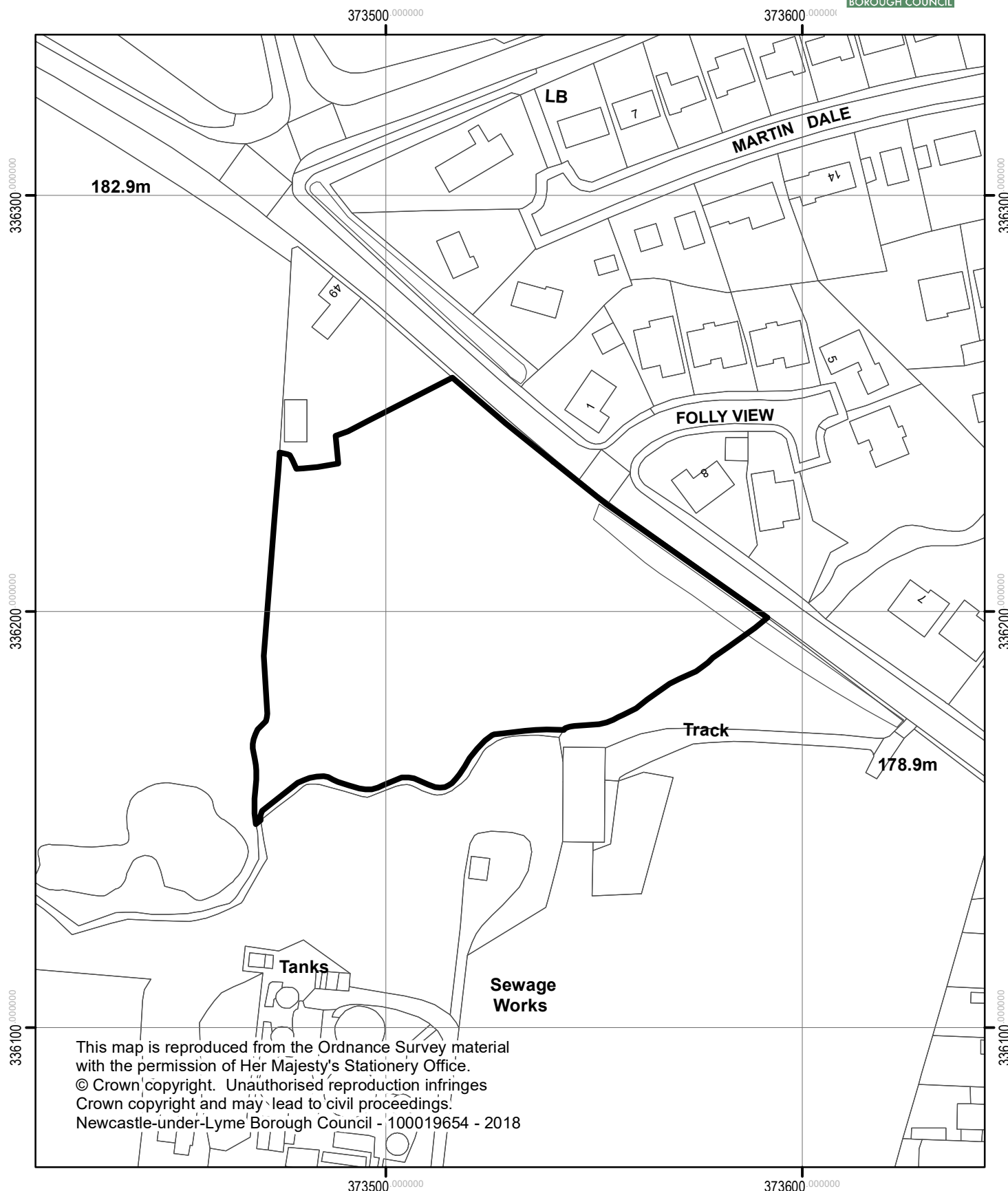
Although the variation of condition 2 of reserved matters consent 18/00315/REM is covered by the original Section 106 agreement secured prior to the granting of Application 15/00202/OUT, the obligation that secures the maintenance of the open space areas within the site does not include a footbridge. Therefore, it is necessary to vary the terms of the Section 106, to ensure that the footbridge is appropriately maintained.

**RECOMMENDATION A remains as set out in the agenda report and RECOMMENDATION B is revised as follows:**

- B) Subject to the applicant first entering into a Deed of Variation by 22<sup>nd</sup> January 2021 to vary the terms of the planning obligation secured prior to the granting of Application 15/00202/OUT to include the footbridge in the definition of the Open Space Areas and Open Space Maintenance Scheme, PERMIT subject to conditions relating to:**
- 1. Variation of condition 2 to list the revised plans**
  - 2. Any other conditions attached to planning permission 18/00315/REM that remain relevant at this time**
  - 3. Installation, monitoring and supervision in accordance with the information submitted in Arbtech Arboricultural Method Statement Rev A.**

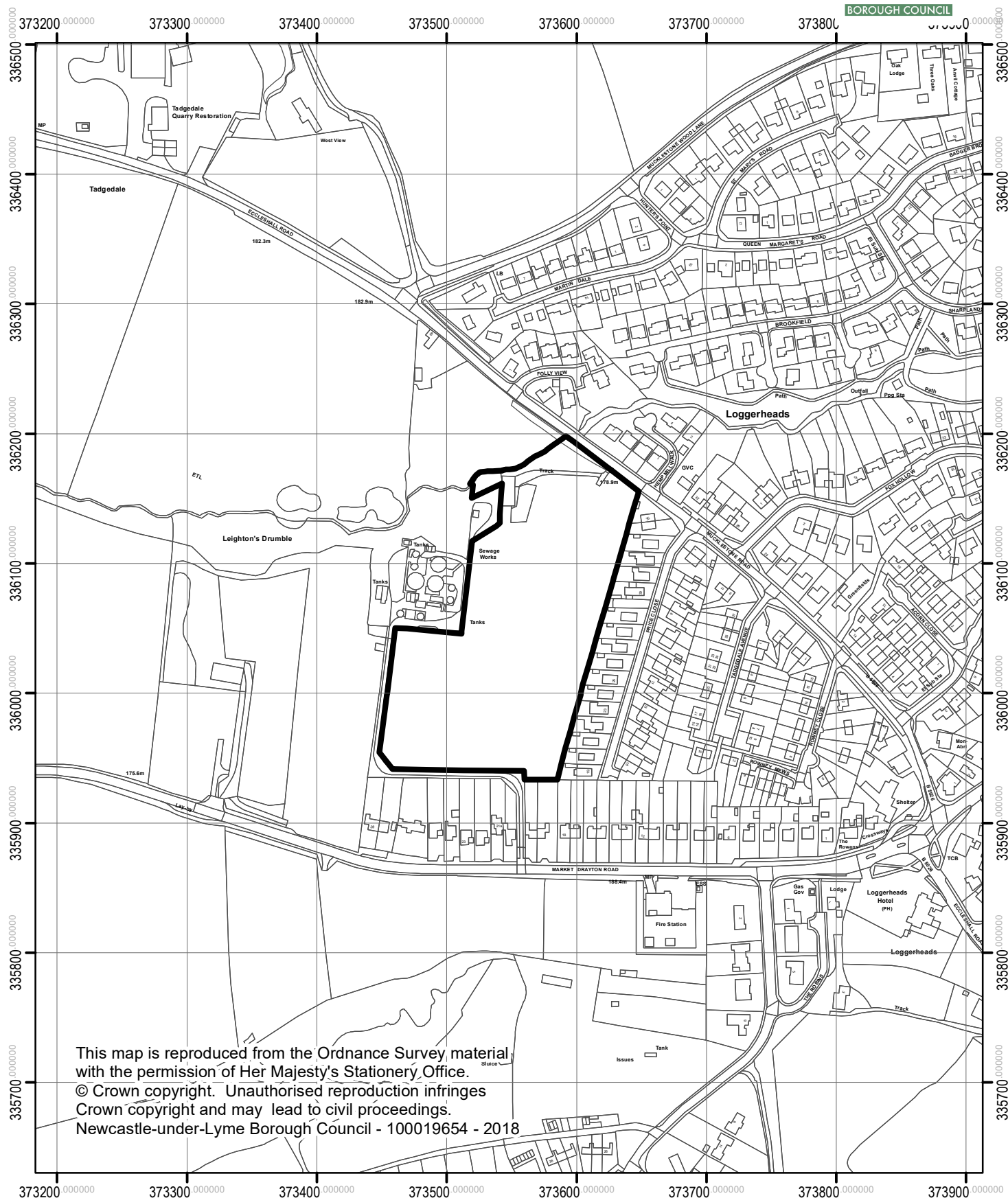
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# Mucklestone Road, Loggerheads



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# Mucklestone Road Loggerheads



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**LAND OFF DEANS LANE AND MOSS GROVE, RED STREET**  
**ASPIRE HOUSING LIMITED**

**20/00633/DOB**

Outline planning permission was granted for up to 50 dwellings on land off Deans Lane And Moss Grove, ref 16/00902/DEEM4. Reserved matters were also subsequently approved for 50 dwellings and the development is underway with some houses completed. Prior to the grant of the outline planning permission a S106 Agreement was entered into which secured, amongst other things, 25% of the dwellings on-site as affordable units, with some of these being shared-ownership units.

The Applicant wishes to make an application to vary the Shared Ownership staircasing restriction from 90% to 100% and the mortgagee protection clause.

**The 8 week determination period for this application expires on 26<sup>th</sup> November 2020.**

**RECOMMENDATION**

**That Aspire be advised that the Council as the Local Planning Authority is willing to agree to a variation to the S106 Agreement so that staircasing to 100% of the market value is permissible, along with the change to the mortgagee protection clause.**

**Key Issues**

The application under Section 106A of the 1990 Town and Country Planning Act seeks to modify the planning obligations entered into on the 4<sup>th</sup> December 2017 prior to the grant of outline planning permission (16/00902/DEEM4) for a residential development of up to 50 dwellings.

Section 106A of the 1990 Town and Country Planning Act indicates that where an “obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to these modifications”. This is such a case and as such the proposed modification should be supported.

The modifications being sought are to vary the Shared Ownership staircasing restriction at Clause 1.15 of Schedule 2 from 90% to 100% and the Mortgagee Protection at Clause 5 of Schedule 2.

Members may recall that similar modifications have been allowed previously in recognition of the delivery of affordable housing.

The fundamental issue now is whether in practice such a restriction is affecting the delivery of these shared ownership units. Registered Providers’ concerns that the restriction is potentially having an adverse impact upon both the number of households likely to buy such units and on the number of lenders likely to lend on such units are considered to be credible.

The Councils Affordable Housing Supplementary Planning Document does not include the staircasing restriction but there are references to seeking “affordable housing in perpetuity”.

On the basis of the above, the advice of your officers, in consultation with the Housing Strategy section, is that the restriction should be removed and staircasing permitted to 100%.

With respect to Mortgagee in Protection/ Possession clauses; the Council in more recent times has substituted previously agreed wording with a Standard Mortgagee Exclusion Clause. Therefore, this request is also acceptable.

## **APPENDIX**

### **Policies and Proposals in the Approved Development Plan relevant to this decision: -**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted CSS)

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

### **Other Material Considerations**

National Planning Policy Framework (NPPF) (2018)

Planning Practice Guidance (PPG) (2014, as amended)

### **Supplementary Planning Documents/Guidance**

Affordable housing SPD (2009)

### **Views of Consultees**

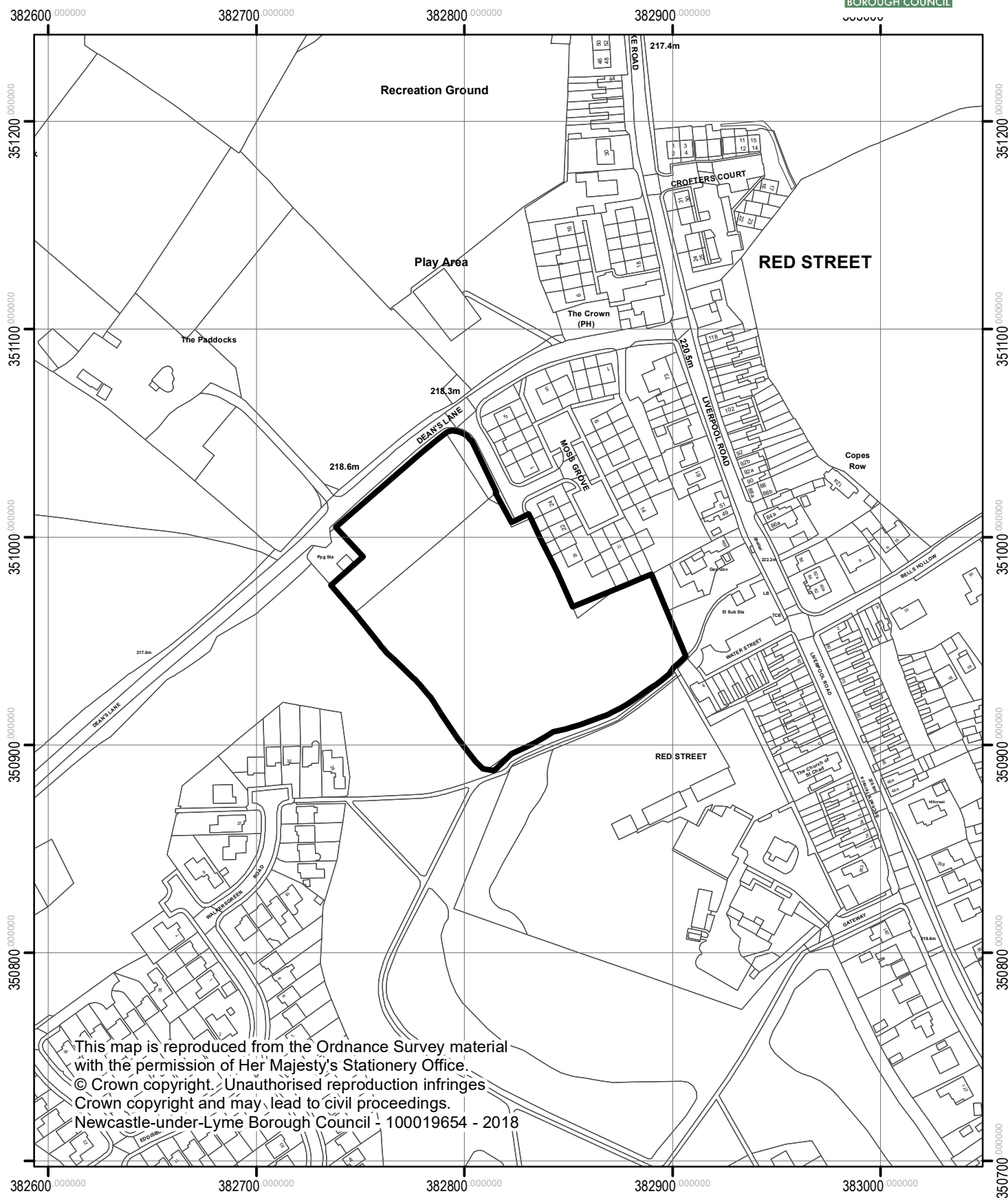
The Housing Strategy Officer is supportive of the application. The principle of staircasing has previously been considered by Planning Committee in respect of application 13/00426/OUT Land at Gateway Avenue, Baldwin's Gate and agreed. The Committee accepted that facilitating the delivery of affordable housing should be a key objective of the Council and that the restriction to 90% was potentially having an adverse impact on the number of households likely to buy such units and on the number of lenders likely to lend on such units

The Council has previously substituted Mortgagee in Possession clauses with Standard Mortgagee Exclusion Clause developed by the Securitisation Working Group.

### **Date report prepared**

24<sup>th</sup> November 2020

# Land off Deans Lane and Moss Grove Red Street, Newcastle-under-Lyme



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**THORP PRECAST, APEDALE ROAD, CHESTERTON**  
**HARVEY THORP**

**20/00812/FUL**

The application seeks a variation of condition 2 of planning permission 20/00309/FUL to substitute approved plans with revised plans for the appearance of the building.

The planning permission was granted in July for a proposed new industrial building and new cement silos

The application site is located within the Rowhurst Industrial Estate in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map.

The proposed building would have a floor area of 2,312 square metres.

**The 13 week period for the determination of this application expires on the 25<sup>th</sup> December 2020.**

**RECOMMENDATIONS**

**PERMIT the variation of Condition 2 of 20/00309/FUL to substitute approved plans with revised plans to show changes to the appearance of the proposed building,**

**and subject to the imposition of all other conditions attached to planning permission 20/00309/FUL that remain relevant at this time, amended as necessary.**

**Reason for Recommendation**

The revised design and appearance of the proposed building is acceptable. Subject to conditions the proposed development is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

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

Officers requested further information to be submitted and which has been submitted for consideration and approval. The development is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The application seeks a variation of condition 2 of planning permission 20/00309/FUL to substitute approved plans with revised plans for the appearance of the building.

The planning permission was granted in July for a proposed new industrial building and new cement silos.

The application site is located within the Rowhurst Industrial Estate in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission where they remain relevant.

The proposed changes will result in the appearance of the building being changed but the footprint will be the same as the previously approved scheme.

The changes are proposed to accommodate offices, changing room, canteen and toilets. These are ancillary uses to the main industrial use of the proposed building.

The changes would result in a revised roof design and new windows in the front and side elevation of the proposed building.

The revised roof design would result in a single apex and the ridge line would be lower than the previously approved scheme.

The introduction of windows in the front and side elevations would help to break up the solid appearance of the proposed large building, which is still proposed to be finished with metal cladding in a goosewing grey colour.

The proposed changes to the front elevation would help the proposed building to sit comfortably against the adjacent building and it is considered that the changes represent a design improvement.

The proposals continue to comply with the guidance and requirements of the NPPF and the principles of Policy CSP1 of the CSS.

The conditions of the original permission will still apply but they will be worded to reflect the current status following the approval of information since the original decision.

## 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 SP2: Spatial Principles of Economic Development  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

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

Policy E9: Renewal of Planning Permissions for Employment Development  
Policy T16: Development – General Parking Requirements

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

National Planning Policy

[National Planning Policy Framework](#) (February 2019)

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

Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

05/00999/FUL	Gantry crane	Permitted
07/00949/FUL	Proposed steel storage building	Permitted
11/00372/FUL	Proposed office building	Permitted
11/00561/FUL	Erection of palisade fence	Permitted
12/00765/FUL	Proposed manufacturing building	Permitted
13/00157/FUL	Proposed external storage area with mobile gantry crane and new vehicular entrance	Permitted
14/00140/FUL	Change of use of existing building, completion of cladding and extension to vehicular access	Permitted
16/00300/FUL	Extensions to building	Permitted
17/00688/FUL	Storage building in relation to the manufacture of large bespoke architectural panels	Permitted
17/00724/FUL	Cement silos	Permitted
18/00505/FUL	Erection of a Class B2 Manufacturing Building	Permitted
19/00426/FUL	Proposed enclosure to existing crane gantry	Permitted
19/00621/FUL	Extension to factory 1	Permitted

20/00309/FUL Proposed new building adjacent to Factory 2, proposed new cement silos  
Permitted

20/00354/FUL Proposed new crane area, storage areas, trailer parking area and boundary wall  
Permitted

#### Views of Consultees

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

Comments were also invited from the **Greater Chesterton Locality Area Partnership** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### 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/20/00812/FUL>

#### Background papers

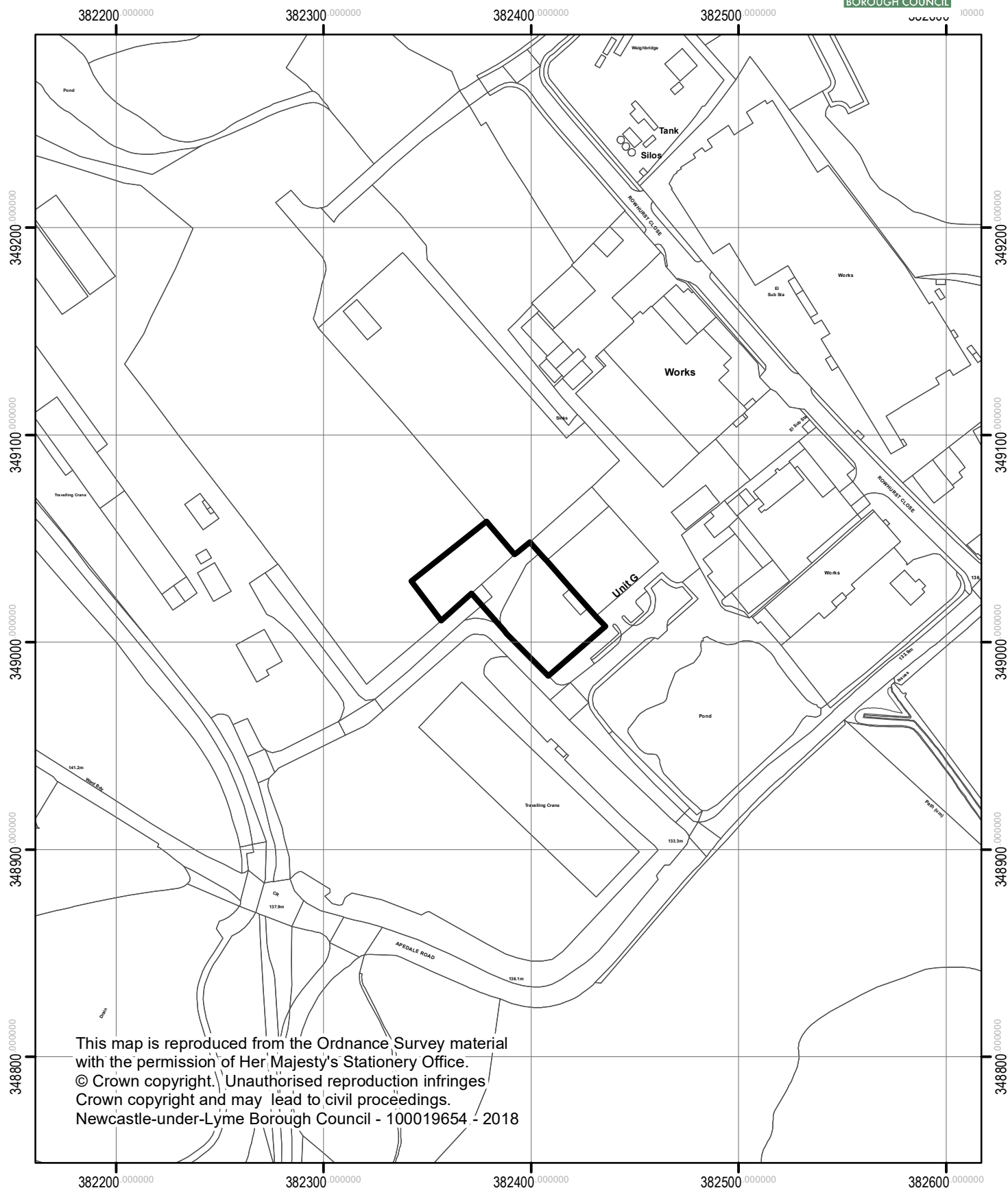
Planning files referred to  
Planning Documents referred to

#### Date report prepared

20<sup>th</sup> November 2020



# Thorp Precast Ltd. Apedale Road Chesterton



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**HAZELEY PADDOCKS, KEELE ROAD, MADELEY HEATH**  
**MS SOPHIE THORLEY**

**20/00755/FUL**

The application seeks to regularise development already carried out by varying conditions 2, 4, 6, 9, 12 and 13 of planning permission 17/00434/FUL (Replacement Stable Block and New ménage).

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

The site is accessed off Keele Road, Madeley Heath.

The application has been called in to Committee by two Councillors on the grounds of 'creep' in the Green Belt, in particular a concrete hardstanding/ plinth and shed. .

**The 8 week determination period expired on the 10<sup>th</sup> November 2020.**

**RECOMMENDATION**

**PERMIT the variation of condition 2 of 17/00434/FUL so that it reads as follows:**

**The development hereby permitted shall be carried out in accordance with drawing no. 1378A2/02 - As Built Floor Plan & Elevations,**

**the re-wording of conditions 4, 6, 9, 12 and 13 to reflect the details previously approved and subject to the imposition of all other conditions attached to planning permission 17/00434/FUL that remain relevant at this time.**

**Reason for Recommendation**

The enclosing of the horse wash box area, shed type building, the constructed manure store, the position of windows and the insertion of additional windows in the existing stable building are considered to represent appropriate development within the Green Belt. The concrete hardstanding/ plinth and Pergola result in harm to the openness of the Green Belt and represent inappropriate development in the Green Belt. However, it is considered that given the appearance of the above and the circumstances and justification provided, that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

As the recommendation is one of approval the application cannot be determined under delegated authority and as such the application has to be reported to Planning Committee irrespective of the call-in procedure.

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

Officers requested that the planning application be submitted in order to regularise the works carried out.

**KEY ISSUES**

The application seeks to regularise development already carried out by varying conditions 2, 4, 6, 9, 12 and 13 of planning permission 17/00434/FUL (Replacement Stable Block and New ménage).

The site lies within the open countryside which is designated as being within the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Whilst the application seeks to vary conditions 2, 4, 6, 9, 12 and 13 of the planning permission the main purpose is to regularise works carried out that are different to those listed on the approved plans. Therefore, the application seeks to substitute approved plans, listed in condition 2, with amended plans.

Details have been previously submitted and subsequently approved for conditions 4, 6, 9, 12 and 13 and the application seeks amendments to the wording of these conditions to reflect this.

The main changes are as follows;

- Change of window positions in side/ east elevation,
- New window in rear/ south elevation,
- Additional stable to replace open front horse wash box,
- New timber Pergola structure attached to the north elevation of the stable building,
- New concrete hardstanding/ plinth adjoining the south elevation of the stable building,
- Timber shed building on concrete hardstanding/ plinth,
- Concrete manure store.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission where they remain relevant.

Given the above, the main issues for consideration in the determination of this application are:-

1. Is the proposal appropriate development within the Green Belt?
2. Design and impact on the character and quality of the landscape,
3. Residential amenity issues, and
4. Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

#### 1. Is the proposal appropriate development within the Green Belt?

Paragraph 133 of the NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

The NPPF further indicates in paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, buildings for agriculture and forestry, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The approved stable block was classed as inappropriate development within the Green Belt previously because of its size and the fact that the neighbouring building, which is now a residential dwelling, could have been brought back into use as stables prior to it obtaining planning permission for its conversion. However, it was accepted that the benefits of the scheme, which would support outdoor sport and recreation in the Green Belt, amounted to the very special circumstances necessary to outweigh the harm to the Green Belt.

The ménage was considered to represent appropriate development within the Green Belt and on the basis that there are no proposed changes to the ménage, and it broadly complies with the approved plans, this aspect is not considered further.

The enclosing of the horse wash box area, the position of windows and the insertion of additional windows in the stable building do not harm the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

A manure store was also envisaged as part of the previously approved scheme (condition 6) and this is what would be expected for a stable building. Therefore, it does not result in additional harm to the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

The applicant has advised that the shed type building, which is on skids, is for the keeping of goats and sheep, the purchase of which have been put on hold due to this planning application. The keeping of such animals is considered acceptable in this rural location and the building is considered to represent appropriate development within the Green Belt.

The Pergola does not meet any of the listed exemptions set out within the NPPF and on this basis they represent inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

The concrete hardstanding/ plinth measures 15.9 metres by 5.3 metres in width and depth respectively. It also appears that ground levels have been increased and it therefore appears as a raised platform area.

Paragraph 146 of the NPPF identifies that engineering operations, which the concrete hardstanding/ plinth is considered to represent, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

It is acknowledged that the concrete hardstanding/ plinth is large and when seen within the context of the existing stable building and hardstandings to the front, they cumulatively result in some harm to the openness within the Green Belt. Therefore, on balance, the concrete hardstanding/ plinth is inappropriate also.

#### Design and impact on the character and quality of the landscape

Paragraph 124 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The site lies within an area of Landscape Restoration (Policy N21) as indicated by the Local Development Framework Proposals Map. This policy seeks development that will help to restore the character and improve the quality of the landscape.

The changes made to the stable, including the concrete hardstanding, do not raise any significant concerns in terms of appearance and the impact on the quality of the landscape. In particular the hardstanding is located at the rear of the building and any views from main vantage points are limited. It is also viewed within the context of the stable building and is used for the storage of feed and other equine paraphernalia.

The moveable timber shed, currently positioned on the hardstanding, has a traditional appearance and is of a standard size. Therefore, it does not harm the appearance of the landscape.

The timber Pergola occupies a more prominent position and whilst it is large it does not have an adverse impact on the visual amenity of the area. It also forms part of the wider landscaping scheme for the site and subject to this being fully implemented (in the next planting season) the harm to the landscape would not be adverse.

In consideration of the above, the proposals are considered to represent acceptable designs that would comply with the requirements of the NPPF whilst also being in accordance with local planning policy.

#### Residential amenity issues

Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The stable is located away from neighbouring properties and a condition of the planning permission restricts its use to personal use, i.e. it cannot be used as a commercial livery.

Objections have been received from a neighbouring occupier on the grounds of overlooking and loss of privacy. However, the new window and change to window positions do not overlook neighbouring principal windows and the concrete hardstanding/ plinth is located a sufficient distance away from neighbouring properties so that it does not result in a detrimental loss of amenity to the occupiers of the neighbouring properties.

The Environmental Health Division has raised no objections to the application on the whole but has raised concerns about the variation of condition 9 regarding lighting. However, the lighting, is to remain the same as previously approved.

The proposals are still considered to comply with the guidance and requirements of the NPPF and no significant harm would be caused to local amenity levels by this application.

Do the required very special circumstances exist (to justify inappropriate development)?

As the concrete hardstanding/ plinth and the Pergola are considered to represent inappropriate development in the Green Belt, very special circumstances are required that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

Paragraph 144 of the NPPF sets out that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The applicant has suggested that the concrete hardstanding/ plinth is required for animal welfare purposes, the storage of feed/ bedding and for the muck heap.

It is acknowledged that the front of the stables provides very limited room for the storage of feed/ bedding and for the muck heap and whilst it is acknowledged that the hardstanding is large it is considered that the justification regarding animal welfare purposes, additional space for feed and to locate the muck heap, outweighs the limited harm to the Green Belt.

In terms of the Pergola the applicant advises that this element of the scheme does not require planning permission but no reason is given for this assertion. However, the legal background depends on three primary factors as to whether a building or structure is operational development or not. These are; size, permanence and degree of attachment to the ground.

The Pergola is large and attached to the ground by 8 posts and is also likely to be attached to the stable building. It therefore represents operational development.

The Pergola has a typical design and could not be said to harm the openness of the Green Belt. It also forms part of the approved landscaping scheme for the site which is designed to enhance the appearance of the site and the wider landscape.

Given the appearance of the above and the circumstances and justification provided, it is considered that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

Other matters

Whilst the application seeks to vary conditions 4, 6, 9, 12 and 13 of the planning permission details have previously been submitted and subsequently approved. The application does not seek approval for details that differ from those already approved including the lighting scheme addressed in condition 9. These conditions will need to be included on the new planning permission, reworded to reflect that the details have already been approved and to be more restrictive to reflect the time passed since the previous permission and the current breach of planning control.

## APPENDIX

### **Policies and proposals in the 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 CSP4: Natural Assets

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

Policy S3: Development in the Green Belt  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character - General Considerations  
Policy N21: Area of Landscape Restoration  
Policy T16: Development – General Parking Requirements

### **Other Material Considerations**

[National Planning Policy](#)

[National Planning Policy Framework](#) (February 2019)

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

[Supplementary Planning Guidance/Documents](#)

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

### **Relevant Planning History**

17/00073/FUL	Conversion of Barn to Create Single Family Dwelling	Approved
17/00434/FUL	Replacement Stable Block and New Ménage	Approved
18/00488/OUT	Single Dwelling	Refused and appeal dismissed
19/00021/FUL	Variation of condition 2 (amendment to the approved plans to allow for some rebuilding/structural works) of planning permission 17/00073/FUL - Conversion of Barn to Create Single Family Dwelling	Refused
20/00649/FUL	Rear single-storey extension	Approved

### **Consultation Responses**

The **Environmental Health Division** has no objections to the application other than condition 9 as it is unclear as to how the lighting scheme will change and as such it is unclear whether there will be an unacceptable impact from light pollution.

**Madeley Parish Council** object on the grounds that the steel and concrete plank manure holding silo to the south of the stable represents an over development into the Green Belt.

### Representations

One representation has been received on the application raising the following concerns and objections;

- The concrete hardstanding results in overlooking and loss of privacy;
- The concrete hardstanding is larger than the stable and is unnecessary;
- The stable has been converted to stables and annex day accommodation;
- The application is contrary to the existing permission;
- No soft landscaping has been implemented; and
- Conditions have not been complied with and any future conditions are likely to be ignored.

### Applicants/agents submission

The requisite plans and application forms were submitted.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00755/FUL>

### Background Papers

Planning files referred to

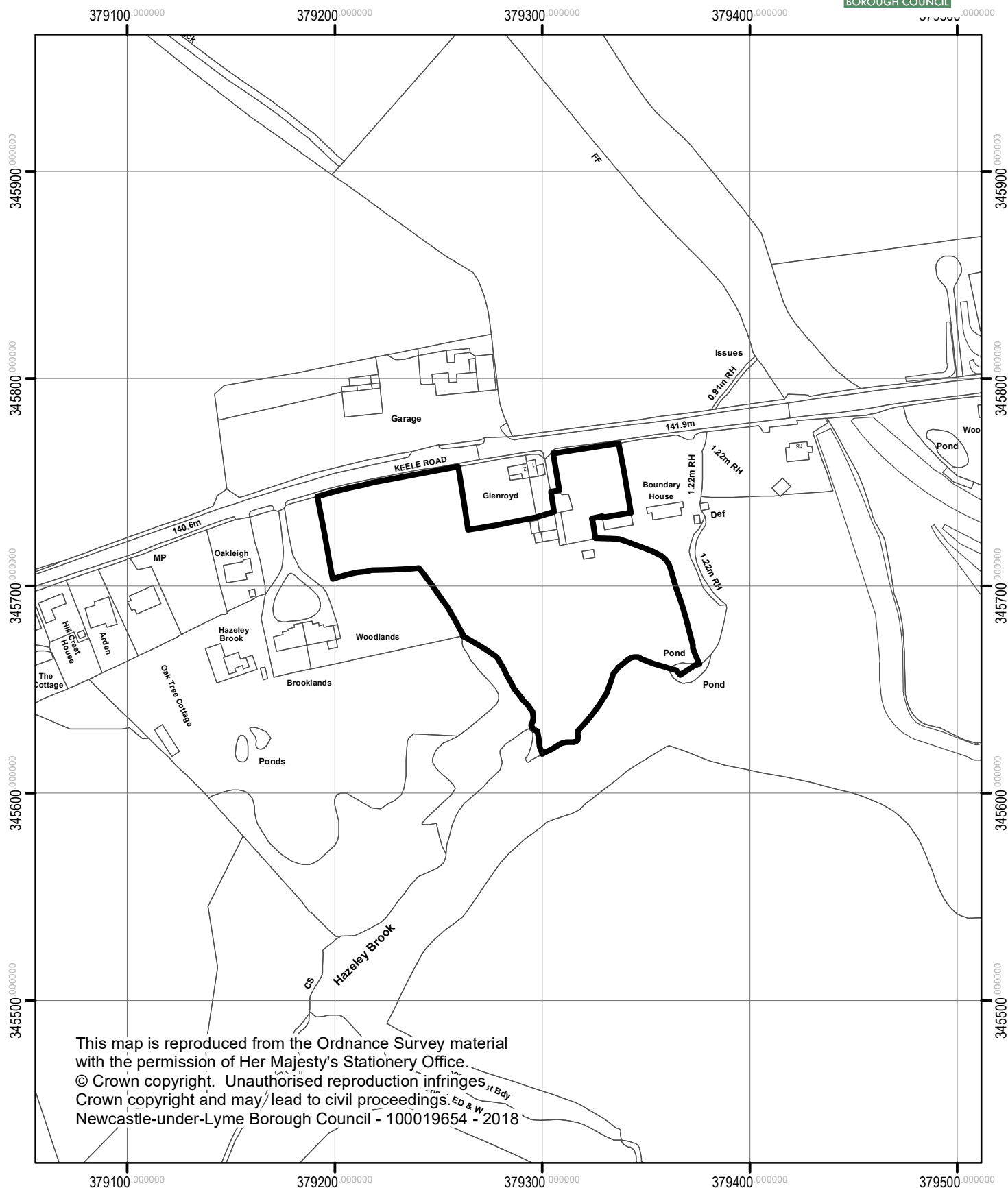
Planning Documents referred to

### Date report prepared

23<sup>rd</sup> November 2020



# Hazeley Paddocks, Keele Road, Keele



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**FORMER PYKE & SON LTD, UNIT 4 LANCASTER BUILDINGS, HIGH STREET, NEWCASTLE**  
**NEWCASTLE BOROUGH COUNCIL** **20/00945/DEEM3 & 20/00946/LBC**

Both full planning permission and listed building consent are sought for internal and external alterations to the property.

The property lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area. Lancaster Buildings is a Grade II Listed Building.

The Listed Building Consent application is not one which can be determined by the Local Planning Authority, but has to be referred to the Secretary of State for decision.

**The 8 week period for the determination of these applications expires on 30<sup>th</sup> December 2020.**

**RECOMMENDATION**

**A) Subject to no issues being raised by consultees or by interested parties that cannot be addressed through conditions, the planning application (20/00945/DEEM3) be permitted subject to conditions relating to the following:**

- Time limit
- Approved plans

**B) That the application for listed building consent (20/00946/LBC) be referred to the Secretary of State with a recommendation of approval and that he be asked to grant listed building consent subject to conditions relating to the following:-**

- Time limit
- Approved plans

**Reason for Recommendations**

The proposals would not adversely affect the architectural or historic features of the Grade II Listed Building, nor would the proposal have an adverse impact on the appearance or character of the Newcastle Town Centre Conservation Area. The proposals accord with provisions of the development plan and there are no other material considerations which would justify a refusal of either planning permission or listed building consent.

**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 so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The proposals involve the internal refurbishment of the former Pyke & Sons retail unit within Lancaster Buildings to create a hub for the development of employment and skills and external alterations to improve the appearance of the building.

The property lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area. Lancaster Buildings is a Grade II Listed Building.

**The Listed Building Consent application (20/00946/LBC)**

The sole issue for consideration is whether the physical works to the Listed Building are acceptable.

In considering applications for alterations to a listed building, the Local Planning Authority is required to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

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 (and 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.

Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features.

External alterations comprise a new timber entrance door and the replacement of existing vents with new glazed windows. The paving to the entrance is to be relayed to create a flush access threshold. Internal alterations comprise the subdivision of the ground floor space to create a kitchenette and toilets.

The Council's Conservation Officer has no objections to the proposal stating that the removal of the vents would be a positive change and concluding that there will be no change to the significance of this building.

It is considered that the proposed alterations would not adversely affect the historic and architectural interest of the Grade II Listed Building. The Listed Building consent cannot be determined by the Borough Council and as such needs to be referred to the Secretary of State for determination.

### **The Planning Application (20/00945/DEEM3)**

The proposals involve the creation of a hub for the development of employment and skills and external alterations to improve the appearance of the building. The former use of the unit as a shop falls within the new Use Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987. This class also includes provision of professional services principally to visiting members of the public and offices carrying out operational or administrative functions. On the basis of the information submitted, it is considered that the principal use of the unit is an office for the provision of support and advice with associated training and therefore no change of use is proposed or required.

It has been concluded above that the proposed alterations would not adversely affect the historic and architectural interest of the Grade II Listed Building. Therefore, the main issue to consider is the impact of the external alterations on the character and appearance of the Conservation Area.

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 external alterations are relatively minor and as such it is considered that the character and appearance of the Conservation Area would be preserved. The proposal therefore represents a sustainable form of development, in accordance with the guidance and requirements of the NPPF.

## **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 ASP4: Newcastle Town Centre Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

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

Policy B6: Extension or Alteration of Listed Buildings  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

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

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

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

#### [Supplementary Planning Guidance/Documents](#)

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

### **Relevant Planning History**

08/00701/DEEM3	Alterations forming part of refurbishment including replacement windows, and works to canopy and other works	Approved
08/00702/LBC	Alterations forming part of refurbishment including replacement windows, works to canopy and other works	Approved
09/00628/DEEM3	Internal alterations and new shopfronts	Approved
09/00629/LBC	Internal alterations and new shopfronts	Approved

#### [Views of Consultees](#)

The **Conservation Officer** states that much of the work is minor internal work, comprising the addition of internal stud partition walls to create new ground floor WC and storage areas as well as the removal of partitions in the basement. The main change is the removal of the step into the shop but this is very minor given the small change in levels. It is considered that there will be no change to the significance of this building and that the removal of the vents will be a positive change. No objections are raised.

The views of the **Environmental Health Division** have been sought by the 27<sup>th</sup> November. Any comments received will be reported

#### [Representations](#)

None received to date. The publicity period for both application ends on 11<sup>th</sup> December.

Applicant's/Agent's submission

The applications are supported by a Heritage Impact Assessment.

All of the application documents can be viewed on the Council's website using the following links:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00945/DEEM3>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00946/LBC>

**Background papers**

Planning files referred to

Planning Documents referred to

**Date report prepared**

23 November 2020

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8<sup>th</sup> December 2020**

**Agenda Item 8**

**Application Ref. 20/00945/DEEM3 & 20/00946/LBC**

**Former Pyke & Son Limited, Unit 4 Lancaster Buildings, High Street, Newcastle**

Since the publication of the main agenda the comments of the **Environmental Health Division** have been received stating that they have no objections to application 20/00945/DEEM3.

The comments of the **Conservation Advisory Working Party** have also been received stating that they have no objections to both applications 20/00945/DEEM3 and 20/00946/LBC.

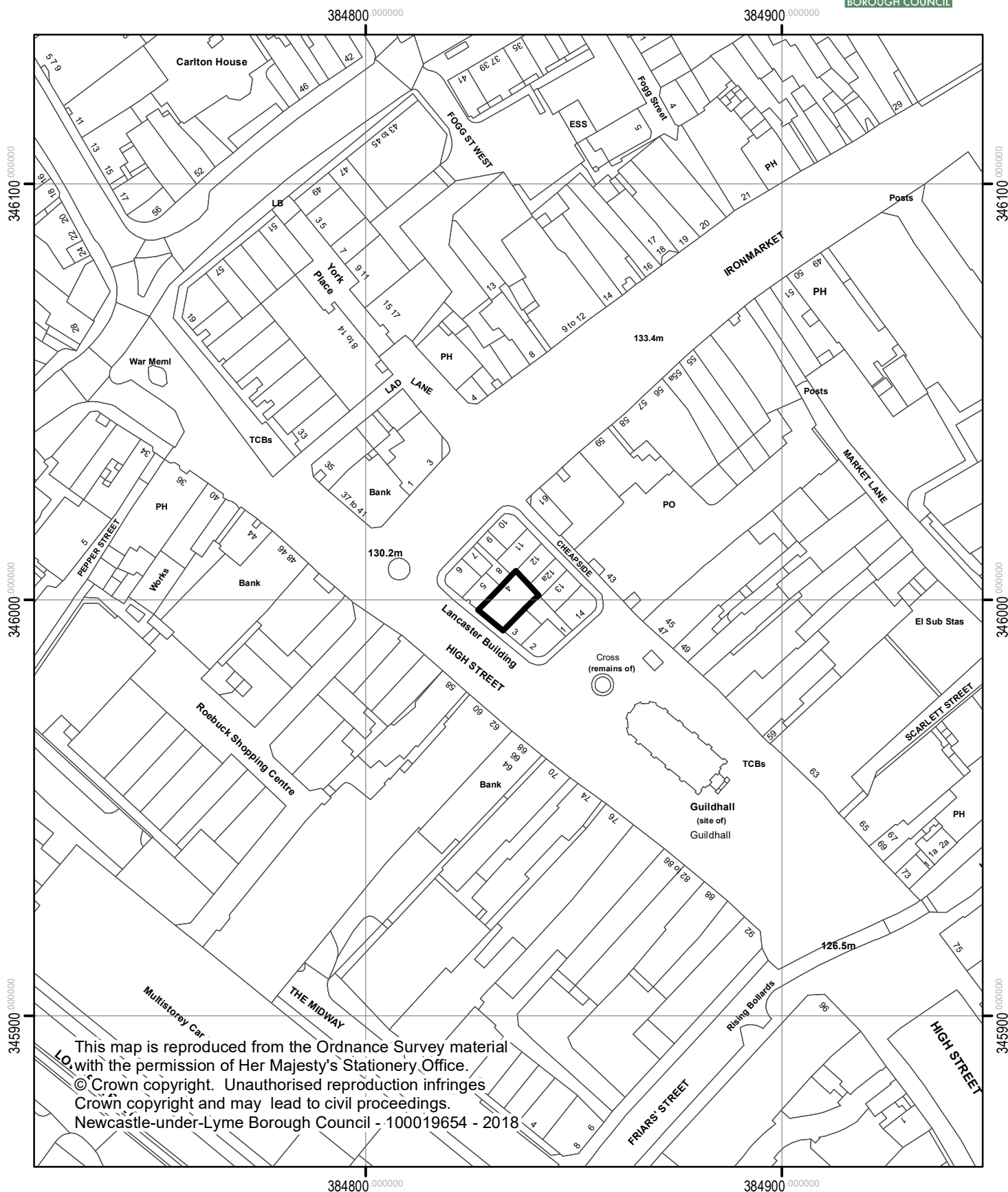
Officer's comments

**The RECOMMENDATIONS remain as set out in the main agenda report.**

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# Unit 4, Lancaster Building High Street, Newcastle-under-Lyme



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**20 HIGH STREET, WOOD LANE**  
**MR BEN JONES**

**20/00722/FUL**

The application is for full planning permission for a single storey rear extension and a detached garage to this dwellinghouse.

The application site is located within the village envelope of Wood Lane, in the Rural Area, as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on the 23<sup>rd</sup> November but the applicant has agreed an extension of time to the statutory determination period to the 11<sup>th</sup> December 2020.**

**RECOMMENDATION**

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Matching facing and roofing materials**

**Reason for Recommendation**

Given the acceptable design and appearance of the proposed extension and detached garage it is considered that they would not harm the character or integrity of the original dwelling or the visual amenity of the area and street scene. There would also be no significant loss of amenity to neighbouring residential amenity levels. The proposals accord with Policy H18 of the Newcastle under Lyme Local Plan 2011, Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the National Planning Policy Framework 2019.

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

This is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and no amendments to the scheme were necessary.

**Key Issues**

The application is for full planning permission for a single storey rear extension and a detached garage to this dwellinghouse.

The application site is located within the village envelope of Wood Lane, in the Rural Area, as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of this planning application are considered to be:

- Design and Impact upon Character of the Area, and
- Impact on Residential Amenity

**Design and Impact upon Character of the Area**

Paragraph 124 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and

sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Saved Policy H18 of the Local Plan relates specifically to the design of residential extensions and advises that the form, size and location of the extension should be subordinate in design to the original dwelling to be extended and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwelling.

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

The proposed extension represents a modest extension at the rear of this end of terrace property. It would have a flat roof to match the existing flat roof outrigger at the rear. Materials are also proposed to match the existing outrigger. On the basis of its modest size, acceptable appearance and the lack of impact on the character of the original dwelling or street scene, it is considered that the extension accords with Policy H18 of the Local Plan.

The proposed detached garage would also be of a modest size and would have a pitched tiled roof. It would be located to the rear of the main dwelling and whilst it would be visible from Wesley Street, it would be viewed in the context of other domestic garages, and its acceptable appearance would ensure that no significant harm would be caused to the visual amenity of the area. Therefore, it accords with development plan policies and the guidance and requirements of the NPPF.

#### Impact on Residential Amenity

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations.

The proposed extension and detached garage are both of a modest size and due to the relationship with neighbouring buildings they would comply with the guidance of the Council's SPG. On this basis, the proposals would not significantly harm the residential amenity levels of neighbouring occupiers, which is in accordance with the guidance and requirements of the NPPF.

## **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

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

Policy H18: Design of residential extensions where subject to planning control

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

None relevant

[Views of Consultees](#)

**Audley Parish Council** support the application.

[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/20/00722/FUL>

### **Background papers**

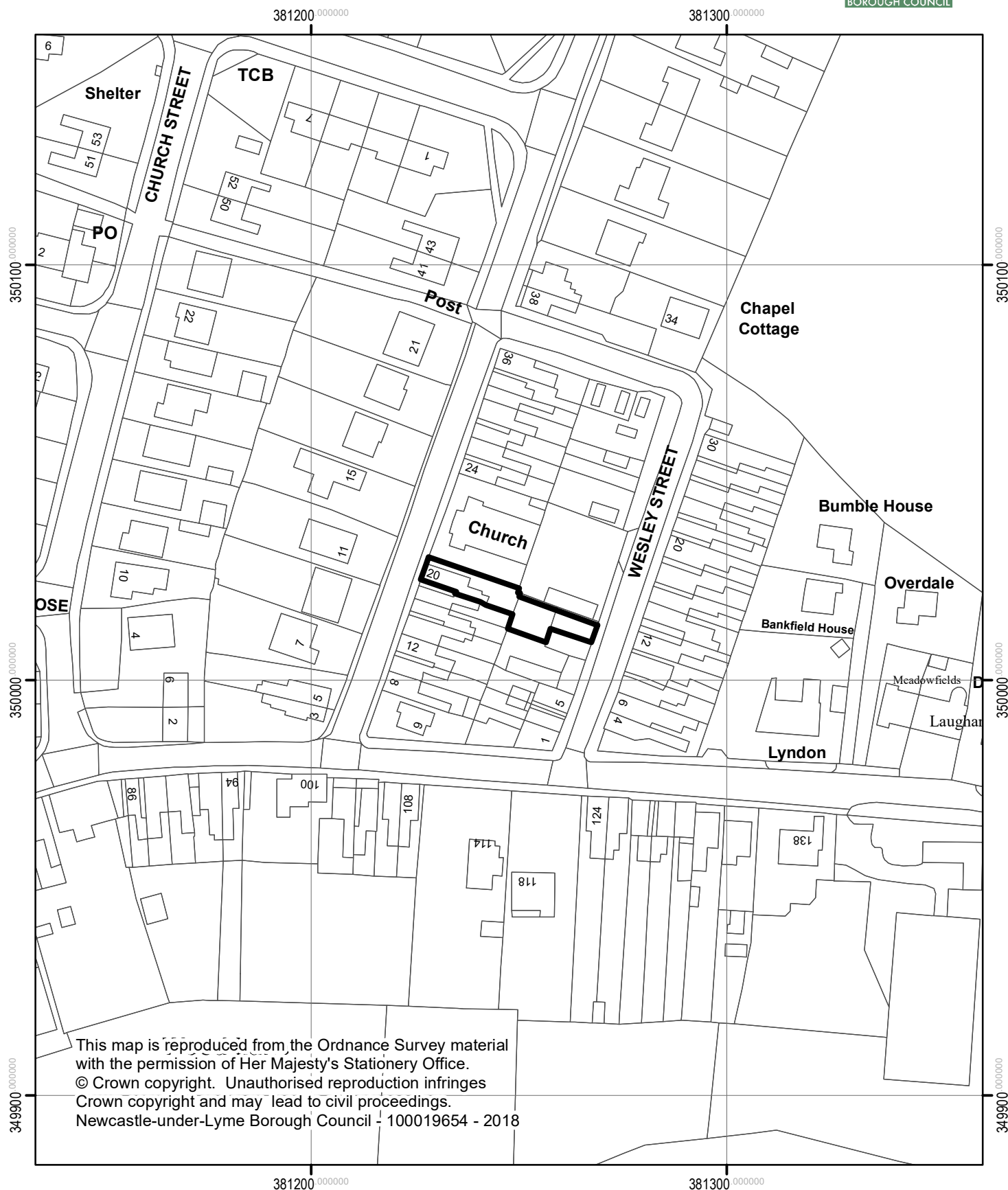
Planning files referred to

Planning Documents referred to

### **Date report prepared**

20<sup>th</sup> November 2020

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**INFANT WELFARE CENTRE & CLINIC, KNUTTON LANE, KNUTTON  
NEWCASTLE BOROUGH COUNCIL**

**20/00958/DEEM3**

The application is for a determination as to whether prior approval is required for the method of demolition of the former health care centre, and any proposed restoration of the site.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map, and close to the boundary of the Newcastle Town Centre Conservation Area.

**The 8 week period for the determination of this application expires on the 5<sup>th</sup> January 2021.**

## **RECOMMENDATIONS**

**PRIOR APPROVAL is GRANTED subject to a condition relating to the following:**

- **Demolition activities to take place between 8am and 6pm Monday to Friday and 8am and 1pm on Saturdays only.**

## **Reason for Recommendation**

On the basis of the submitted information and subject to the views of the Environmental Health Division there is no basis upon which to refuse to grant prior approval as the method of demolition and restoration will not give rise to adverse impact on the amenity of residents.

## **KEY ISSUES**

The application is for a determination as to whether prior approval is required for the method of demolition of the former health clinic.

## **Is prior approval is required?**

The requirement to apply for such a determination gives the Local Planning Authority the means of regulating the details of demolition in order to minimise its impact on local amenity. Current national guidance indicates that statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light touch process where the principle of development has already been established.

By reason of the proximity to residential properties it has been determined that prior approval for the method of demolition and restoration of the site is required in this case.

## **Should prior approval be granted?**

The main issues for consideration in the determination as to whether prior approval should be granted are the amenities of local residents (insofar as the method of restoration is concerned) and visual amenity (insofar as any proposed restoration of the site).

The application form indicates that the building will be demolished by machine following asbestos removal and soft strip. The methodology of the demolition is considered appropriate.

Whilst the site is close to residential properties it is located where there are already high background noise levels due to road traffic and as such it is considered that no adverse impact to residential amenity should arise provided that the demolition works are carried out within normal construction hours. This can be secured by condition.

The indication is that all material will be removed from site by a licensed contractor. The indication is that the site will then be redeveloped in future (which would require a separate planning consent) but

at this time the nature of the development is not known and the site could be vacant for some time. As the site is to be cleared of material it is not considered that the site would harm visual amenity.

## **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](#)

CSP1: Design Quality

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

None

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

[National Planning Policy](#)

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

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

### **Other material considerations include:**

[Relevant Planning History](#)

None

[Views of Consultees](#)

Any views received from the **Environmental Health Division** will be reported.

[Representations](#)

The applicant has displayed a site notice near the site in accordance with the prior notification procedure set out in Class A of Part 31 to Schedule 2 of the Town and Country Planning (General Permitted Development) (Order) 1995.

[Applicant/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/20/00958/DEEM3>

### **Background Papers**

Planning File referred to

Planning Documents referred to

### **Date report prepared**

23<sup>rd</sup> November 2020

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8<sup>th</sup> December 2020**

**Agenda Item 10**

**Application Ref. 20/00958/DEEM3**

**Infant Welfare Centre & Clinic, Knutton Lane, Knutton**

Since the publication of the main agenda the views of the **Environmental Health Division** have been received. They raise no objection subject to a condition requiring the submission and approval of an Environmental Management Plan.

Officers Comments

Given that residential properties are in close proximity and the occupants could experience disturbance from noise, dust and vibration it is considered reasonable and appropriate to include the requested condition.

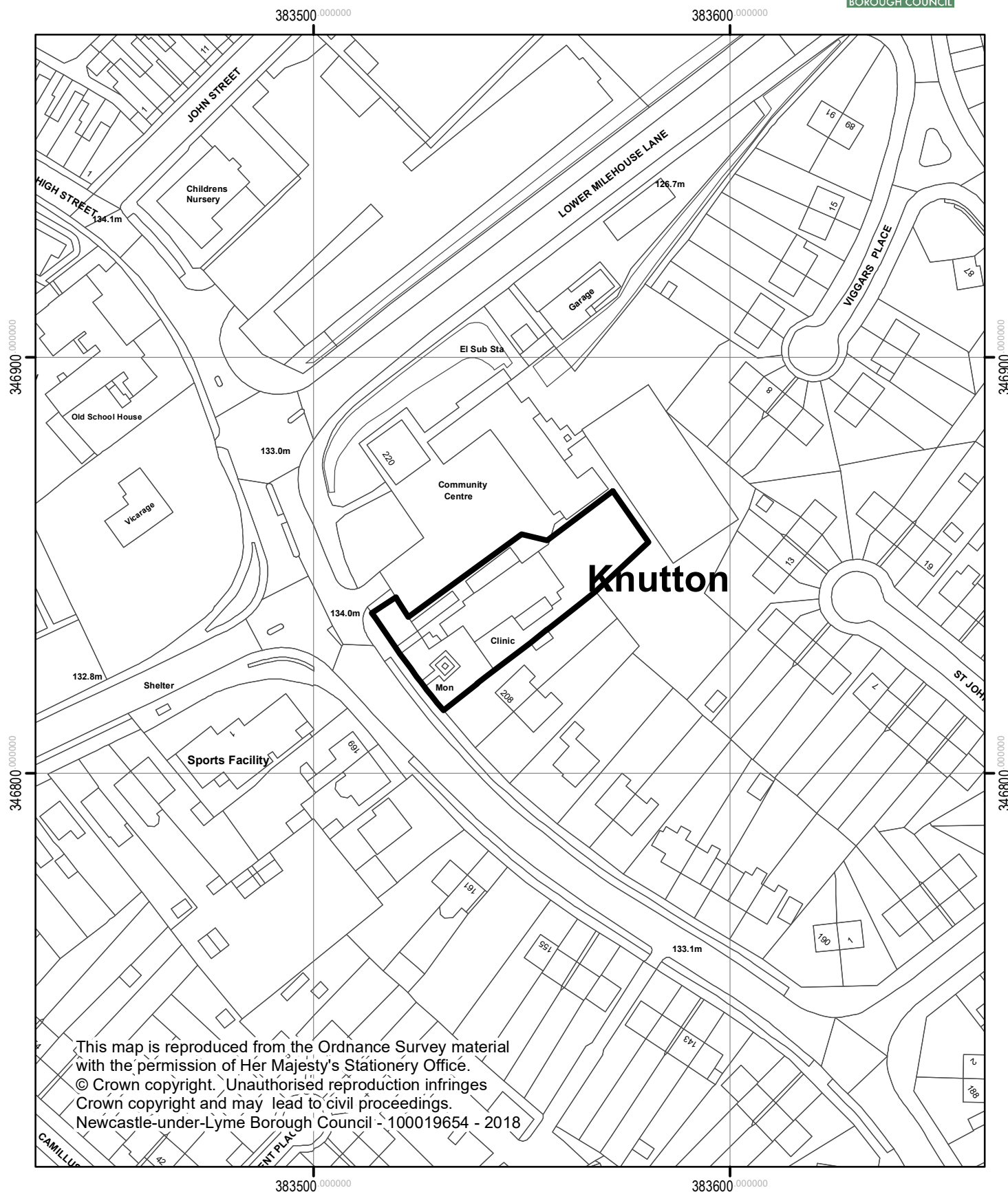
**The RECOMMENDATION is amended as follows:**

**PRIOR APPROVAL is GRANTED subject to a condition relating to the following:**

- **Prior approval of an Environmental Management Plan which shall include, amongst other things, times and days on which works will take place.**

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# Infant Welfare Centre & Clinic Knutton Lane, Knutton



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**1 COPPER CLOSE, KIDSGROVE**  
**MR & MRS HOPPER**

**20/00894/FUL**

The application is for a two storey side extension to this detached property.

The dwelling is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

**The statutory 8 week period for the determination of this application expires on the 16<sup>th</sup> December 2020**

**RECOMMENDATION**

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Matching facing and roofing materials**

**Reason for Recommendation**

The proposed extension is considered to represent a proportionate addition to the dwelling that would not have any adverse impact on the character or appearance of the original building or the integrity of the street scene and surrounding area. There would also be no detrimental impact on the residential amenity of neighbouring properties. The proposals accord with Policy H18 of the Newcastle under Lyme Local Plan 2011, Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the National Planning Policy Framework 2019.

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

This is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and no amendments to the scheme were necessary.

**Key Issues**

Full planning permission is sought for a two storey side extension at 1 Copper Close in Kidsgrove.

The dwelling is located within the urban area of the Borough, as indicated by the Local Development Proposal Framework Map.

The key issues to be considered in the determination of the application are;

- The design of the proposals and the impact upon the character and appearance of the area
- The impact upon neighbouring properties in terms of amenity, and
- The impact on parking and highway safety

**The design of the proposals and the impact upon the character and appearance of the area**

Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes on to detail that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy H18 of the Local Plan is concerned with the design of residential extensions, and states that the form, size and location of extensions should be subordinate to the original dwelling, and that extensions should not detract from the character and appearance of the original dwelling, or from the character of the wider street scene.

Policy CSP1 of the Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

The proposed two storey extension would extend beyond the side elevation by 3.6m and would match the existing ridge and eaves height of the dwelling, which would allow it to appear as a seamless extension to the original property. It is considered that due to the generous plot size of the application site, the proposed extension can be easily accommodated within the plot without appearing as overdevelopment.

It should also be noted that the dwellings surrounding the application site vary in their scale and design, with many having implemented various alterations, as such the proposal would not be out of character with the appearance of the wider locality.

On the basis of the above it is considered that the proposed development accords with Policy H18 of the Local Plan, Policy CSP1 of the CSS and the aims and objectives of the NPPF.

#### The impact upon neighbouring properties in terms of amenity

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations.

The size and form of the proposed extension and its relationship with neighbouring properties ensures that it would comply with the guidance of the Council's SPG. On this basis, the proposals would not significantly harm the residential amenity levels of neighbouring occupiers, which is in accordance with the guidance and requirements of the NPPF.

#### The impact on parking and highway safety

The proposed extension would increase the number of bedrooms from three to four. The property has an existing driveway which can accommodate parking for 2 vehicles, and the internal dimensions of the proposed garage would allow one additional vehicle to be parked within the site.

As the application would have parking spaces for at least 3 vehicles, the property would provide sufficient off street parking in accordance with the standards outlined in Policy T16 of the Local Plan, and is unlikely to result in any adverse parking and/or highway safety implications.

Alterations to the existing driveway are also proposed and these do not raise any significant concerns.

The proposal complies with Policy T16 of the Local Plan as well as the provisions of the NPPF.

## **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 ASP5 Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy H18: Design of residential extensions where subject to planning control  
Policy T16: Development – General Parking Requirements

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

### **Relevant Planning History**

10/00278/OUT                      12 dwellings                      Permitted

14/00235/REM                      Erection of 12 dwellings, 10 semi detached and 2 detached dwellings                      Permitted

### **Views of Consultees**

**Kidsgrove Town Council** have not responded by the due date of the 11<sup>th</sup> November 2020 and therefore it is assumed that they have no observations to make on the application.

### **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/20/00894/FUL>

### **Background papers**

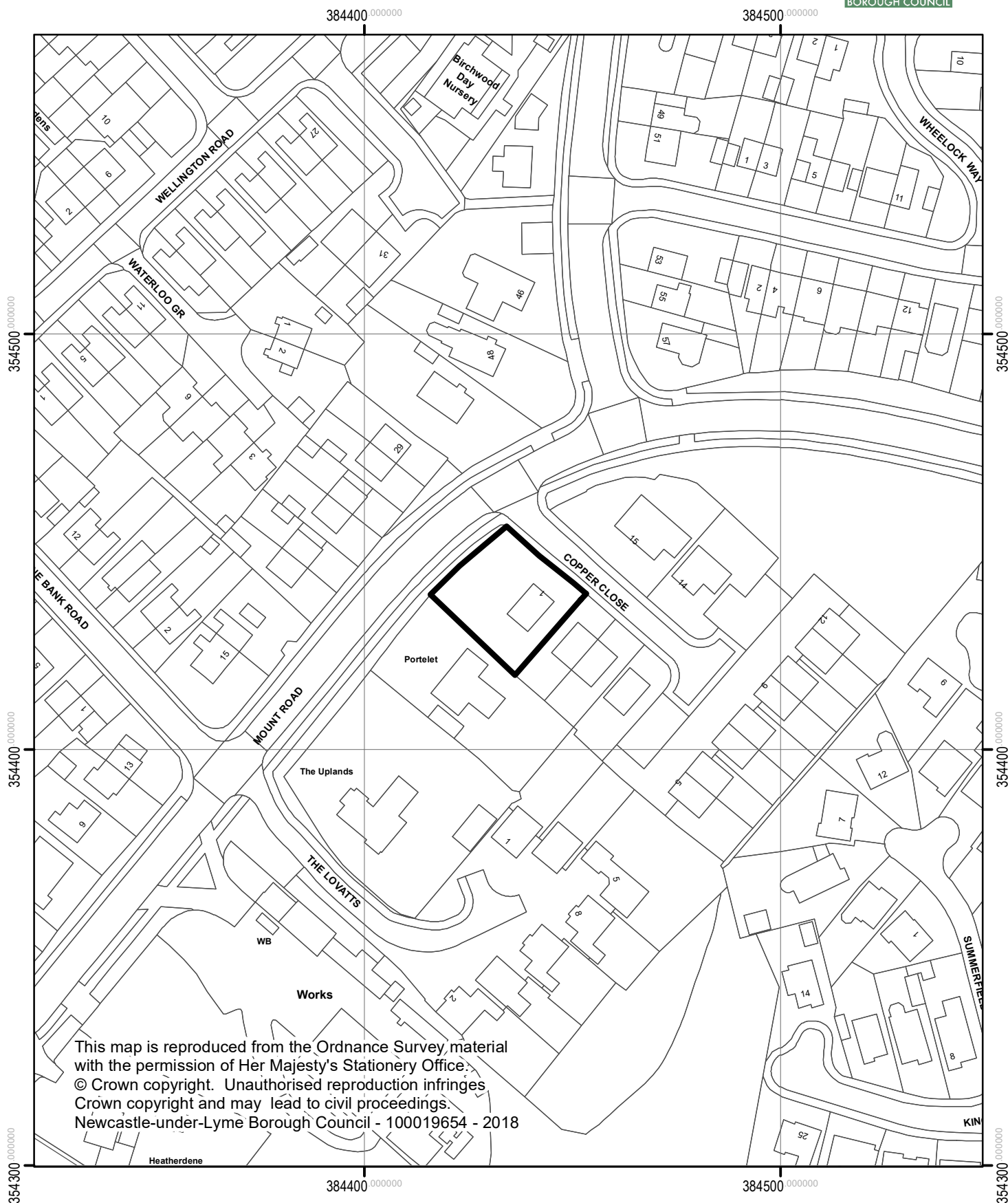
Planning files referred to  
Planning Documents referred to

### **Date report prepared**

26<sup>th</sup> November 2020

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# 1 Copper Close Kidsgrove, ST7 4EJ



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**APPEAL BY MR J FINNEY AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE ERECTION OF TWO DETACHED DWELLINGS AT LAND ADJACENT TO 'GRACELANDS', STATION ROAD, ONNELEY**

<b><u>Application Number</u></b>	<b>19/00700/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 29<sup>th</sup> October 2019</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Decision</u></b>	<b>19<sup>th</sup> October 2020</b>

**Appeal Decision**

The Inspector identified the main issue to be whether the occupiers of the proposed dwellings would have adequate access to services by an acceptable choice of modes of travel.

The Inspector recognised that it would be necessary for occupiers of the proposed development to travel to Madeley or another nearby local service centre to access a wider range of day to day services including shops, schools and health facilities. Station Road is narrow and poorly lit, and Newcastle Road would not provide a safe or attractive route for walking to Madeley. Options for cycling and public transport are also likely to be limited. Owing to the lack of alternative options, it is likely that occupiers of the proposed development would need to make use of private motor vehicles for the majority of trips.

The Inspector concluded that the proposed dwellings would not have adequate access to services by an acceptable choice of modes of travel. The proposal would conflict with Core Strategy Policies SP1 and ASP6, and Local Plan Policy H1, all of which direct residential development to larger urban and rural centres which have access to a range of services and facilities. There is further conflict with Core Strategy Policy SP3, which seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

The planning decision setting out the reason for refusal and the appeal decision in full can be viewed via the following link;

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00700/FUL>

**Recommendation**

That the appeal decision be noted.

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**APPEAL BY MR PETER BOWER AND DAVID WILSON AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING STRUCTURES ON SITE AND RE-DEVELOPMENT FOR FOUR RESIDENTIAL UNITS AND ASSOCIATED WORKS AT BALTERLEY GARDEN CENTRE, BALTERLEY GREEN ROAD, BALTERLEY**

<b><u>Application Number</u></b>	<b>19/00923/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused on the 13<sup>th</sup> March 2020</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Costs Decision</u></b>	<b>Refused</b>
<b><u>Date of Decisions</u></b>	<b>26<sup>th</sup> October 2020</b>

**Appeal Decision**

The Inspector identified the main issues to be whether the appeal site is in a suitable location for residential development having regard to local and national planning policy and the effect of the development on the Black Firs and Cranberry Bog SSSI and Midlands Meres and Mosses Phase 2 Ramsar site.

Subject to the imposition of conditions, the Inspector considered that the proposal would not adversely affect the integrity of the SSSI/Ramsar site.

He concluded that whilst the development is outside of the village envelope and would be contrary to the development plan in this regard, the policies which are most important for determining the application are out of date. In these circumstances, Paragraph 11 of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In addition to the conflict with the development plan, the Inspector considered that the appeal proposal would have relatively poor accessibility to services, facilities, and public transport, and future occupiers would be reliant on the use of a private car. However, he acknowledged that it would replace an existing retail use that generates significantly more car journeys. The development would therefore result in a significant reduction in vehicle movements in the area and would remove a busy retail use from a rural location. It would also provide 4 new dwellings on a previously developed site, and there would be some economic benefits generated during the construction phase. The Inspector attached significant weight to these benefits.

Overall, it was concluded that whilst there would be some conflict with Paragraph 103 of the Framework, the adverse impacts of development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, the conflict with the development plan would therefore be outweighed by other material considerations.

**Costs Decision**

The appellant submits that the Council has acted unreasonably in that it failed to have regard to a recent appeal decision relating to its 5 year supply position, that it failed to provide all relevant information to Natural England, and did not act promptly to withdraw its second reason for refusal when new information was presented. Moreover, it is asserted that had the Council acted differently, then the appeal could have been avoided altogether.

The appeal decision referred to was issued on 2 August 2019 and concluded that the Council was unable to demonstrate a 5 year supply of deliverable housing sites. Despite this, the Council has maintained that it is able to demonstrate a 5 year supply in its submissions.

However, in doing so it has provided reasons why the situation had changed since the previous decision, including with reference to the results of the Housing Delivery Test 2018. Moreover, it is common ground that the policies which are most important for determining this appeal are out of date, and so Paragraph 11 d) of the Framework is engaged in any case. It is therefore unclear that an inability to demonstrate a 5 year supply would have significantly altered the planning balance in this case.

Whilst relevant material may initially have been overlooked, that does not appear to be the result of any action taken by the Council. In any case, from the email exchanges that have been submitted, it is clear that further work would have been required in any event. Whilst the Council could have allowed additional time for this matter to be resolved prior to its determination, there would have been little point in doing so if it had already concluded that the scheme was unacceptable on other grounds, as was the case here. Accordingly, the Inspector did not consider that the Council acted unreasonably in this regard.

The Council did not respond to an email that advised of an imminent appeal and included further correspondence with Natural England. However, the Officer who dealt with the application had left the Council by that point and so this email was not picked up. Once the Council became aware of this, it entered into discussions that ultimately led to the second reason for refusal being withdrawn. The Inspector did not consider that the Council acted unreasonably in relation to this matter.

Even if the Council had agreed that it could not demonstrate a 5 year supply, and had not included the second reason for refusal, it is not clear that an appeal would have been avoided. In this regard, the Inspector noted that the Council continued to defend its first reason for refusal even after it had withdrawn its objections in relation to ecology.

The Inspector concluded that he did not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, had been demonstrated.

The planning decision setting out the reasons for refusal and the Appeal Decision and Costs Decision in full can be viewed via the following link

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00923/FUL>

**APPEAL BY MR R EMMETT AGAINST THE DECISION OF THE COUNCIL TO REFUSE  
(A) DETAILS SUBMITTED PURSUANT TO CONDITION 4 OF PLANNING PERMISSION  
19/00472/FUL; AND  
(B) PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING DWELLING AND  
ERECTION OF A REPLACEMENT DWELLING WITHOUT COMPLYING WITH  
CONDITIONS 5, 8 AND 9 OF PLANNING PERMISSION 19/00472/FUL  
16 FAIR VIEW, BOON HILL ROAD, BIGNALL END**

<b><u>Application Numbers</u></b>	<b>(A) 19/00472/CN04 &amp; (B) 19/00956/FUL</b>
<b><u>LPA's Decisions</u></b>	<b>(A) Refused on the 17<sup>th</sup> March 2020 &amp; (B) Refused on the 3<sup>rd</sup> February 2020, both under delegated authority</b>
<b><u>Appeal Decision</u></b>	<b>(A) dismissed &amp; (B) Allowed</b>
<b><u>Date of Decisions</u></b>	<b>21<sup>st</sup> October 2020</b>

**Background**

Planning permission, reference 19/00472/FUL, for demolition of existing dwelling and erection of replacement dwelling at 16 Fair View, Boon Hill Road, Bignall End was permitted on 4<sup>th</sup> October 2019.

The permission including a number of conditions including the following:

- Condition 4 which required prior approval of the external roofing materials, proposed means of boundary treatment, and soft and hard surfacing materials.
- Condition 5 which removed permitted development rights under Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (additions etc. to the roof of a dwellinghouse), C (other alterations to the roof of a dwellinghouse) and E (buildings etc. incidental to the enjoyment of the dwellinghouse) of Part 1, Schedule 2 of the General Permitted Development Order.
- Condition 8 requiring any gates to be located a minimum of 5m rear of the carriageway edge and to open away from the highway.
- Condition 9 requiring that any boundary treatment forward of the visibility splays shown on the approved drawings shall not exceed 600mm in height above the carriageway.

An application for details reserved by condition 4 of planning permission 19/00472/FUL (reference 19/00472/CN04) and an application (19/00956/FUL) for removal of conditions 5, 8 and 9 of planning permission 19/00472/FUL were refused earlier this year.

**Appeal Decision (A)**

The Inspector identified the main issue as the effect of the proposed roofing materials on the character and appearance of the area.

The Inspector considered that the proposed ceramic roof tiles were an acceptable colour but the reflective surface of the tiles made them appear lighter and markedly different to the roofs of the surrounding houses. It was concluded that the proposed roofing material would cause harm to the character and appearance of the area.

**Appeal Decision (B)**

***Condition 5***

The Inspector indicated that there is nothing in the National Planning Policy Framework (NPPF) which indicates that extensions or outbuildings allowed under permitted development rights should be restricted. He noted that there was no particular qualities relating to the area

or to the replacement dwelling, once constructed, which require special protection to the extent that permitted development rights under Classes A, B and C should be withdrawn.

Permitted development rights afforded by Class E could, if used, to their maximum extent allow a large area to be occupied by further outbuildings, enclosures and containers in the Inspector's opinion. Given the size of the site, such buildings and structures could cause harm to the character and appearance of the area, which is identified in Local Plan policy N20.

The Inspector concluded that restrictions of permitted development rights under Classes A, B and C is not necessary or reasonable. However this does not apply to the restrictions of rights under Class E. Condition 5 was revised by the Inspector to make the necessary changes.

#### *Conditions 8 & 9*

The Inspector noted that the submitted plans do not show any gates, but if they were installed condition 8 requires they are sited 5m to the rear of the carriageway edge and open inwards. Taking account of circumstances along this stretch of road, in particular the amount of traffic and the narrow carriageway, the Inspector considered that measures to avoid vehicles blocking the road are justified. He therefore concluded that condition 8 is reasonable and necessary and should be retained.

The Inspector considered that the maintenance of visibility splays, as required by condition 9, is important to ensure highway safety for all users given the nature of the road. Condition 9 is necessary therefore, however the visibility splay crosses part of the neighbour's property and as such the Inspector considered the condition as not reasonable, because full compliance with it is beyond the appellant's control. As the condition does not meet the six tests set out in paragraph 55 of the NPPF the Inspector removed it.

The planning decisions setting out the reasons for refusal and the appeal decision can be viewed via the following links

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00472/CN04>

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00956/FUL>

**APPEAL BY MR M WINKS OF STAFFORDSHIRE COUNTY COUNCIL AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF ALL EXISTING BUILDINGS AND THE ERECTION OF CIRCA 55 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE AT THE FORMER SEABRIDGE COMMUNITY CENTRE, ROE LANE, NEWCASTLE-UNDER-LYME**

<b><u>Application Number</u></b>	<b>19/00515/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused by Planning Committee contrary to Officer's recommendation on 25<sup>th</sup> September 2019</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Date of Decision</u></b>	<b>17<sup>th</sup> November 2020</b>

**Appeal Decision**

The Inspector identified the main issues to be the effect of the proposal on the character and appearance of the area and whether the proposal would provide safe and satisfactory access.

The Inspector considered that whilst the character of the development would be different to that of adjacent housing on Ash Way, this need not be harmful, and would not be uncommon or unexpected in an area such as this, which has been developed over different times and includes housing of various ages and styles. The Inspector was satisfied that a suitable scheme could be agreed at reserved matters stage which would be acceptable in its effect on the character and appearance of the area, including the effect on the appearance of Seabridge Park.

The Inspector considered that Ash Way would be capable of serving the level of development proposed and he noted that no objections have been raised by the Council's highways officer. Whilst there may be variation during the day, the overall level of trips associated with the proposed development would be lower than that which could occur through the previous use of the site as a Community Education centre. The Inspector found no reason to suppose that the proposal would cause parking problems either within the site or on surrounding streets. He concluded that the proposal would be capable of providing safe and satisfactory access, as required by Framework paragraph 108. The proposal would not have an unacceptable impact on highway safety, and having regard to Framework paragraph 109, there is no reason to refuse the proposal on highways grounds.

The planning decision setting out the reasons for refusal and the appeal decision in full can be viewed via the following link;

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00515/OUT>

**Recommendation**

That the appeal decision be noted.

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**Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Butterton Grange, Trentham Road, Butterton Newcastle (Ref: 20/21003/HBG)**

**RECOMMENDATION:**

**That the following grants are approved:-**

- 1. £2,419 Historic Building Grant be given towards the repair of nine original sash windows.**

**Purpose of report**

To enable members to consider the application for financial assistance.

Butterton Grange Farmhouse was built for Sir Thomas Swinnerton of Butterton Hall in 1816 and designed by Sir John Soane. It is built in an elegant villa style. As a Grade II\* Listed Building it is recognised as a building of great significance that has more than special interest. Its design has a low-pitched hipped roof with a wide projecting eaves with a deeply recessed central section and 2 flanking bays with large corner canted pilasters. All windows are quartered sash windows with the ground floor having round fanlights at the top.

The sash windows are in need of repair and indeed those to the front elevation are failing considerably and are dangerous in some cases and letting in the weather. The owner has requested help with the cost of these repairs. Repairs vary from replacement of sashes, tenons, cill repairs and making good the putty where it has failed.

Two competitive quotations have been received by appropriately qualified joiners/contractors. The cost of the work is estimated at £12,093.20 excluding VAT as the lowest quotation is not VAT registered. As the building is a Listed Building, the work is eligible for 20% grant towards the cost of the works.

The Conservation Advisory Working Party will consider the grant at its next meeting on 1 December 2020.

**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. Buildings within Conservation Areas or on the Register of Locally Important Buildings are eligible to apply for 10% of the cost of such work.

There is sufficient funding to meet this grant application with a little over £6,000 in the Fund; allowing for commitments. This will leave £3,714 available to offer subsequent heritage assets within the Borough.

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8 December 2020**

**Agenda item     16**

**Applications for Financial Assistance from the Conservation and Heritage Fund for**

**Butterton Grange, Trentham Road, Butterton, Newcastle (Ref: 20/21003/HBG)**

The **Conservation Advisory Working Party** recommends that this grant (£2,419) is offered to the applicant, subject to the standard conditions.

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**Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – 1 Gladstone Villas, Victoria Road, Newcastle (Ref: 20/21004/HBG)**

**RECOMMENDATION:**

**That the following grants are approved:-**

- 1. £396 Historic Building Grant be given towards a timber replacement sash window.**

**Purpose of report**

To enable members to consider the application for financial assistance.

No. 1 Gladstone Villas is one of a pair of Victorian Villas situated within Stubbs Walk Conservation Area. The house is of red brick construction with blue brick banding and has decorative timber barge boards.

This application is for the replacement of a first floor side elevation sash window. The bottom sash and the outside window sill are rotten. Replacement of sash will be on a like for like basis with super slim heritage glazing and draught proofing.

Two competitive quotations have been received by appropriately qualified joiners/contractors. The cost of the work is estimated at £1,980 including VAT. The building is a historic building within the Conservation Area, and the work is eligible for 10% grant towards the cost of the works.

The Conservation Advisory Working Party will consider the grant at its next meeting on 1 December 2020.

**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. Buildings within Conservation Areas or on the Register of Locally Important Buildings are eligible to apply for 10% of the cost of such work.

There is sufficient funding to meet this grant application with a little over £3,700 in the Fund; allowing for commitments. This will leave £3,318 available to offer subsequent heritage assets within the Borough.

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8 December 2020**

**Agenda item     17**

**Applications for Financial Assistance from the Conservation and Heritage Fund for**

**1 Gladstone Villas, Victoria Road, Newcastle (Ref:20/21004/HBG**

The Conservation Advisory Working Party recommends that this grant (£396) is offered to the applicant, subject to the standard conditions

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

### **Purpose of the Report**

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

### **Recommendations**

**a) That the report be noted**

**b) 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.**

### **Introduction**

The Committee, when resolving to permit an application subject to the prior entering into of a planning obligation, usually also agree to authorise the Head of Planning to extend the agreed period of time for an applicant to enter into the Section 106 obligations, if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought. It also does not include those situations where obligations are secured "in time".

This report covers the period between 15<sup>th</sup> September 2020 (when the Committee last received a similar report) and the date of the preparation of this report (26<sup>th</sup> November 2020).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or in subsequent agreed extensions, and extensions have been agreed with respect to some 5 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Indeed it can be in their interests to delay matters in some cases, particularly where the Council has agreed to accept less than policy compliant contributions on the basis of a viability appraisal. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made "in time" insofar as the speed of determination criterion for designation of poorly performing LPAs is concerned.

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended

period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

As from the 1<sup>st</sup> June 2018 the Service has signed up to a Staffordshire wide initiative to promote the use of a standardised Section 106 template agreement, with template schedules, which is being publicised so applicants are clear what documentation is required of them to complete the application process – with the aim of reducing delays and costs for applicants and to simplify the planning process.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the engrossment of the final document he retains the right to bring the matter back to the Planning Committee. Milestones are now being set in some cases. Applicants are also requested to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period is defined by the government as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

**(1) Compound C and Compound E, Lymedale Cross 18/00997/FUL**

This application for full planning permission for a warehouse unit and 7 no. business starter units came before the Planning Committee at its meeting on the 3<sup>rd</sup> December (at around week 31). The resolution of the Committee required an obligation to secure a travel plan monitoring fee of £2,407. The resolution included the requirement that the agreement should be completed by the 8<sup>th</sup> February.

The Obligation was not completed by the 8<sup>th</sup> February due to a number of delays on behalf of the Council and more latterly on behalf of the applicant. However, steady progress was eventually made and on that basis a series of extensions of time were agreed by your Officer, the latest being to the 13<sup>th</sup> October 2020.

The Obligation was eventually completed on the 12<sup>th</sup> October and the decision notice was issued on the 15<sup>th</sup> October 2020

The decision was issued 'in time' some 74 weeks after receipt of the application.

**(2) Morston House, Newcastle-under-Lyme 20/00282/FUL**

This application for full planning permission for the conversion of the lower ground and upper ground floors of Morston House to 31 no. studio flats for students came before the Planning Committee at its meeting on the 23<sup>rd</sup> June (at around week 11). The resolution of the Committee required an obligation to secure financial contributions of £60,357 towards the enhancement of public open space and £2,443 towards travel plan monitoring. The resolution included the requirement that the agreement should be completed by the 31<sup>st</sup> July.

The agreement was not completed by the 31<sup>st</sup> July due to delays by all parties and these delays have continued and the legal representatives are being chased on a regular basis. An update on this case will need to be provided to the Committee.

Some 34 weeks have now passed since receipt of the application.

**(3) Former Newcastle Baptist Church, London Road, Newcastle 20/00336/FUL**

This application is for the variation of condition 2 of planning permission 14/00477/FUL which granted consent for the demolition of the former Newcastle Baptist Church and the erection of



a residential apartment development, formation of a new access and associated car parking. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the building footprint and elevations.

The Planning Committee at its meeting on the 21<sup>st</sup> July (at around week 10). The resolution of the Committee required an obligation to preserve the Council's position in respect of obligations secured prior to the grant of permission 14/00477/FUL. The resolution included the requirement that the agreement should be completed by the 28<sup>th</sup> August.

The Obligation was not completed by the 28<sup>th</sup> August due to delays on behalf of the Council and delays have continued. A new deadline for completion is now required from your officer in consultation with the Councils Legal Section. An update on this case will need to be provided to the Committee.

Some 28 weeks have now passed since receipt of the application.

#### **(4) St John the Evangelist RC School, Gloucester Road, Kidsgrove 19/00804/FUL**

This application for full planning permission for a large extension to the existing school with associated new playground/net ball space, revised car parking provision and access arrangements, new fencing and landscaping came before the Planning Committee at its meeting on the 18<sup>th</sup> August (at around week 44). The resolution of the Committee required an obligation to secure a financial contribution of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme to promote and encourage sustainable access to the school. The resolution included the requirement that the agreement should be completed by the 1<sup>st</sup> September.

The Obligation was not completed by the 1<sup>st</sup> September due to an unexpected issue with Title and your officer agreed extensions to the period for the completion of the S106 to the 1<sup>st</sup> October and then to the 14<sup>th</sup> October 2020.

The Obligation was eventually completed on the 13<sup>th</sup> October and the decision notice was issued on the 14<sup>th</sup> October 2020

The decision was issued 'in time' some 52 weeks after receipt of the application.

#### **(5) One London Road, London Road, Newcastle 20/00557/FUL**

This application is for the variation of condition 2 of planning permission 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the elevations of blocks 1, 2 and 3.

The Planning Committee at its meeting on the 13<sup>th</sup> October (at around week 13) resolved that an obligation was required to preserve the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL. The resolution included the requirement that the agreement should be completed by the 17<sup>th</sup> November.

The Obligation was not completed by the 17<sup>th</sup> November due to delays on behalf of the Council. A new deadline for completion is now required from your officer in consultation with the Councils Legal Section. An update on this case will need to be provided to the Committee.

Some 19 weeks have now passed since receipt of the application.

Date Report prepared

26<sup>th</sup> November 2020

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8<sup>th</sup> December 2020**

**Agenda Item 18**

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

Since the preparation of the main agenda report your officer has agreed that the period of time within which the obligations can be entered into for items **(2) Morston House** and **(3) Former Newcastle Baptist Church** can be extended to the 15<sup>th</sup> December due to the progress that has been made in completing the matters in recent days.

Your officer has also agreed that the period of time within which the obligations can be entered into for item **(5) One London Road** can be extended to the 8<sup>th</sup> January 2021 due to continued delays on behalf of the Council.

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## REPORT TO PLANNING COMMITTEE

### MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020

#### **Purpose of the report**

To provide members with a mid-year report on the performance recorded for Development Management between 1<sup>st</sup> April 2020 and 30<sup>th</sup> September 2020. Figures for 2018/19 and 2019/20 are also provided for comparison as are targets set within the relevant Planning Service Plan.

#### **Recommendations**

**(a) That the report be received.**

**(b) That the Head of Planning and Development Manager seeks to maintain and improve performance of the Development Management team (including the technical support team) to meet the targets set out in the Planning Service Plan for 2020/21.**

**(c) That the next 'Development Management Performance Report' be submitted to Committee around June 2021 reporting on performance for the complete year 2020/21.**

#### **Reasons for recommendations**

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good customer service to all who use the Planning Service.

#### **1. Background:**

An extensive set of indicators is collected to monitor the performance of the Development Management service. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area. The range of indicators included reflects the objective of providing a fast and efficient development management service including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development.

#### **2. Matters for consideration:**

There is an Appendix attached to this report:-

**APPENDIX 1: PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT, 2018/19, 2019/20 and 2020/21:** Contains quarterly and annual figures for the Performance Indicators applicable during 2020/21 (comparative figures for 2018/19 and 2019/20 are also shown).

This report is a commentary on the local performance indicators that the Council has as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 21<sup>st</sup> July 2020 which reported on the performance achieved in 2019/20, and discussed appropriate targets.

The Council's Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including those which relate to whether Major and Non-Major planning applications are being determined "in time", and any indicators failing to meet the set targets are reported by exception.

### 3. The performance achieved:

#### National Performance Indicators

The Government has a system of designation of poorly performing planning authorities – two of the four current criteria for designation under ‘Special Measures’ are thresholds relating to the speed of determination of Major and Non-major applications, performance below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council.

The most recent assessment period in respect of speed of decision is the two year period from July 2018 to June 2020. The period referred to in this report – between April 2020 and September 2020 therefore partially falls within this reporting period.

The threshold for designation as an underperforming authority at the end of that reporting period for ‘Major’ applications is where the Council has failed to determine a minimum of 60% of its applications within a 13 week period or such longer period of time as might have been agreed with the applicant.

For ‘Non-major’ applications (All ‘Minor’ applications plus ‘Changes of use’ and ‘Householder’ applications) the threshold is where the Council has failed to determine a minimum of 70% of its applications within an 8 week period or such longer period of time as might have been agreed with the applicant.

The other designation criteria measure the quality of decision making as demonstrated by appeal performance (again for Majors and Non-Majors). The two year period in respect of quality is April 2017 to March 2019

The threshold for designation with regard to both ‘Major’ and ‘Non-major’ in terms of quality of decisions is where 10% or more of the authority’s decisions are allowed at appeal. Therefore, in this instance the upper limit is 10%.

The Council’s performance with regard to the 4 national indicators are as follows:

	<b>Designation threshold</b>	<b>Result Qtr. 1 2020-21*</b>	<b>Result Qtr. 2 2020-21*</b>	<b>Result Qtr. 3 2020-21*</b>	<b>Result Qtr. 4 2020-21*</b>
<b>Speed of major development applications</b>	Less than 60%	76.8%	84.6%		
<b>Quality of major development applications</b>	Over 10%	1.5%	3%		
<b>Speed of non-major development applications</b>	Less than 70%	84.9%	90.4%		
<b>Quality of non-major development applications</b>	Over 10%	0.8%	0.9%		

\*figure provided is the rolling total for the two year assessment period covering July 2018 – Sept 2020 for speed and April 2017-March 2019 for quality.

As can be seen above, the Council is clearly above the threshold for designation in terms of ‘speed of decisions’ for both ‘Major’ and ‘Non-major’ applications and well below the upper thresholds of 10% in respect of ‘Quality of Decision’.

It is also important to note that, in respect of two of the four figures the Council is moving further away from the threat of designation. In relation to the quality of decisions of major development applications, whilst the percentage has doubled between the first and second quarter at 3% it remains significantly below the 10% threshold. In relation to quality of decisions for 'Non-majors' the increase is actually very small at 0.1%.

These figures are drawn from nationally published 'Live Planning Tables' by the MHCLG. The improved performance, in terms of the Council's placing within these tables, has resulted in the Council moving from the fourth (bottom) quartile to the third quartile of Local Planning Authorities within England with regard to 'Speed of Decision' for both 'Major' and 'Non-major' applications. With sustained improvement moving forwards the Council should move up the league table. In respect of quality of decisions the Council is in the third quartile for 'Major' development applications and second quartile for 'Non-major'.

### Local Performance Indicators (LPI)

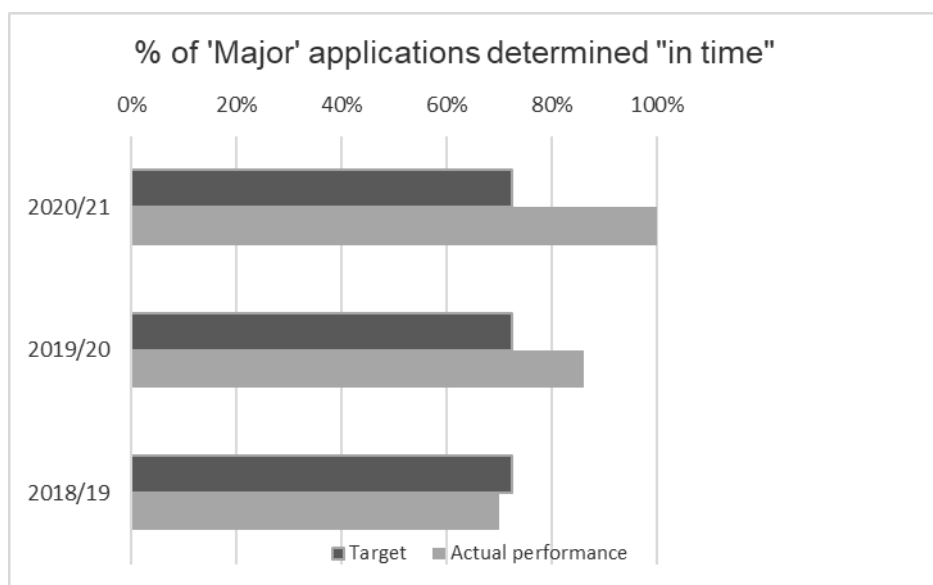
With regard to these 7 indicators are included in the Planning and Development Service Plan for 2020/21. These are referred to in the commentaries below.

#### **INDICATOR - Percentage of applications determined within timescales:-**

- (1) 72.5% of 'Major' applications<sup>1</sup> determined 'in time'<sup>2</sup>**
- (2) 77.5% of 'Minor' applications<sup>3</sup> determined 'in time'<sup>2</sup>**
- (3) 85% of 'Other' applications<sup>4</sup> determined 'in time'<sup>2</sup>**
- (4) 85% of 'Non-major' applications<sup>5</sup> determined 'in time'<sup>2</sup>**

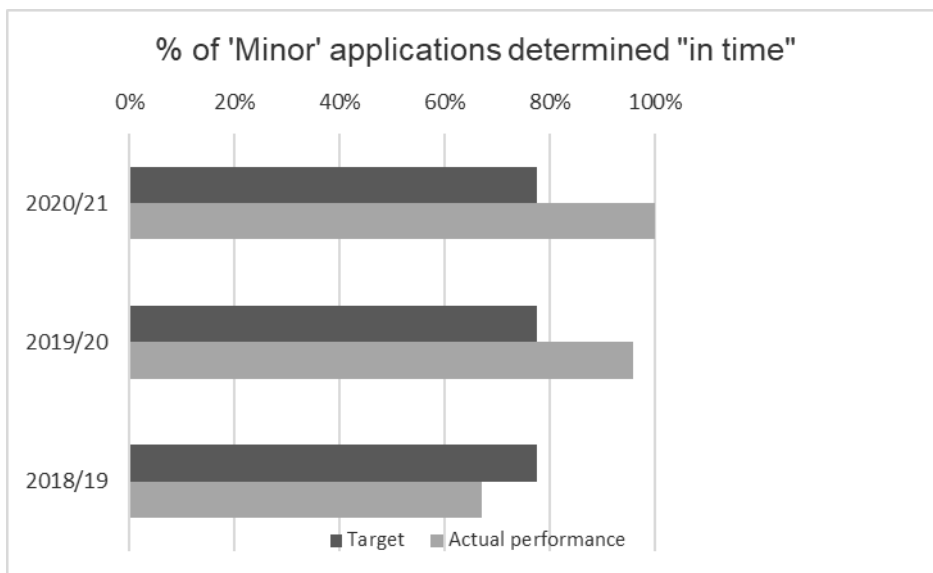
**(see footnotes set out at the end of this report)**

(1) In dealing with **'Major' applications** the LPI for majors is 72.5%. The figures to date for 2020/21 is 100%. This is a marked improvement from the same time last year when performance was 66.7%.



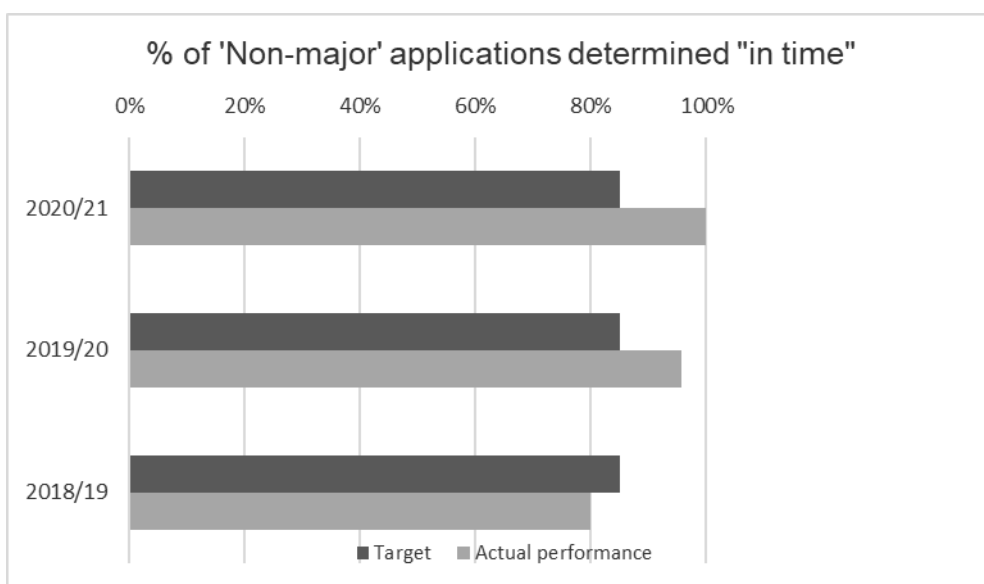
**TARGET FOR 2020/21 LIKELY TO BE ACHIEVED**

(2) In dealing with **'Minor' applications** the LPI for minor is 77.5%. The figures to date for 2020/21 is 100%. At this stage last year performance was 94.5%.



**TARGET FOR 2020/21 LIKELY TO BE ACHIEVED**

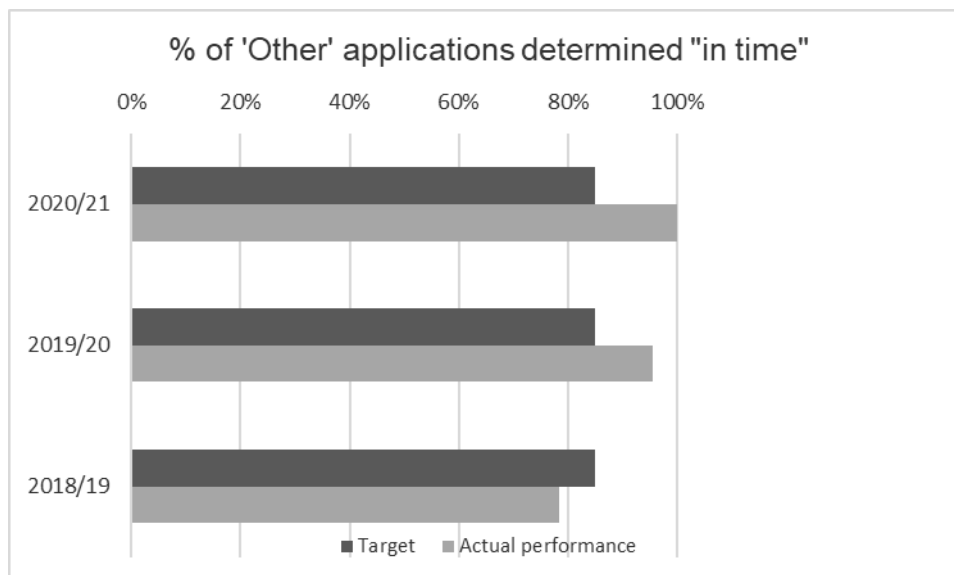
(3) In dealing with **'Other' applications** the 'LPI for minor is 85%. The figures to date for 2020/21 is 100% a marked improvement on performance this time last year which was 85.5%.



**TARGET FOR 2020/21 IS LIKELY TO BE ACHIEVED**

(4) In dealing with **'Non-major' applications** the 'LPI for minor is 85%. The figures to date for 2020/21 is 100% (93.3% this time last year). For clarity this reported LPI is different from the 'Non-major' KPI mentioned above as this is the performance figure for 2019/20 year to-date and not the 2 year rolling figure.



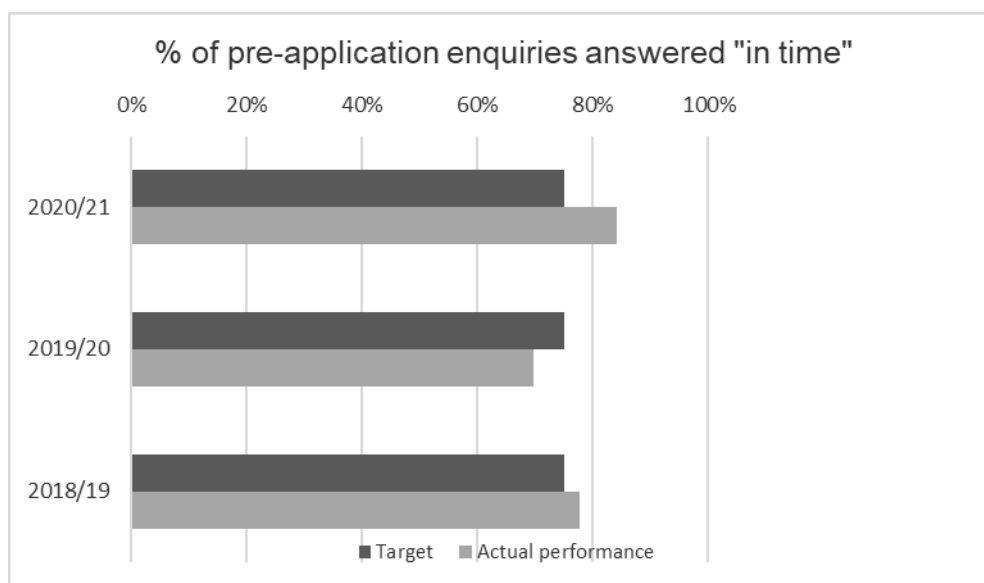


**TARGET FOR 2020/21 LIKELY TO BE ACHIEVED**

In conclusion, the Service has achieved 100% against all four targets in respect of determination of planning applications which is extremely commendable performance particularly when it is noted that there are currently vacancies within the team. On the basis of this performance it is predicted that all four targets are likely to be achieved.

**INDICATOR - Percentage of pre-application enquiries answered in time**

In dealing with 'Pre-application enquiries' the 'LPI for minor is 75%. The figures to date for 2020/21 is 84.2% which currently exceeds the target.

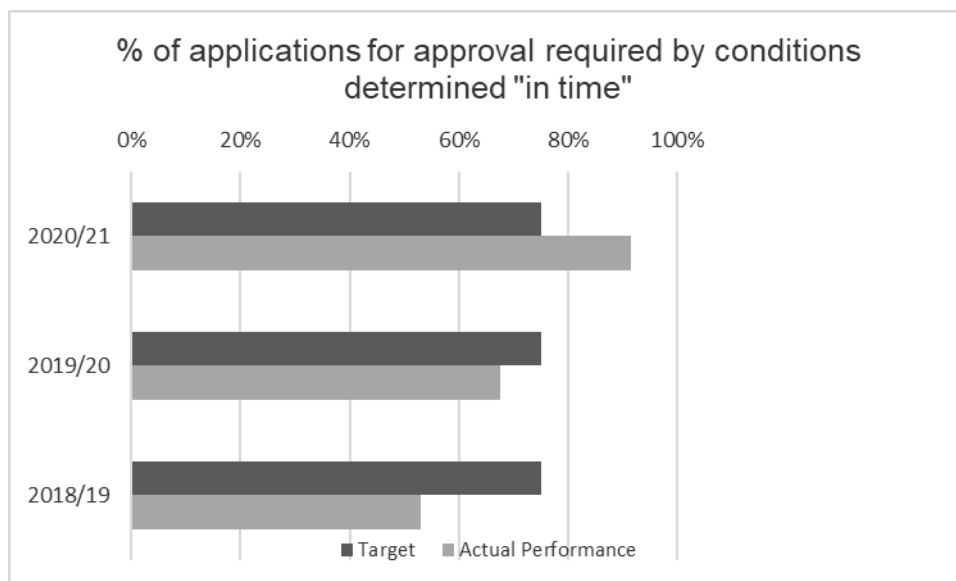


The Service is set to achieve this target for only the second time in the last five years.

**TARGET FOR 2020/21 LIKELY TO BE ACHIEVED**

**INDICATOR - Percentage of applications for approvals required by conditions determined within 8 weeks**

In dealing with '**Discharge of Condition applications**' the LPI is 75%. The figures to date for 2020/21 is 91.4% which is significantly above the target.

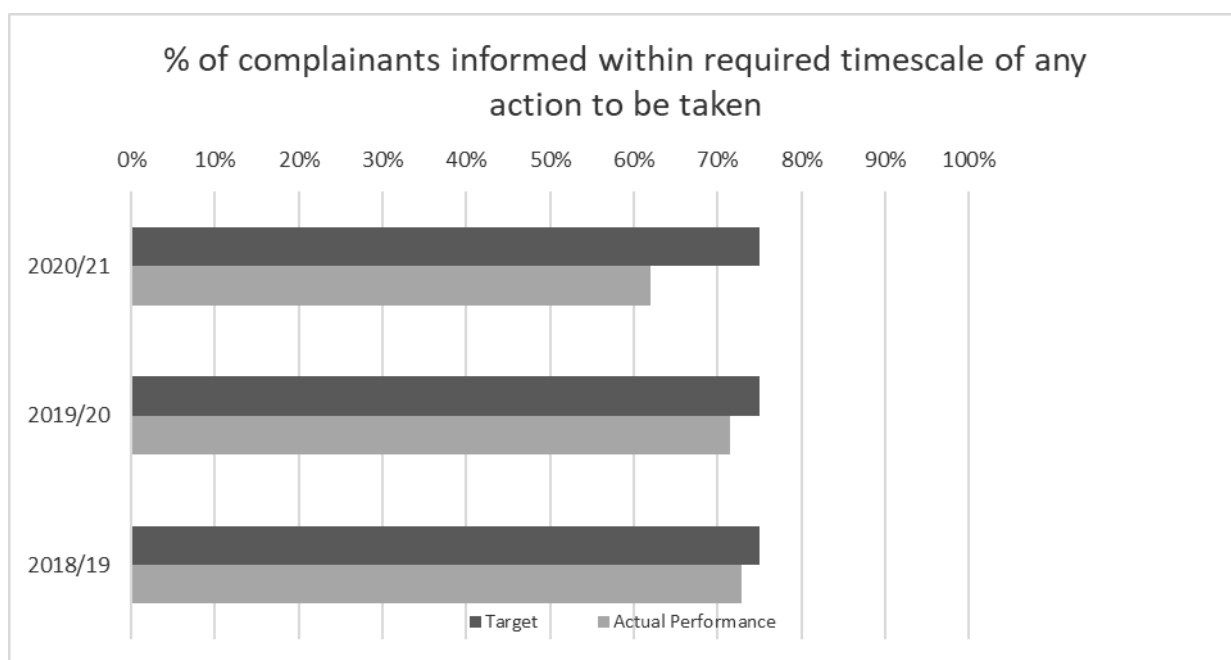


This target was changed at the start of this year from the percentage of conditions determined within 8 weeks to the percentage of conditions determined "in time". This change together with improved performance management tools and greater focus on such matters has led to a marked improvement in performance. At this stage last year performance was 53.4%, which had improved to 67.6% by the end of the year.

#### **TARGET FOR 2020/21 LIKELY TO BE ACHIEVED**

***INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.***

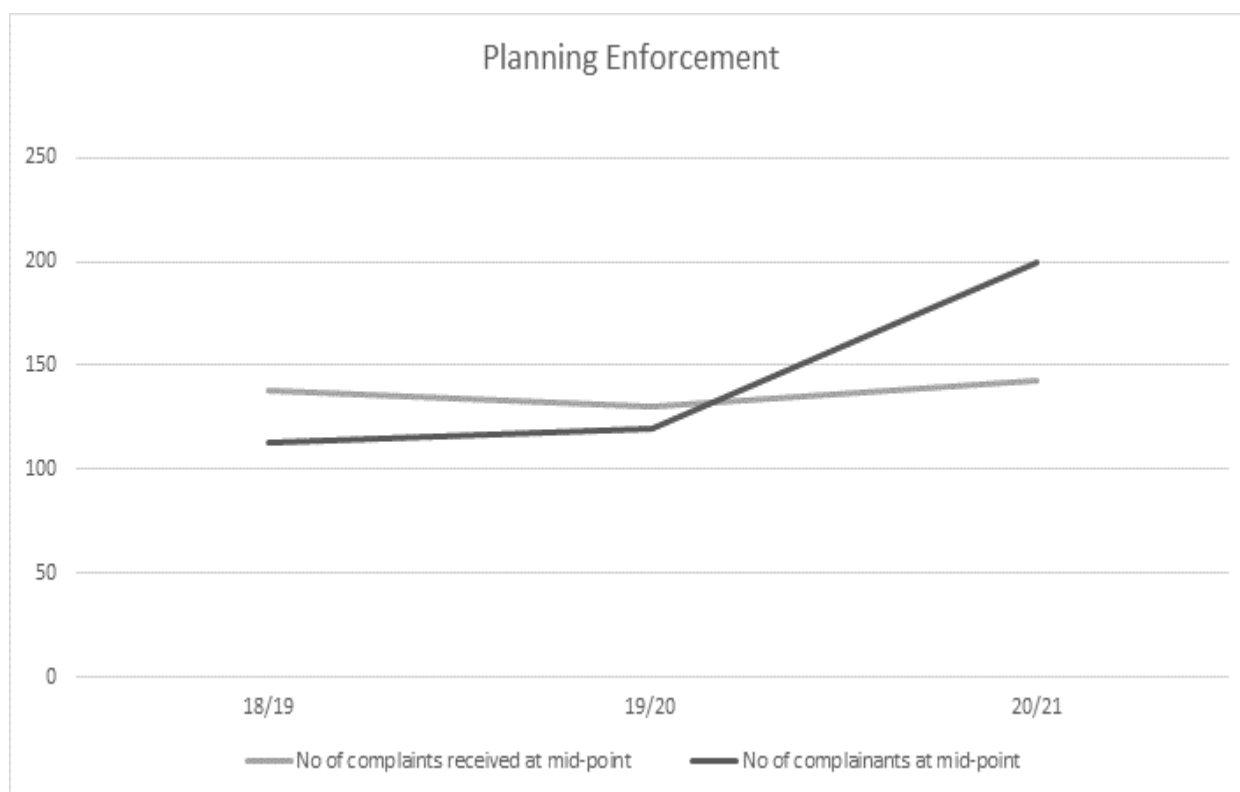
In dealing with '**Enforcement complaints**' the 'LPI for this service is 75%. The figures to date for 2020/21 is 62% which is currently below target.



Whilst the Service has continued to investigate and pursue breaches of planning control during the Covid-19 pandemic the restrictions that have been in place and the need to ensure that site visits are undertaken safely has had an impact on performance. In addition the number of cases received has increased during the pandemic, although not by a significant amount, and more notably the number of

complainants has increased quite considerably as can be seen in the table and graph below. Therefore any delay in determining what action should be taken on a case has a disproportionate impact on performance where that case generated a large number of complainants.

	No of complaints (cases) at mid-point	No of complainants at mid-point
18/19	138	113
19/20	130	120
20/21	143	200



Performance management tools are being developed in conjunction with the rolling out of the Local Planning Enforcement Policy approved earlier this year which should result in improved performance. Recruitment to the vacant posts within the Development Management Team will also be beneficial as there will be additional resources available.

#### **TARGET FOR 2019/20 UNLIKELY TO BE ACHIEVED**

#### **Footnotes**

<sup>1</sup> 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more.

<sup>2</sup> 'In-time' means determined within an extended period of time beyond the normal 8 week target period that has been agreed, in writing, by the applicant.

<sup>3</sup> 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of 'Other' Development.

<sup>4</sup> 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

<sup>5</sup> 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

**Date report prepared:**

24<sup>th</sup> November 2020

**Source of information/background papers**

- General Development Control Returns PS1 and PS2 for 2017 – 2019
- Planning Services own internal records, produced manually and from its UniForm modules.
- MHCLG Live Planning Tables.

**APPENDIX 1: ' PERFORMANCE' INDICATORS FOR  
DEVELOPMENT MANAGEMENT 2018/19, 2019/20 AND 2020/21.**

Indicator	Year	Target for year	<-----Actuals----->				Actual Performance (at 30.09.20)
			April - June	July - Sept	Oct - Dec	Jan - Mar	
% of 'Major' applications determined "in time"	2020/21	72.5%	100%	100%			<b>100%</b>
	2019/20	72.5%	80.0%	66.7%	100%	100%	86.2%
	2018/19	72.5%	44.4%	70%	100%	88.9%	70.0%
% of 'Minor' applications determined "in time"	2020/21	77.5%	100%	100%			<b>100%</b>
	2019/20	77.5%	94.7%	94.3%	97.7%	97.9%	96.0%
	2018/19	77.5%	58.7%	77.3%	70.6%	63.8%	67.1%
% of 'other' applications determined "in time"	2020/21	85%	100%	100%			<b>100%</b>
	2019/20	85%	91.8%	95.1%	98.8%	97.5%	95.5%
	2018/19	85%	80.2%	73.7%	76.2%	84.5%	78.3%
% of "Non-Major" applications determined "in time"	2020/21	85%	100%	100%			<b>100%</b>
	2019/20	85%	93.1%	94.7%	99.1%	97.6%	95.6%
	2018/19	85%	77.9%	82.1%	82%	77.6%	79.9%
% of pre-application enquiries answered in time	2020/21	75%	84.4%	84.2%			<b>84.2%</b>
	2019/20	75%	67.1%	77.3%	71.8%	63.7%	69.6%
	2018/19	75%	76.5%	88.5%	72.7%	71.3%	77.6%
% of applications for approval required by conditions determined "in time"	2020/21	75%	99.0%	94.1%			<b>91.4%</b>
	2019/20	75%	49.1%	57.3%	80.6%	96.9%	67.6%
	2018/19	75%	36.9%	49.1%	70.9%	46.0%	52.9%
% of complainants informed within required timescale of any action to be taken	2020/21	75%	62.5%	61.6%			<b>62.0%</b>
	2019/20	75%	67.2%	79.2%	63.0%	73.0%	71.4%
	2018/19	75%	76.4%	75.6%	71.1%	68.6%	72.8%

Target achieved for the year

Target achieved at 30.09.2020

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8 December 2020**

**Agenda item     19**

**MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020**

**Page 94** Indicator: Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

The figure reported in the committee report for Q1-Q2 2020/21 is 62%. Performance to date for Q3 is at 59% and the updated cumulative performance to date for 2020/21 is 61.8%

Officers will be seeking to address this slippage in the first two quarters of 2021 i.e. Q1 2019/20 and Q2 2020/21 through the reallocation of staff in the Development Management service.

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