

Date of meeting Tuesday, 5th January, 2021

Time 7.00 pm

Venue Hybrid Meeting - Castle

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 3 - 8)**
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF WEST AVENUE. PERSIMMON HOMES. 20/00501/FUL** **(Pages 9 - 24)**
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF BIRCH HOUSE ROAD, HOLLY ROAD AND WHITETHORNE WAY. ASPIRE HOUSING. 20/00932/FUL** **(Pages 25 - 30)**
- 6 APPLICATION FOR MINOR DEVELOPMENT - THE NOOK, NEWCASTLE ROAD, MADELEY. MR JEFF ALLEN. 20/00969/REM** **(Pages 31 - 40)**
- 7 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** **(Pages 41 - 42)**
- 8 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** **(Pages 43 - 44)**
- 9 UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE** **(Pages 45 - 46)**
- 10 APPEAL DECISION - WELLBANK COTTAGE, OLD ROAD, WRINEHILL. 20/00481/FUL** **(Pages 47 - 48)**

**11 TREE PRESERVATION ORDER - LAND AT RENFORD HOUSE, (Pages 49 - 52)
24 HIGH STREET, WOLSTANTON, NEWCASTLE. TPO210**

12 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.

PLANNING COMMITTEE

Tuesday, 8th December, 2020
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

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

Officers:	Nick Bromley	Senior Planning Officer
	Darren Walters	Team Leader Environmental Protection
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	David Elkington	Head of Customer and Digital Services

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

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

Councillor John Williams declared an interest in item 7 - 20/755/FUL as he had worked with applicant in the past.

Councillor Northcott declared an interest in item 5 – 20/633/DOB as a Non-Executive Director of the Aspire Board.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 10 November, 2020 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS. ELAN HOMES LIMITED. 20/00293/FUL & 20/00294/FUL

Resolved: (A) That application 20/00293/FUL be refused for the following

reasons:

- (i) 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.
- (ii) 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) That, subject to the applicant first entering into a Deed of Variation by 22nd 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, the application be permitted subject to the undermentioned conditions:

- (i) Variation of condition 2 to list the revised plans
- (ii) Any other conditions attached to planning permission 18/00315/REM that remain relevant at this time
- (iii) Installation, monitoring and supervision in accordance with the information submitted in Arbtech Arboricultural Method Statement Rev A.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. ASPIRE HOUSING LIMITED. 20/00633/DOB

Councillor Northcott took no part in the discussion or vote on this application.

Resolved: 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.

6. APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST, APEDALE ROAD, CHESTERTON. HARVEY THORP. 20/00812/FUL

Resolved: That 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 be permitted,

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.

7. APPLICATION FOR MINOR DEVELOPMENT - HAZELEY PADDOCKS, KEELE ROAD, MADELEY HEATH. MS SOPHIE THORLEY. 20/00755/FUL

Councillor John Williams took no part in the discussion or vote on this application.

Councillor Gary White spoke on this application

Councillor Northcott moved refusal of this application which was seconded by Councillor Holland.

The Chair asked the officer, Nick Bromley to clarify a point on the concrete plinth – the report stated that it was on an area that had been built up, thus changing the topography. The officer advised that the land dropped away to the side so it was likely that the land had been built up but there was some uncertainty as to the extent.

Councillor Jones had a number of reservations on this application. Part of a Council's role is to be custodians of the Green Belt. Applications in the Green Belt are judged on the harm that they may cause but applications were also expected to adhere to requirements that were set out when planning permission was granted. Councillor Jones pointed out that there had been six breaches of the original planning consent. Referring to the pergola, Councillor Jones stated that this was the installation of a significant extension and the large concrete plinth with additional buildings on would cause harm to the Green Belt. The pergola was also visible from the road. Councillor Jones asked the officer why this did not cause significant harm.

Nick Bromley stated that the timber building was on skids and was therefore a moveable structure which would not need planning permission. However, should it have needed permission, as long it was used for livestock or field shelter it would be appropriate development in the Green Belt. The Pergola was operational development and would require planning permission so it was inappropriate development but did not cause significant harm. Although the plinth was inappropriate development and was of a size to cause some harm, there were special circumstances which were set out in the agenda report.

Councillor Northcott had a number of concerns. If this had been a recognised business planning permission would have been sought. There had been no plans of construction. Councillor Northcott did not agree to Condition six – the concrete plinth and the pergola were large and he did not agree that there were special circumstances. He would have expected an application demonstrating a need for it and there was no evidence to support it. Councillor Northcott added that he would allow the other parts of the application but with the exception of the pergola and plinth.

Councillor Holland felt that the correct test would be whether, had these additional features been present in the original application, would it have been approved. The Plinth and pergola had been acknowledged as appropriate development in the Green Belt by the officers so special circumstances needed to be demonstrated in order to approve them.

Councillor Northcott moved to refuse the application on the grounds that the plinth and hardstanding were inappropriate development in the Green Belt and that there was no evidence to support special circumstances.

Councillor Holland seconded Councillor Northcott stating that he was satisfied that the harm to the Green Belt outweighed the benefit. The concrete standing was much larger than that which had been approved and there were no special circumstances to justify inclusion in the application. In addition, the pergola was visible from the road and again there were no special circumstances for this.

Resolved: That the application be refused on the grounds that the Pergola and concrete plinth hardstanding are inappropriate development within the Green Belt and there are no very special circumstances justified that would outweigh the harm caused.

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

Resolved: (A) That, 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:

- (i) Time limit
- (ii) 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:-

- (i) Time limit
- (ii) Approved plans

9. APPLICATION FOR OTHER DEVELOPMENT - 20 HIGH STREET, WOOD LANE. MR BEN JONES. 20/00722/FUL

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

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Matching facing and roofing materials

10. APPLICATION FOR OTHER DEVELOPMENT - INFANT WELFARE CENTRE & CLINIC, KNOTTON LANE, KNOTTON. NEWCASTLE BOROUGH COUNCIL. 20/00958/DEEM3

Resolved: That prior approval be 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.

11. APPLICATION FOR OTHER DEVELOPMENT - 1 COPPER CLOSE, KIDSGROVE. MR & MRS HOPPER. 20/00894/FUL

Resolved: That the application be permitted, subject to conditions relating to the following: -

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Matching facing and roofing materials

12. APPEAL DECISION - LAND ADJACENT TO 'GRACELANDS', STATION ROAD, ONNELEY. 19/00700/FUL

Resolved: That the appeal decision be noted

13. APPEAL DECISION - BALTERLEY GARDEN CENTRE, BALTERLEY GREEN ROAD, BALTERLEY. 19/00923/FUL

Resolved: That the appeal and costs decision be noted

14. APPEAL DECISION - 19/00472/FUL. 16 FAIR VIEW, BOON HILL ROAD, BIGNALL END. 19/00472/CN04 & 19/00956/FUL

Resolved: That the appeal decision be noted

15. APPEAL DECISION - FORMER SEABRIDGE COMMUNITY CENTRE, ROE LANE, NEWCASTLE-UNDER-LYME. 19/00515/OUT

Resolved: That the appeal decision be noted

16. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - BUTTERTON GRANGE, TRENTHAM ROAD, BUTTERTON. NEWCASTLE. 20/21003/HBG

Resolved: That a £2,419 Historic Building Grant be given towards the repair of nine original sash windows.

17. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT - 1 GLADSTONE VILLAS, VICTORIA ROAD, NEWCASTLE. 20/21004/HBG

Resolved: That a £396 Historic Building Grant be given towards a timber replacement sash window.

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

Resolved:

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

19. MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2019/2020

The Chair thanked officers for a very clear report.

Councillor Holland stated that these were very good statistics with a hundred percent meeting of local performance indicators and said that it was a great tribute to the hard work of the officers.

Councillor Northcott thanked the Head of Planning and his team for the magnificent work across the board. Good staff attendance had been maintained. Councillor Northcott asked the Head of Planning to pass on the Committees thanks to officers.

- Resolved:**
- (i) That the report be received.
 - (ii) 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.
 - (iii) That the next 'Development Management Performance Report' be submitted to Committee around June 2021 reporting on performance for the complete year 2020/21.

20. URGENT BUSINESS

There was no Urgent Business.

Chair

Meeting concluded at 8.15 pm

LAND NORTH OF WEST AVENUE
PERSIMMON HOMES

20/00501/FUL

The application seeks full planning permission for a residential development of 66 dwellings.

Vehicle access to the site is off Old Butt Lane/ West Avenue.

The application site lies on the edge but within the urban area of Kidsgrove, as indicated on the Local Development Framework Proposals Map. The site area extends to approximately 2.05 hectares.

The statutory 13 week determination period for this application expired on the 29th September but the applicant has agreed an extension of time to the statutory determination period to the 18th December 2020.

RECOMMENDATIONS

A. Subject to the receipt of no objections from the Highways Authority and the Lead Local Flood Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 5th January 2021 upon receipt and consideration of the Highways Authority and the Lead Local Flood Authority comments, and

B. Subject to the applicant first entering into a Section 106 obligation by the 1st March 2021 to secure a residential travel plan monitoring fee, a management agreement for the long term maintenance for the open space on-site, the provision of affordable housing, and a review mechanism of the scheme's ability to make a more or fully policy compliant provision of affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the provision of such affordable housing if then found financially viable,

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limit for commencement of development;**
- 2. Approved plans;**
- 3. Facing and roofing materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Full landscaping scheme to include provision of play facilities, treatment of public right of way, treatment of retaining structures and semi-mature evergreen specimens within the rear gardens of plots 9-26**
- 7. Off-site improvements to public right of way**
- 8. Woodland and open space management plan**
- 9. Arboricultural Method Statement**
- 10. Dimensioned Tree Protection Plan**
- 11. Utilities and services connection plans**
- 12. Waste collection and storage arrangements**
- 13. Provision of access, parking and turning areas**
- 14. Garages/ car ports retained for vehicle parking**
- 15. Electric vehicle charging provision**
- 16. Residential Travel Plan Framework**
- 17. Highway & Environmental Construction Management Plan (CMP)**
- 18. Implementation of Noise Mitigation Measures**
- 19. Construction and demolition hours**
- 20. Prior approval of noise assessment for the Pumping Station and Substation**
- 21. Surface water drainage scheme**
- 22. Flood risk mitigation measures and Sustainable Drainage Strategy**
- 23. Land contamination investigations and mitigation measures**
- 24. Unexpected land contamination**
- 25. Coal mining/ land stability intrusive site investigations and remediation (if necessary)**
- 26. Ecology mitigation and enhancements**

C. Should the matters referred to in (B) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendations

The redevelopment and regeneration of this vacant site, with an acceptable residential development scheme within a sustainable urban location, accords with local and national planning policy. The

scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety implications and issues arising from the neighbouring uses can be mitigated against to avoid impacts to future occupiers of the dwellings. Subject to a number of conditions, the development represents a sustainable form of development and should be supported. It is also accepted that, following the obtaining of independent financial advice, the scheme is not viable if policy compliant affordable housing is required but that the scheme can support some affordable housing which will be secured by a Section 106 agreement, which will also include a review mechanism should substantial commencement not be achieved promptly.

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

Officers of the Authority have requested further information throughout the application process and the applicant has provided amended and additional information, including independent financial viability appraisal information. This has resulted in an acceptable form of development now being proposed.

KEY ISSUES

The application seeks full planning permission for a residential development of 66 dwellings.

Vehicle access to the site is off Old Butt Lane/ West Avenue.

The application site comprises a vacant area of land on the western side of West Avenue, within the defined urban area of Kidsgrove. The site is also bounded to the west by Green Belt but does not lie within it as indicated on the Local Development Framework Proposals Map. The site area extends to approximately 2.05 hectares.

Public footpath number 227 Kidsgrove Parish runs around the northern and western edges of the application site.

The application follows a previous planning application for 71 dwellings that was withdrawn prior to the 28th April planning committee. Since that application the number of dwellings has been reduced to 66. A series of amended plans have been received during the consideration of the application to address concerns of consultees.

The key issues for consideration in the determination of the application are:-

1. Is the principle of residential development on the site acceptable?
2. Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?
3. Would there be any material adverse impact on residential amenity?
4. Would the proposed development have any material adverse impact upon highway safety?
5. What, if any, planning obligations are necessary to make the development policy compliant? and
6. Planning balance

1. Is the principle of residential development on the site acceptable?

1.1 The application site comprises a vacant area of land historically associated with the adjacent commercial/industrial use to the south west. The land was purchased by the owners of the adjacent industrial unit in 2005, but has remained undeveloped since.

1.2 The application is for a residential development comprising of 66 dwellings in the urban area of Kidsgrove.

1.3 NLP Policy H1 supports new housing in the urban area of Newcastle and Kildsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

1.4 Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

1.5 Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The NPPF also seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

1.6 The Council is currently in a position whereby it is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 1st April 2019. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. However, that position remains dependent on a number of factors and housing developments on previously developed land, in sustainable urban areas should still be supported.

1.7 An objection to the application has been received from the Council's Economic Regeneration Department which notes that the application should be refused on the basis that the site is a designated employment land site and its development for other uses would lead to a limited supply of employment land within the Borough. The objection also identifies that the site owners have not marketed the site for employment uses to an acceptable level and that the Kildsgrove Town Deal Board has brought forward proposals to redevelop the site for small industrial units (approximately 8500 sqm) for rent, to meet an identified and demonstrated demand. Therefore, housing development on the land would not be suitable at this time.

1.8 The application has been supported by an Employment Land Report which sets out that since the site was acquired in 2005 it has been subject to a sustained marketing exercise which received a very negative response with regards to the development of the land on a commercial basis. As such the site has remained vacant for 15 years. The applicant highlights that any interest during this time period was largely from house builders and land developers with a focus being on residential development of the site.

1.9 Saved NLP policy E11 sets out that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available.

1.10 Policy ASP 5 of the CSS identifies that a minimum of 104ha of employment land will be brought forward over the plan period.

1.11 The Joint Employment Land Review (JELR) prepared by the Council in 2015 identified the application site as being of 'average quality' with regards to land that would form part of meaningful and deliverable employment land portfolio.

1.12 The National Planning Policy Framework (NPPF) has at its core a presumption in favour of sustainable development, in particular it sets out at paragraph 11 that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

1.13 Paragraph 117 of the NPPF also states that planning decisions should promote an effective use of land in meeting the needs for homes and other uses. Criterion c) of Paragraph 118 details that substantial weight should be given to the use of brownfield land within settlements for homes and other identified needs.

1.14 The applicant has provided evidence that the land has been actively marketed from 2005-2017 but there has been limited interest in the land for development. There is a clear conflict between the comments of the Councils Economic Regeneration Department, who consider that the land should be retained for employment purposes only, and the applicant who considers that housing on the land is an effective use of the land.

1.15 The land has been left vacant for a number of years, as has the site directly opposite. Another site on West Avenue has been redeveloped recently and a new purpose built industrial warehouse building has been erected. This has also been left vacant since its construction a year ago.

1.16 It is acknowledged by your officers that the Kidsgrove Town Deal (KTD) is a material consideration but to refuse the scheme for housing on the land on the basis that it is contrary to the aims of the KTD to develop the site for small units would be premature at this time because a Government announcement on the KTD has not been made and there is no guarantee that the funding for the scheme set out in the KTD can be delivered. If the KTD does not progress then the application site could be left vacant for future years. In contrast the applicant, a national housebuilder, has committed to the development of the site and indicates that housing will be delivered on the site in the next 12 months should the planning application be approved.

1.17 Objections have been received which raise concerns about the stability of the land and whilst there is no evidence that a residential scheme cannot be safely developed on the land, it is suggested by the Coal Authority that further intrusive site investigation works should be undertaken prior to development commencing in order to establish the exact situation regarding coal mining legacy issues on the site. This condition is considered reasonable and necessary in the circumstances.

1.18 Your officers do not consider that the development of this site for housing would be contrary to policy E11 of the NLP as the proposal does not result in the loss of good quality employment land, and it is considered that the NPPF is clear that the principle of housing on the land is in accordance with specific policies of the NPPF. The principle of housing on the site is also supported by development plan policies and the proposed development would provide 66 new homes on previously developed land in a sustainable urban area on a piece of land that has been left vacant for a number of years, thus resulting in the positive regeneration of the land. On this basis the proposed development is accepted and the tilted balance is not engaged.

2.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?

2.1 Paragraph 124 of the NPPF 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. Furthermore, 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.

2.2 Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

2.3 The site is bounded by a Public Right of Way (PROW), dense mature trees and a small group of houses that back onto the site and open landscape. To the west lies a dense belt of mature landscape, with a dense area of mature trees, which includes a significant drop in site levels and the continuation of the PROW. The surrounding land is host to a variety of development and uses, with large industrial/warehouse units located to the south and east and a new residential estate to the north of the site.

2.4 As discussed, the application is a resubmission and your officers have secured a number of design improvements to the scheme following a reduction to the density of the development now proposed. In particular, your officers have negotiated improvements to the appearance and layout of the scheme, which has reduced the level of frontage car parking, improvements to bin storage arrangements, the removal of existing industrial fencing which open up the public footpath and a greater range of dwelling design types, including an improved palette of materials.

2.5 The application now proposes a variety of 2, 3 and 4 bedroom semi-detached and detached dwellings together with 1 and 2 bedroom maisonettes. All of the dwellings are of traditional design with pitched roofs. Overall it is considered that the house types, their design and use of materials is acceptable. It is also considered that the proposed design would utilise existing natural features and enhance the visual amenity of the area.

2.6 The proposed layout includes on site public open space (POS) which is considered to be appropriate and would benefit from natural surveillance from proposed dwellings that would face towards the POS. The proposed development also seeks to protect the surrounding woodland and the Landscape Development Section (LDS) has raised no objections subject to conditions which secure a full landscaping scheme, including play facilities, retaining structures and the treatment of the PROW to ensure that improvements are made following construction works and the removal of existing fencing. Conditions to secure tree protection measures, the location of services and the submission of a woodland and open space management plan, are also recommended. A condition to secure ecology mitigation measures and enhancement, as specified in the submitted ecology report are also considered necessary

2.7 It is accepted that the proposed development represents an acceptable design that would enhance the appearance of the area and provide a number of visual benefits. Subject to conditions it is also considered that the proposed development would provide an attractive place for the future occupiers to live. The proposed development accords with policy CSP1 of the CSS the principles of the urban design guidance SPD and the guidance and requirements of the NPPF.

3.0 Would there be any material adverse impact on residential amenity?

3.1 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.

3.2 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

3.3 The reduction to the density of the proposed development helps to achieve appropriate separation distances between the proposed properties and provide sufficient private amenity space for each plot, in accordance with the Councils SPG.

3.4 The application site does share its south-eastern (SE) boundary with an existing employment use, AAH Pharmaceuticals, which has its existing access within close proximity to a number of the proposed dwellings. This existing access is primarily used by HGV's that operate 24 hours a day. However, the number of HGV movements to and from the site between 23:00 and 07:00 hours the following day is restricted by planning permission reference 13/00531/FUL.

3.5 The proposed development includes a number of dwellings (plots 9-26) that would have rear elevations and rear gardens on the SE boundary but the internal layout of the dwellings have been designed so that principle rooms (main living areas and bedrooms) do not have windows in the rear

elevations. The application is also supported by a Noise Impact Assessment which has been considered by the Environmental Health Division (EHD) who are satisfied that, subject to conditions which secure appropriate glazing specification and ventilation, there would be no significant adverse harm caused to future occupiers of the dwellings. This is on the basis that the existing access has a ground level which is 3 metres lower than the application site and the SE boundary would have a proposed retaining wall with acoustic barrier of 2.4 metres in height on top. The applicant is also proposing semi-mature evergreen planting on the rear boundary of each property which would soften the outlook and impact of the neighbouring employment use.

3.6 On the basis of the submitted noise report, the comments of EHD and the proposed mitigation measures and recommended conditions, it is accepted that the living conditions of future occupiers would be protected to an acceptable level, in accordance with the guidance and requirements of the NPPF.

4.0 Would the proposed development have any material adverse impact upon highway safety?

4.1 Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

4.2 Vehicular access to the proposed development would be an existing access off Old Butt Lane/ West Avenue.

4.3 The application is supported by a Transport Assessment (TA), which includes a Travel Plan (TP) and Road Safety Audit, and sets out that the impact of the proposed development traffic is low and the surrounding highway network, including West Avenue and the signalised junction on Linley Road/Congleton Road/ Coalpit Hill/ Newcastle Road will operate within practical capacity during peak hours. The TP also demonstrates that the proposed development would encourage sustainable modes of travel by future occupiers of the dwellings.

4.4 The Highways Authority (HA) has agreed the layout of the internal access roads and are satisfied that the applicant has suitably assessed the potential impacts of the proposed development on the highway network in relation to access, capacity, safety and the suitability of the site including access by non-car modes. The applicant has demonstrated that the impact of the proposed development traffic is low, and the existing signalised junction of Linley Road/Congleton Road/ Coalpit Hill/ Newcastle Road will operate within practical capacity during peak hours.

4.5 The Councils Waste Management Section (WMS) has broadly accepted the layout and all dwellings would have their waste bins collected from their property. Therefore, waste collection arrangements are now acceptable subject to a condition which secures detailed storage and collection arrangements.

4.6 The development is for a mix of one, two, three and four bedroom properties and the proposed layout demonstrates that 146 spaces can be provided within the site. This is considered to represent an acceptable level of car parking for the number of units proposed in this location and so the proposal complies with the requirements of Policy T16 of the Local Plan. Furthermore, a condition to secure electric vehicle parking provision for each dwelling is necessary to meet sustainable development objectives.

4.7 Objections have been received from local residents that raise concerns on the lack of capacity along West Avenue and the surrounding road network to accommodate a further residential development of this scale. However, as outlined above the applicant has now suitably demonstrated that the proposed access to the site is safe and that the surrounding road network will not be overwhelmed from the addition vehicle movements that would be generated by the development.

4.8 HA have advised that they have no objections to the application but their formal comments and recommended conditions are awaited. Therefore, subject to conditions to be advised by HA, which will make the development acceptable and include the provision and implementation of a TP and an associated monitoring fee to be secured via a S106 obligation, it is considered that the applicant has

suitably demonstrated that the proposed development would not raise any severe highway safety and/or parking issues. As a result the proposal would comply with the requirements of Policy T16 of the Local Plan as well as the provisions of the NPPF.

5.0 Would there be any issues of floor risk or sewage capacity

5.1 The application has been accompanied by a Flood Risk Assessment and Drainage Strategy (FRA) and a sustainable urban drainage strategy scheme (SuDS). This identifies that the development site is located within Flood Zone 1 and that the risk of flooding to the site is considered to be low. Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF.

5.2 The development will however introduce impermeable drainage areas in the form of buildings and hardstandings which will result in an increase in surface water run-off.

5.3 Severn Trent Water has raised no objections to the proposal subject to conditions to secure plans for the disposal of foul and surface water flows. United Utilities have similarly offered no objections to the proposal subject to conditions to secure an appropriate surface water drainage scheme and the securement of foul and surface water being drained on separate systems.

5.4 The Lead Local Flood Authority (LLFA) has identified a number of concerns with the submitted information and the applicant has sought to address the concerns. However, the concerns are in the process of being addressed and the outstanding matters should be resolved and further comments received from the LLFA prior to the committee meeting. Conditions which secure acceptable details flood mitigation and the provision of SUDs can be secured to make the development acceptable and in accordance with local and national planning policy.

6.0 What planning obligations are considered necessary and lawful?

6.1 Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development

6.2 Staffordshire County Council states that the development would not justify an education contribution as there are projected to be a sufficient number of school places to mitigate the impact of the development at both primary and secondary phases of education.

6.3 Whilst the proposed development seeks to provide policy compliant on site public open space the Councils Landscape Development Section (LDS) has also requested a financial contribution towards the enhancement of the nearest Neighbourhood Equipped Area for Play (NEAP) at Clough Hall Park. However, Clough Hall Park is located just over a mile from the application site which would equate to approximately a 30 minute walk. Whilst accessible via public footpaths, Clough Hall Park is located a considerable distance from the application site and so the request for a financial contribution is not considered to be directly related or fairly and reasonably related in scale to the development and so would not meet the requirements listed in Paragraph 56 of the Framework.

6.4 Policy CSP6 of the CSS states that residential development within the urban areas will be required to contribute towards affordable housing at a rate equivalent to target of 25% of the total dwellings to be provided. This application proposes 66 dwellings and 17 affordable dwellings is required to make the development accord with policy. However, the applicant has submitted a Viability Assessment which details that the scheme would be rendered financially unviable should it be required to provide policy compliant affordable housing at 25% (17 dwellings).

6.5 Paragraph 57 of the NPPF highlights that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date and the transparency of assumptions behind evidence submitted as part of the viability assessment.

6.6 To ascertain that the assumptions being made by the applicant, within their appraisal, are reasonable, an independent assessment of the information is considered to be necessary and in line with recommendations within the NPPF and PPG. On this basis the applicant has agreed to bear the Council's costs of obtaining independent advice from the District Valuer (DVS) who have produced a detailed financial viability report. The DVS report concludes that the scheme can support the provision of 9 affordable units. However, the applicant has sought to contest a number of assumptions of the DVS report and your officers, in consultation with the DVS, are reconsidering the financial viability conclusions and the level of affordable housing the scheme can support.

6.7 The further observations and findings of the DVS are awaited.

7. Planning balance

7.1 The proposed development would provide 66 new dwellings on previously developed land in a sustainable urban area. The development would also regenerate a piece of land that has lay vacant for over 15 years and it has been demonstrated that the design and appearance of the scheme would enhance the visual amenity of the area and increase the housing mix in the Borough.

7.2 It is accepted that there would be some harm caused by the development of residential on the site as opposed to employment development, however, this minor impact, would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal complies with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required affordable housing are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

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 SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Considerations
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential supporting Infrastructure

Other material considerations include:

National Planning Policy Framework (2019)

Planning Practice Guidance (March 2014, as updated)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Newcastle-under-Lyme Open Space Strategy – adopted March 2017

Space Around Dwellings SPG (SAD) (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

Planning permission was granted under reference 05/00313/FUL for the retention of an industrial warehouse and distribution centre, which included the land that is the subject of this planning application.

Since that planning permission the land has been left vacant and a recent planning application for a residential development for 71 dwellings, reference 19/00760/FUL was withdrawn.

Views of Consultees

The **Education Authority** considered the impact of the development on St Saviour's Academy and The King's CE(VA) School. They advise that there are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

The **Council's Economic Regeneration Section** objects to the application on the grounds that the proposed development would result in the loss of designated employment land and there is currently a lack of suitable sites in the Borough. It is also considered that the application has failed to demonstrate that an acceptable marketing exercise has been carried out to secure employment development on the land. They also identify that the site forms part of the Kidsgrove Town Deal bid which seeks to provide small industrial units on the land, subject to appropriate funding.

The Council's **Waste Management Section** highlighted a number of issues with the layout of the scheme and how this would affect waste collection and storage arrangements. However, following an amended layout and further details for waste storage arrangements for the maisonettes, they are less concerned, subject to details being secured by condition.

The **County Highway Authority** has raised objections to the scheme but following the submission of amended plans and additional information they have suggested that the development is now acceptable. Their formal response and recommended conditions are now awaited.

The **Lead Local Flood Authority** detailed that the submitted information is not sufficient to fully demonstrate that the proposed development will meet the technical standards for SuDS. However, their further comments are awaited on amended and additional information submitted.

United Utilities raised no objections to the proposal subject to conditions to secure a surface water drainage scheme and the draining of foul and surface water from separate systems.

Severn Trent Water raise no objections to the proposal subject to conditions to secure a drainage plan for the disposal of foul and surface water flows and that the approved details are implemented prior to first use of the development.

Cadent Gas (National Grid) advises that they have apparatus in the vicinity of the site which may be affected by the activities specified.

The **Coal Authority** identifies that the site is underlain by recorded shallow coal workings to the far north and to the south west. However, it does lie outside of the defined High Risk Area and so a Coal Mining Risk Assessment was not necessary to support the application. Notwithstanding this, coal mining legacy potentially poses a risk to the proposed development and so intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. They raise no objections subject to conditions to secure these investigations and mitigation measures where appropriate.

The **Minerals and Waste Authority** identify that the site falls within the Minerals Safeguarding Area for shallow coal and fireclay. They state that whilst the development does not fall within the exemptions criteria listed in the Minerals Local Plan, the constraints imposed by existing residential and industrial development adjacent to the site make it is unlikely to be practicable or environmentally acceptable to extract any underlying mineral in the foreseeable future. As such the Authority raises no objections to the application.

The **Environment Agency** raises no objections to the proposal subject to the inclusion of a planning conditions to ensure that any unidentified risks from contamination are adequately addressed and mitigated during the re-development of the site.

The **Environmental Health Division** raises no objections subject to conditions related to the following matters;

- Prior approval of a Construction Environmental Management Plan,
- Electric vehicle charging provision,

- Noise impact assessment for the pumping station and substation,
- Implementation of noise mitigation measures, and
- Full contaminated land

The **Crime Prevention Design Advisor** advises that the proposals appear to be well conceived with regard to addressing crime prevention and community safety. They advise that the properties along the West Avenue frontage should provide a good visual and psychological screen for the bulk of the development, the hedging along this site boundary helping to nicely define the site. The properties are outward facing with a proportion arranged in blocks addressing the road network or public open space, their rear gardens backing onto one another to provide mutual security. The arrangement for the north-west element of the housing is perhaps the least satisfactory. The maisonettes will look out over the looping footpath and countryside beyond from the habitable room (combined lounge/kitchen). A number of other crime prevention design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Comments were also invited from the **Councils Housing Strategy Section, Cheshire East Council, Staffordshire County Rights of Way Officer** and **Kidsgrove Town Council** 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

Six letters of representation have been received raising objections on the following grounds;

- There are enough houses on West Avenue already
- Increased likelihood of flooding
- Insufficient road capacity for additional traffic that will be generated from the development
- Negative impact on the surrounding woodland
- Adverse impact on the public footpath
- Impact on local services (schools, health services)
- Land ownership complaints
- Land stability concerns
- Temporary restrictions to use of adjacent public footpaths during construction
- Long term damage to the environment including vegetation and wildlife

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00501/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

16th December 2020

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th January 2021

Agenda Item 4

Application Ref. 20/00501/FUL

Land North of West Avenue, Kidsgrove

Since the publication of the main agenda report the further comments of the **Highways Authority (HA)**, **Lead Local Flood Authority (LLFA)** and the **Waste Management Section (WMS)** have been received.

The **HA** have confirmed that they raise no objections to the scheme subject to conditions which secure the proposed access, internal roads, private drives and the parking courts; provision of appropriate visibility splays; appropriate surfacing, drainage and delineation of parking bays; garages retained for parking vehicles; cycle parking provision for plots 27 to 44; Residential Travel Plan; and the provision of a Construction Environmental Management Plan (CEMP).

A S106 Obligation to secure a Residential Travel Plan monitoring fee of £7,000 is also requested.

The **WMS** raises no objections to the revised layout and bin storage and collection arrangements.

The **LLFA** indicates that they maintain their objections because they require further reassurance that the flood risk associated with the existing surface water sewer is sufficiently low and that further mitigation can be provided for all sources of runoff.

In response to the LLFA the applicant has advised that they wish to address the concerns but due to the time constraints of the Christmas period the matters cannot be progressed before the planning committee meeting. They have therefore requested that members defer a decision on the application until the 2nd February so that additional information can be submitted and the further comments of the LLFA sought.

Officers Comments

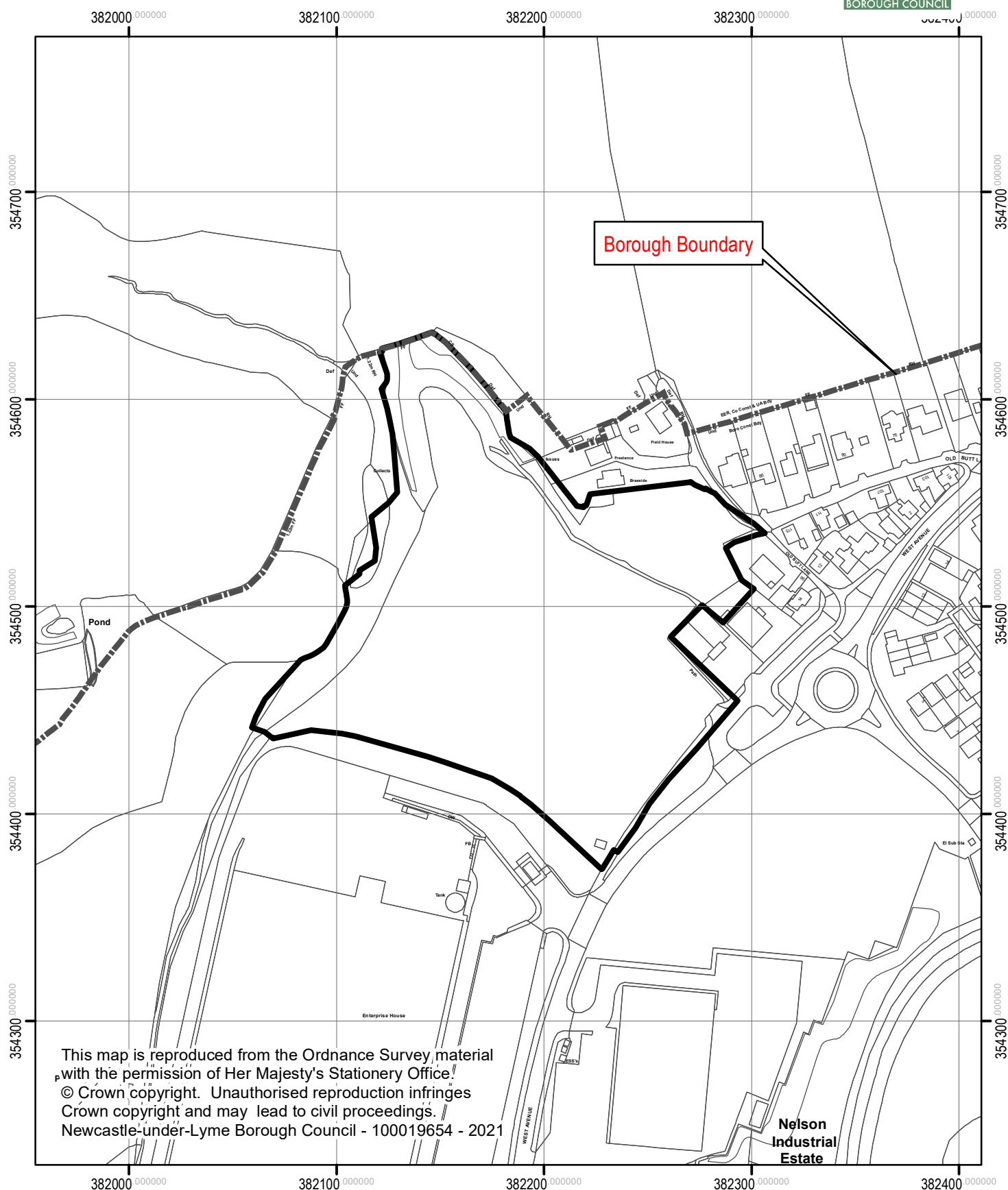
In the circumstances, it is considered reasonable to allow the applicant a further opportunity to address all of the concerns of the LLFA and seek their views on any additional information received.

Amended Recommendation

That a decision on the application be deferred until the 2nd February meeting, to allow additional information to be submitted and the views of the LLFA to be obtained and for such views to be taken into consideration by the Planning Committee in its decision.

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Land North Of West Avenue Kidsgrove



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LAND OFF BIRCH HOUSE ROAD, HOLLY ROAD AND WHITETHORNE WAY
ASPIRE HOUSING

20/00932/FUL

The application seeks a variation of condition 8 of planning permission 17/01033/FUL so that an off road parking space for no.2 Laburnam Place is no longer provided.

The planning permission, reference 17/01033/FUL, was granted in February 2019 for the demolition of former Community Centre and construction of 30 dwellings. The approved development is currently under construction.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as adjoining the Northern Gateway. The site area is approximately 0.96 hectares.

The 13 week period for the determination of this application expires on the 29th January 2021.

RECOMMENDATION

PERMIT the variation of Condition 8 of 17/01033/FUL so that it reads as follows:

8. Plots 1, 2 and 27 to 30 shall not be occupied until the following off-site highway works have been constructed in accordance with the approved plans:

- the widening of Laburnum Place to 5.5m and improvements to the turning head as broadly detailed on drawing no: D50 rev A; and***
- provision of two off road visitor parking bays;***

and subject to the imposition of all other conditions attached to planning permission 17/01033/FUL that remain relevant at this time amended as necessary to reflect where details have been approved.

Reason for Recommendation

The proposed variation of condition 8 as proposed is unlikely to lead to on street car parking problems and future highway safety implications. The development is still in accordance with development plan policies and the guidance and requirements of the NPPF and the variation of condition 8 is accepted.

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

The proposal is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and no additional had to be requested from the applicant.

Key Issues

The application seeks a variation of condition 8 of planning permission 17/01033/FUL relating to the provision of parking at no.2 Laburnam Close. The applicant advises that no. 2 Laburnum Place is under the ownership of others and the owners do not want the additional parking space as secured by the condition in its current. Therefore, a space is no longer to be proposed within the amended plans submitted as part of this application.

The planning permission, reference 17/01033/FUL, was granted in February 2019 for the demolition of former Community Centre and construction of 30 dwellings. The approved development is currently under construction.

Condition 8 as currently worded is as follows;

8. Plots 1, 2 and 27 to 30 shall not be occupied until the following off-site highway works have been constructed in accordance with the approved plans:

- the widening of Laburnum Place to 5.5m and improvements to the turning head as broadly detailed on drawing no: D50 rev A;
- **provision of off road parking bays for 2 and 6 Laburnum Place;**
- provision of two off road visitor parking bays;

Reason: To ensure a safe access and satisfactory parking arrangements for existing occupiers to comply with the aims and objectives of the National Planning Policy Framework (2018).

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, it is considered that the main issue in the determination of this application is the impact of the loss of an off road parking bay for no. 2 Laburnum Place and whether it would lead to on street car parking and highway safety issues in the locality or not.

The impact of the loss of an off road parking bay for no. 2 Laburnum Place

The approved site plan and condition of the planning permission secured a parking space for no. 2 Laburnum Place, to help avoid future potential on street car parking problems once the development is completed and the proposed dwellings are occupied.

Condition 8 was requested by the Highways Authority (HA) and was considered necessary and reasonable to make the development acceptable, in accordance with the guidance and requirements of the National Planning Policy Framework.

The application confirms that the owners of no.2 Laburnam Close do not want the space and that two visitor spaces are still being proposed.

The HA have raised no objection to the loss of the parking space and acknowledge that the space for no. 6 is still proposed, along with the two visitor's spaces for the development and the widening of the carriageway to 5.5 metres which would help to avoid potential highway safety issues from on street car parking on Laburnum Place.

The NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

On the basis that HA have raised no objections and the other mitigation measures will be implemented, the development is still in accordance with development plan policies and the guidance and requirements of the NPPF. Therefore, the variation of condition 8 is accepted.

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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 SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3	Sustainability and Climate Change

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements

Other Material Considerations include:

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

[Planning Practice Guidance \(2018 as updated\)](#)

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

The site received planning permission for the demolition of the former Community Centre and the construction of 30 dwellings, under reference 17/01033/FUL, in February 2019.

The approved development is currently under construction.

[Views of Consultees](#)

The **Highways Authority** raises no objections.

[Representations](#)

No letters of representation have been 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/20/00932/FUL>

Background papers

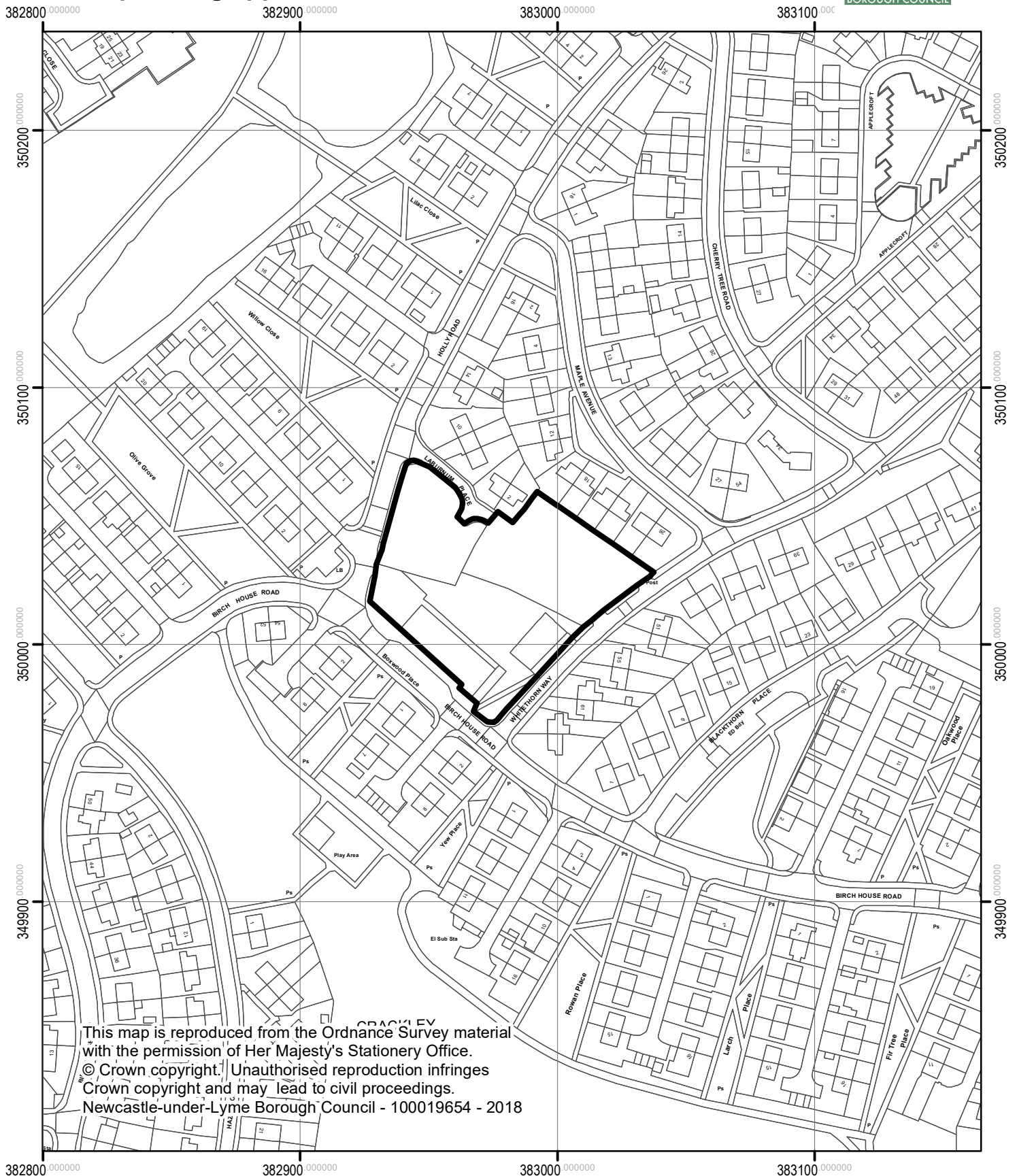
Planning files referred to
Planning Documents referred to

Date report prepared

11th December 2020

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**Land At Birch House Road, Holly Road
And Whitethorne Way - Variation to Condition
08 of planning application 17/01033/FUL**



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THE NOOK, NEWCASTLE ROAD, MADELEY
MR JEFF ALLEN

20/00969/REM

This application is for the approval of reserved matters for the erection of a detached dwelling following the granting of outline planning permission with all matters reserved except access (Ref. 20/00223/OUT).

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

The 8 week determination of this application expires on the 4th February 2021

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Link to outline planning permission and conditions**
- 2. Approved plans**
- 3. Provision of access and parking prior to occupation**
- 4. Approved Materials**
- 5. Construction Hours**
- 6. Construction vehicles to access the site via Crewe Road only**
- 7. Approved Noise mitigation details**

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable and to be in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity subject to conditions, the proposed landscaping and open space within the site is considered acceptable. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

The applicant has submitted amended plans during the application process and the development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

This application is for the approval of reserved matters for the erection of a detached dwelling following the granting of outline planning permission with all matters reserved except access (Ref. 20/00223/OUT).

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

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the layout and parking provision acceptable in highway safety terms?

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

Paragraph 124 of the NPPF 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 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Urban Design Supplementary Planning Document, at R12, indicates that residential development should be designed to contribute towards improving the character and quality of the area. Where in or on the edge of existing settlements developments should respond to the established character where this exists already and has definite value. Where there is no established character the development should demonstrate that it is creating a new character that is appropriate to the area. At RE7 it indicates that new development in the rural areas should respond to the typical forms of buildings in the village or locality; RE6 states that elevations of new buildings must be well composed, well-proportioned and well detailed: and RE7 says new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) in 10.1 indicates that the aims for development within, or to extend, existing rural settlements are

- a. To respond to the unique character and setting of each
- b. Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location
- c. Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality. The elevations of new buildings must be well composed, well-proportioned and well detailed and new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The proposed two storey dwelling would be sited centrally within the plot, and as an existing two storey garage is located within the residential plot to the west, the proposal would help to define this part of Madeley Heath by filling in an otherwise empty gap within the street scene. The siting is therefore considered appropriate.

It was considered that the design of the original proposal was not acceptable as the proposed dwelling would have had an unusual appearance within the street scene due to the proposed roof arrangement which was considered too large for a property of this size. Amended plans were therefore requested and subsequently received which has resulted in a reduction in the dwellings height and the alteration of the roof design to a relatively simple pyramidal arrangement.

The surrounding area is characterised by properties of varying styles and designs and therefore the scale, design and materials of the dwelling now proposed are considered appropriate.

Would there be any adverse impact on residential amenity?

This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development. The NPPF states at paragraph 127 that planning

decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Existing occupiers' amenity

There is an existing dwelling to the south of the application site on Newcastle Road, however there are no properties directly adjacent to the west or east of the application site. The distance between the existing dwellings and proposed property would not exceed the distances recommended in the Council's Space Around Dwellings SPG, and it is considered therefore that there would be no significant adverse impact on the amenity of the occupiers of the existing nearby dwellings.

Amenity of future occupiers of the development

The distance between the proposed dwellings would comply with the recommendations of the Council's Space Around Dwellings SPG. Whilst the dwelling would have a garden length of less than the recommended 10.7m, notwithstanding this, an acceptable level of outdoor space would be available for drying washing, sitting out and gardening and it is considered that the level of private amenity space would be sufficient for the proposed dwelling.

A condition was attached to the permission of the outline application which required that the reserved matters application be accompanied by Noise Impact Assessment, and that the details of any mitigation measures should be incorporated into the construction of the development. A detailed Noise Assessment has been submitted in support of the application and the Council's Environmental Health team have been consulted on the proposal. No response from the Environmental Health team has yet been received, however it is considered that any additional requirements with regard to noise mitigation that have not been considered with the assessment can be controlled through the use of planning condition, if necessary.

Is the layout and parking provision acceptable in highway safety terms?

The means of access to the site was determined at the outline stage, however an objection has been raised by the Parish Council with regard to how construction vehicles will access the site. Following a site visit, it is considered that construction vehicles that may need to access the site should do so directly from Crewe Road, rather than from the narrow shared access road to the rear of the site, which is not deemed appropriate for use by larger construction vehicles. The agent of the application has agreed that the only realistic access to the site for construction vehicles would be from Crewe Road, and a condition will be applied to any permission granted, which will ensure that this access arrangement for construction vehicles is respected.

The Highway Authority has no objections to the detail of the proposal subject to a condition requiring that the parking area shown on The Proposed Site Plan (Drawing No. 1130 10 Rev. C) being installed prior to the first use of the dwelling.

Subject to the implementation of the above conditions, the proposal is considered acceptable in terms of impact on highway safety.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy N17 Landscape Character – General Considerations
Policy T16 Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

[Waste Management and Recycling Planning Practice Guidance Note](#) (2011)

[Relevant Planning History](#)

20/00223/OUT - New dwelling in rear garden (Amended plans received 26.05.2020) - permitted

[Views of Consultees](#)

The **Environmental Health Division** initially objected to the application as it was not accompanied by an acoustic assessment as required by condition of the outline planning permission. Their further comments are awaited following receipt of a Noise Report.

The **Highway Authority** raises no objections subject to a condition requiring that the proposed parking area be installed prior to the first use of the property.

The **Landscape Development Section** raise no objection but request that landscaping proposals (including replacement tree planting) as covered in the application stage be provided.

Madeley Parish Council note the changes but believes the roof line to be too high and insufficient consideration given to how construction traffic access the site.

The **Conservation Officer** advises that due to the distance from the heritage asset the proposal is not likely to cause harm to that asset. Commenting of the dwelling as initially proposed, it is suggested that the design of the house is unremarkable and the roof size and scale disproportionate to the rest of the building and it may have an impact to the overall street scene.

Representations

None.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Noise Report

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/20/00969/REM>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th December 2020

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th January 2021

Agenda Item 6

Application Ref. 20/00969/REM

The Nook, Newcastle Road, Madeley

A further representation has been received objecting to the application on the following grounds:

- There is no existing site access as claimed on the plans
- If it can be agreed that site traffic can access off Crewe Road why can't the access for the new property?

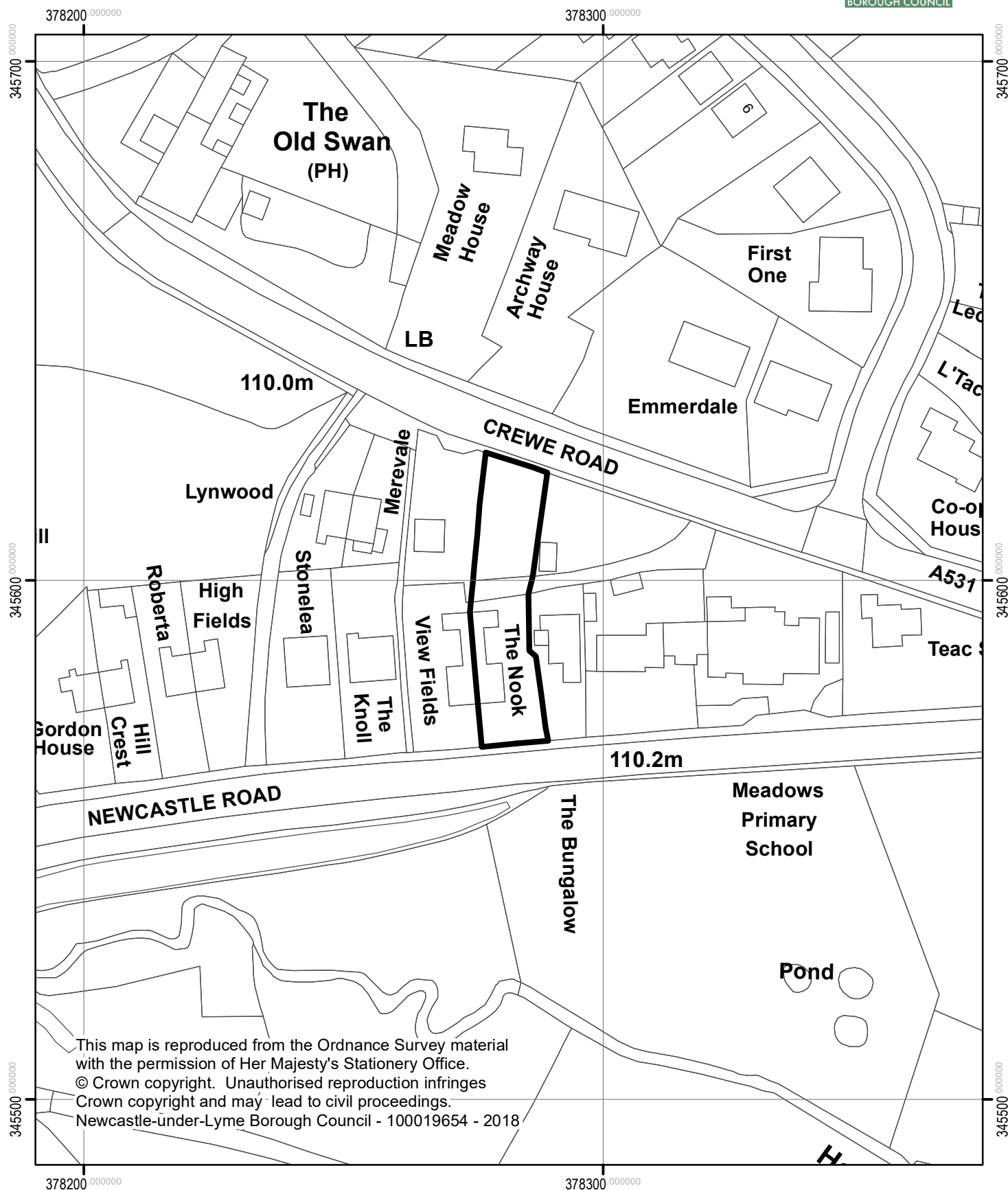
Officers Comments

The access to the site has already been approved when outline planning permission was granted, following no objections to such an access being raised by the Highway Authority.

The RECOMMENDATION remain as set out in the main agenda report.

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The Nook, Newcastle Road, Madeley - □



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5 BOGGS COTTAGE, KEELE, reference 14/00036/207C3

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd January 2019 (since repeated), of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

RECOMMENDATION

That the information be received.

Since the last meeting, confirmation has been received from the Planning Inspectorate that the appeal hearing date has been fixed. The scheduled date is 4th February 2021.

The Inspectorate have informed the Council that it will forward details of the event and the information required to notify interested parties in due course.

Date report prepared: 17th December 2020

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LAND AT DODDLESPool, BETLEY reference 17/00186/207C2

The purpose of this report is to provide Members with an update on the progress of the works being undertaken following a planning application for the retention and completion of a partially constructed agricultural track, reference 18/00299/FUL, which came before the Planning Committee on the 6th November 2018.

RECOMMENDATION

That the information be received.

Latest Information

A site visit with the owner was undertaken in mid-October and he has been reminded of the conditions of the planning permission, in particular condition 6, which prevents the importation of all material associated with the construction and completion of the track within 24 months from the date of the decision i.e. by the 8th November 2020.

The works to complete the track have not been completed by the 8th November 2020 and the track remains unfinished.

The owner has advised your officers that he intends to submit a planning application to extend the period for the completion of the track as a S73 variation of condition application. However, the owner submitted the application to Cheshire East Council, rather than the Borough Council, because part of the track falls within Cheshire East

The Borough Council are still waiting for a valid planning application to be submitted and the owner is being chased on a regular basis to submit the application.

The acceptability of a further extension to complete the track will be assessed by the Borough Council once a valid planning application is received.

Date Report Prepared – 18th December 2020

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 23rd June 2020, of the progress in relation to the pursuance of breaches of planning obligation secured through planning permission reference 11/00284/FUL for the erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale.

RECOMMENDATION

That the information be received.

It has previously been reported that there is a breach of the planning obligation entered into in association with planning permission 11/00284/FUL as the following financial contributions have not been paid on or before commencement of development as required:

- £66, 689 (index linked to public open space,
- £55, 155 (index linked) towards primary school places and
- £26,244 (index linked) towards the Newcastle-under-Lyme Urban Transport Development Strategy (NTADS)

The final payment (which requires indexation and the addition of interest due to late payment) has now been calculated and a letter has been sent to the developer on 10th December 2020 informing them what the due payments are and seeking confirmation as to when they will be paid to the relevant Council. To date a response has not been received. An update will be given in advance of the meeting.

Date report prepared: 17th December 2020

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APPEAL BY MR & MRS BEESTON AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE STOREY REAR EXTENSION AND PORCH AT WELLBANK COTTAGE, OLD ROAD, WRINEHILL

<u>Application Number</u>	20/00481/FUL
<u>LPA's Decision</u>	Refused on 6^h August 2020 under delegated authority
<u>Appeal Decision</u>	Dismissed
<u>Date of Decision</u>	19th November 2020

Appeal Decision

The Inspector identified the main issue to be whether the proposal would be inappropriate development in the Green Belt and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The Inspector considered that the proposal would be a disproportionate addition over and above the size of the original building and as such was inappropriate development.

The Inspector concluded that there would be moderate harm to the Green Belt arising from loss of openness from a spatial perspective.

Other considerations in this case were considered, by the Inspector, to carry limited weight in favour of the proposal and therefore do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal does not accord with policy.

For these reasons the appeal was dismissed

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00481/FUL>

Recommendation

That the appeal decision be noted.

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Confirmation of Tree Preservation Order

**LAND AT RENFORD HOUSE, 24 HIGH STREET, WOLSTANTON,
NEWCASTLE UNDER LYME**

Tree Preservation Order No. 210 (2020)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Order protects 13 trees along the Woodland Avenue and High Street boundaries of Renford House. The Order was made to safeguard the longer term visual amenity that the trees provide after work was carried out to trees on the property within the Conservation Area without a Section 211 notice being submitted to the Borough Council, and a receipt of a subsequent notification for tree works considered inappropriate.

The Order was made using delegated powers on 30th July 2020. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 30th January 2021

RECOMMENDATION

That Tree Preservation Order No 210 (2020), Land at Renford House, 24 High Street, Wolstanton, Newcastle under Lyme be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Representations

No representations have been received.

Issues

The trees are situated within the grounds of the property on the High Street and Woodland Avenue frontages. They are thirteen individual trees, eleven deciduous and two conifers. They are mature and clearly visible from the adjacent roads. High Street is an important road corridor. There are trees on the property already covered by TPO number 11A which was made in 1969.

The trees are a significant feature to the locality and provide an important contribution to the area. Their loss or disfigurement would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

The property is within Watlands Park Conservation Area. In June 2020 trees were heavily pruned within the site with the intention of removing them without the required notification to the Borough Council. Your Officer visited the property and spoke to the owner and a retrospective Section 211 Notice was subsequently submitted. This included additional works, some of which was considered inappropriate and likely to disfigure trees. Your officers inspected the trees and carried out a TPO assessment. Permission was given to remove trees that were not visually significant and the TPO was served to protect the important trees found worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 30th July 2020 in order to protect the long term well-being of the trees.

Date report prepared

14th December 2020



Signed

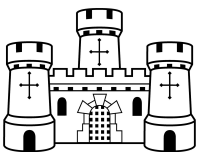
DA

Date 30 July 2020

Confirmed

Date

OS DATA REPRODUCED WITH THE PERMISSION OF THE CONTROLLER OF HMSO 2008 LICENCE NO. 100019054



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

DAVE ADAMS,
EXECUTIVE DIRECTOR
OPERATIONAL SERVICES
CASTLE HOUSE,
BARRACKS ROAD,
NEWCASTLE,
STAFFORDSHIRE. ST5 1BL

TITLE:

Renford House, 24 High Street, Wolstanton

DESCRIPTION:

Tree Preservation Order Number 210

SCALE:

1:1000 @ A4

DATE:

July 2020

DRAWN BY:
P.S.

DRAWING NO.

TPO 210

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