

Date of meeting Tuesday, 2nd February, 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 5 - 10)

To consider the minutes of the previous meeting(s).

4 APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS. RENEW LAND LIMITED & KEYWORKER HOMES (MACCLESFIELD) LIMITED. 20/00201/REM

(Pages 11 - 20)

5 APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF WEST AVENUE. PERSIMMON HOMES. 20/00501/FUL

(Pages 21 - 36)

This item includes a supplementary report.

6 APPLICATION FOR MAJOR DEVELOPMENT - LAND UNDER WOLSTANTON, PORTHILL, DIMSDALE AND BASFORD. GT ENERGY UK LTD. 20/00986/FUL

(Pages 37 - 42)

7 APPLICATION FOR MAJOR DEVELOPMENT - MARKS AND SPENCER, WOLSTANTON RETAIL PARK. MARKS AND SPENCER PLC. 20/00985/FUL

(Pages 43 - 52)

This item includes a supplementary report.

8 APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE. ABODE RESIDENCIES. 20/01002/FUL

(Pages 53 - 62)

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| 9 | APPLICATION FOR MINOR DEVELOPMENT - THE NOOK,
NEWCASTLE ROAD, MADELEY. MR JEFF ALLEN.
20/00969/REM | (Pages 63 - 70) |
| 10 | APPLICATION FOR MINOR DEVELOPMENT - BALTERLEY
EQUESTRIAN CENTRE, BALTERLEY GREEN ROAD,
BALTERLEY. MISS T DAVIES. 20/01019/FUL | (Pages 71 - 78) |
| 11 | APPLICATION FOR OTHER DEVELOPMENT - KNUTTON
COMMUNITY CENTRE, KNUTTON LANE, KNUTTON.
NEWCASTLE BOROUGH COUNCIL. 20/01087/DEEM3 | (Pages 79 - 84) |
| 12 | APPLICATION FOR OTHER DEVELOPMENT - CLOUGH HALL
PARK BOWLS PAVILION, CLOUGH HALL PARK, KIDSGROVE.
NEWCASTLE BOROUGH COUNCIL . 20/01089/DEEM3 | (Pages 85 - 88) |
| 13 | RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER
SILVERDALE COLLIERY . 17/00258/207C2 | (Pages 89 - 90) |
| 14 | QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT
CASES WHERE ENFORCEMENT ACTION HAS BEEN
AUTHORISED | (Pages 91 - 96) |
| 15 | OPEN ENFORCEMENT CASES | (Pages 97 - 98) |
| 16 | APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC
BUILDINGS GRANT) - 1 GLADSTONE VILLAS, VICTORIA
ROAD, NEWCASTLE. 20/21005/HBG | (Pages 99 - 100) |
| 17 | APPEAL DECISION - LAND ADJACENT TO THE OLD HALL
FARM, MAIN ROAD, BETLEY, NR CREWE. 19/00491/FUL | (Pages 101 - 102) |
| 18 | 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 Bert Proctor Simon Tagg Barry Panter	Sylvia Dymond Mike Stubbs June Walklate
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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, 12th January, 2021
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:	Geoff Durham	Mayor's Secretary / Member Support Officer
	Mark Kirk	
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
	Dorian Weller	ICT Officer
	Jemma March	Planning Policy Manager

Note: In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted as a hybrid meeting with 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

There were no declarations of interest stated.

3. UPDATE ON THE JOINT LOCAL PLAN

Consideration was given to a report updating Members on the review of the options for preparing a Local Plan for the Borough. A copy of the report which would be taken to Cabinet tomorrow (13th) was included in the agenda.

The Council's Head of Planning and Development, Shawn Fleet gave a presentation entitled 'Update on the Local Plan' which outlined the background, review and delivery.

The Borough already had a Development Plan in place which was adopted in 2003 followed by the Joint Core Strategy in 2009. Two Neighbourhood Plans had also been adopted and there were more in the pipeline.

There were also a number of national inputs that had to be taken into consideration such as the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) website. There were also a number of Acts and Case Law.

The Joint Local Plan came about following the Joint Core Strategy, this was followed up at Newcastle with a Site Allocations and Policies Plan and it was then considered to start work on a Joint Local Plan with Stoke on Trent City Council.

Work started on the Joint Local Plan and there were three core stages of consultation. In 2019/20 there was more focus on evidence base and viewing – preparing for the first consultation document.

Four key areas then emerged in 2020:

- The Planning White Paper brought in some significant changes including zoning, growth and regeneration. There were also changes around Permitted Development.
- Brexit
- Covid-19
- HS2

All of the above gave uncertainty as to how they would affect property markets in the future.

This led onto a review with a consultation on the future direction, summary and Lichfields Review and consideration by Cabinet on 13 January.

Residents were very much in favour of a Newcastle Local Plan although businesses were largely in favour of the Joint Local Plan.

Three core areas were identified:

- Duty to cooperate – continuing to liaise and negotiate with neighbouring authorities
- Housing Delivery. The baseline was currently 355 dwellings p.a.
- Greenbelt. There was a split opinion on this between preservation groups and developers.

The Lichfields Review identified that, after seven years, the Joint Local Plan still had not progressed to consultation. If the Borough was in control of the process an environment should be created where quicker progress could be made. In addition, a Borough Local Plan would need to address the affordability of housing affecting younger people and an under-provision of housing against delivery target. The Review concluded that a Borough Local Plan was achievable by 2023 although resource implications would need to be considered.

To deliver a Newcastle Local Plan, consideration would be given to the Neighbourhood Plans, Project Management and Collaborative Working.

Shawn Fleet was thanked for his presentation, a copy of which would be forwarded to Members of the Committee.

The Chair asked Shawn Fleet to outline the hierarchy of how the plans would operate together.

Councillor Moffat asked about the Statement of Community Involvement and how the involvement happened and how it would be approached – especially during the current pandemic.

Shawn Fleet advised that the Hierarchy of Plans started with the NPPF and greater detail was provided in the PPG. It would then go to different strands that imputed into the Local Plan. Neighbourhood Plans were fairly new. These needed to be in conformity with the Local Plan.

The Council's Planning Policy Manager, Jemma March referred to the Statement of Community Involvement, advising that there was one already in place which was a joint one with Stoke. If it was to become a Newcastle Plan, the Local Development Scheme would need to be reviewed as would the Statement of Community Involvement. A six week consultation period would be envisaged on the Statement of Community Involvement which would allow the Council to decide how it would engage with the community. If the timescale was to be met, consideration may have to be given on the extent to which, digital options could be utilised. The White Paper did suggest a move forward to making consultations more digital.

Councillor Jones queried whether there would have to be a resolution at Full Council to adopt a Local Plan and to lodge it with the Secretary of State.

The Council's Head of Legal and Governance, Daniel Dickinson confirmed that it would need to go to Full Council. Cabinet was responsible for the proposing of the Plan to Council and Council would then decide whether or not to adopt it and bring it into effect.

Councillor Jones stated that, in addition to the public, one of the key stakeholders were the Council Members themselves. It was therefore critical that they were entirely engaged in the process in order to reach the correct decision.

Councillor Northcott stated that Member engagement was welcomed. This would have the added benefit of their being able to keep their communities informed. As a County Councillor, meeting with Parish Councils there had been an almost unanimous vote for a Newcastle Local Plan. It gave rural areas a say in this whereas they felt very disengaged with the Joint Local Plan process as they felt that it was going out of date year by year. As Stoke did not have any Neighbourhood Development Plans it was felt that they were not interested in Local Development Plans and therefore they were not mentioned in much detail in the Joint Local Plan. It was important to realise that, should it be adopted at Cabinet, the Plan would represent the Borough Council's direction for the next fifteen years or more. Therefore the Local Plan needed to be brought up to date.

Councillor Reddish proposed that a training session be held on the Local Plan for all Members in order to enhance engagement. The Chair asked whether Councillor Reddish was referring to the timetable and remit. Councillor Reddish confirmed this.

Councillor Holland stated that he had raised his concerns on a number of occasions about a Joint Local Plan. There had been delays; one of the issues with a Joint Local Plan was that you could only move at the speed of the other partner. Councillor Holland said that this was not a criticism of either Authority in that, any delay encountered by one Authority would affect the other. Newcastle needed to adopt a Local Plan that was suitable to its needs. Councillor Holland proposed an additional recommendation, 'that Cabinet be advised that the view of the Planning Committee was that the best course to take would be to develop a Local Plan solely

for the Borough of Newcastle-under-Lyme'. Councillor Jenny Cooper seconded the proposed recommendation.

Councillor John Williams stated that he found this quite exciting to move forward with a Borough Local Plan which would help the future economy and regeneration of the Borough. Councillor Williams had concerns about the costs of going alone which seemed to indicate, would nearly double those of going with a Joint Local Plan. He also had concerns in respect of Brexit and the funding for this. Where North Staffordshire had suffered with the loss of jobs and had received EU funding in the past, where would this now come from and would Newcastle fight this together, along with the City Council and would this impact upon the Local Plan

Shawn Fleet advised that funding had been part of the development process. The Government were looking at the transition from the EU to try and emulate or replace some of the funding structures. It was expected that over the next few years, a lot of new initiatives would be coming forward.

The Chair asked whether, not having a Joint Local Plan would impact upon working with neighbouring authorities in other ventures. Shawn Fleet advised that this came under the area of the 'Duty to Cooperate' and gave as an example – the A500 which bordered Newcastle and Stoke.

Councillor Holland made reference to the point raised by Councillor John Williams about the costs associated pursuing a Newcastle Local Plan and asked for reassurance that a lot of costs had already been met, for example in forming the evidence base and that it would not double the cost over the lifetime of the Local Plan.

Shawn Fleet stated that there would be some additional costs coming in. For example, there would be some restructuring of the personnel, investment in technology and project management. These costs were expected to be addressed in the Medium Term Financial Plan. It was not expected that they would double but it would be a notable cost.

- Resolved:**
- (i) That the information be received and the comments noted.
 - (ii) That a training session on the Local Plan process be arranged for all Members in the near future.
 - (iii) That Cabinet be advised that the view of the Planning Committee was that the best course to take would be to develop a Local Plan solely for the Borough of Newcastle-under-Lyme.

Amended recommendation (ii) proposed by Councillor Reddish and seconded by Councillor Fear.

Amended recommendation (iii) proposed by Cllr Holland and seconded by Councillor Jenny Cooper.

4. URGENT BUSINESS

There was no Urgent Business.

CLLR ANDREW FEAR
Chair

Meeting concluded at 8.04 pm

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TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS

RENEW LAND LIMITED & KEYWORKER HOMES (MACCLESFIELD) LIMITED

20/00201/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 128 dwellings.

This application for the approval of reserved matters follows the granting at appeal of an outline planning permission in 2017 for up to 128 dwellings on this site (Ref. 15/00015/OUT). Details of the access from the highway network were approved as part of the outline consent.

The application site lies outside the village envelope of Loggerheads and within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map. The site area is approximately 5.83 hectares.

The 13 week period for the determination of this application expired on 15th June 2020 but the applicant has agreed an extension to the statutory period until 5th 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 internal roads, private drives and parking areas**
- 4. Retention of garages for parking**
- 5. Provision of visibility splays**
- 6. Details of surfacing materials and surface water drainage for private drives and parking areas**
- 7. Details of bin collection areas**
- 8. Private drives to have a minimum length of 6m and a gradient not exceeding 1:10**
- 9. Garages to be retained for parking**
- 10. Details of materials**

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 as a consequence of the internal layout and 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 planning application

Additional information has been sought from the applicant where necessary and obtained and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 128 dwellings. The principle of the residential development of the site was established by the granting of outline planning permission 15/00015/OUT at appeal in 2017 and details of the access from the highway network were approved as part of that outline consent.

The application site lies outside the village envelope of Loggerheads and within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement and Landscape and Design Character Study. Your Officer has considered the application against those principles and is satisfied that it accords with that condition of the outline consent.

There is a Grade II Listed milepost on Eccleshall Road to the south-west corner of the site but it was concluded in relation to the outline application, that the development would not adversely affect its setting. The issues for consideration now 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 internal road layout and parking provision acceptable in highway safety terms?
- Is the proposed landscaping and open space within the site acceptable?
- Is the affordable housing layout acceptable?

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

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. 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. At paragraph 130 it 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.

Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

Section 10.1 of the SPD 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*

RE5 states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

Policy LNPG2 of the Loggerheads Neighbourhood Plan states that to be supported, proposals for ten or more houses must include a mix of types of accommodation to meet requirements identified in the latest assessment of local housing needs including accommodation suitable for first time buyers and the elderly. At least a third of new homes, unless it can be demonstrated there is not a need for this

level of provision must comprise a combination of one or two bedroomed properties and one or two bedroomed properties suitable to provide independent living for the elderly.

Policy LNPP1 states that to be supported, new development must demonstrate high standards of design. A number of requirements are listed, the most relevant of which are as follows:

- Complementing the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.
- Creating attractive, safe and convenient environments for pedestrians.
- Providing a mix of overlooked parking provision, as an integral part of layout, so that parking does not dominate streets and space.
- Include high quality materials, to complement those used in the surrounding context.
- Designing residential garages so that they do not obscure or dominate frontages and are in or behind the building line.

A mix of 2, 3, 4 and 5-bed dwellings are proposed with a mix of detached, semi-detached and townhouses. The dwellings would be a maximum of 2-storeys in height including a number of bungalows and dormer bungalows. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character.

Loggerheads Parish Council has stated that the proposed number of 1 and 2 bedroom dwellings does not comply with Policy LNPG2 of Loggerheads Neighbourhood Plan regarding housing mix. There are 32 no. 1 & 2-bed properties which equates to 25% of the total number of dwellings. A further 7no. 3 bedroom bungalows/dormer bungalows would be provided which could be suitable for the elderly, increasing the total provision of smaller properties and bungalows to 30.5%. Although this is marginally below the recommended proportion of one third of the dwellings referred to in the Neighbourhood Plan, it is considered sufficient in providing a mix of accommodation types to create a mixed and balanced community.

The materials would comprise a limited palette of red brick and plain tiles to ensure a consistency of style but with rendered elements to add variety to the street scene and provide legibility across the development. Detailing would be simple and unfussy with gable features, bay windows, brick soldier courses and canopies. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development.

Properties would be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of or to the side of dwellings, with some dwellings also provided with a garage.

Your Officer's view is that the design of the dwellings and the materials palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the streetscene. The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be 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?

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.

The distance between the proposed dwellings would comply with the recommendations of the Council's Space Around Dwellings SPG. A number of the proposed dwellings would have a garden length of less than the recommended 10.7m and a small number would have a garden area marginally less than the recommended 65 square metres. 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.

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

The means of access to the site was determined at the outline stage and therefore although an objection has been received regarding increased traffic and highway safety concerns, the site benefits from outline consent, and an objection to the principle of the development in terms of its impact upon the highway network could not now be sustained. The Highway Authority has no objections to the detail of the proposal subject to conditions.

One of the recommended conditions requires the submission of details of the provision of bin collection areas sited adjacent to the highway for the private driveways. A small number of dwellings are accessed via short private drives and therefore the refuse vehicle would be unable to access the front of those properties. This would result in occupiers of 15 dwellings having to move their bins for collection a distance of between 10 and 15m. This distance is not considered unreasonable and subject to the provision of appropriately sited bin collection areas, such an arrangement is considered acceptable.

The proposal is considered acceptable in terms of impact on highway safety.

Is the proposed landscaping and open space within the site acceptable?

Regarding the scheme as originally submitted, the Landscape Development Section (LDS) raised concerns regarding the location of the play area and regarding the impact of the proposals on trees. Amended plans and additional information were received and the LDS now raises no objections to the proposed play area, to the impact on trees or to the proposed landscaping.

The proposed landscaping and open space within the site is therefore considered acceptable.

Is the affordable housing layout acceptable?

In accordance with the outline consent, 25% of the dwellings, a mix of 1, 2 and 3-bed units, would be affordable. The Housing Strategy Section is satisfied that the number and mix of affordable housing units are compliant with policy and that the units have been sufficiently distributed across the site. Your Officer agrees that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing.

APPENDIX

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

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

Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing

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

Policy B5	Control of Development Affecting the Setting of a Listed Building
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 N19	Landscape Maintenance Areas
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

[Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

Policy LNPG2:	Housing Mix
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character & Heritage
Policy LNPT1:	Sustainable Transport

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

15/00015/OUT	Outline planning application for the erection of up to 128 dwellings (including details of access) – Allowed at appeal
16/00202/OUT	Outline planning application for the erection of up to 128 dwellings (including details of access) – Refused

Views of Consultees

The **Environmental Health Division** states that further information is required to approve the details required by the contamination conditions of the outline consent.

The **Highway Authority** has no objections subject to conditions regarding the provision of the internal roads, private drives and parking areas, provision of visibility splays, details of surfacing materials and surface water drainage for the private drives and parking areas, details of bin collection areas, gradient and length of private drives, garages to be retained for the parking of motor vehicles and cycles and submission of Construction Environmental Management Plan.

The **Conservation Officer** has no objections providing the plans do not have any impact on the listed milepost.

The **Crime Prevention Design Advisor** states that in general, the layout possesses a number of positive attributes. Outward-facing blocks down the centre of the site will result in rear gardens backing onto one another to provide a high degree of mutual security. There should be very good natural surveillance throughout the site with properties addressing the road network, and overlooking the pond, public open space, main site entrance, pedestrian link to Rock Lane and vast majority of the parking. Dual aspect corner plots assist in this regard. The provision of gating (presumably lockable) to all rear access paths, consideration of windows in the side elevations in plots 110 and 111 and additional hedges in certain gardens adjacent to Rock Lane or to block up perceived gaps, is welcomed. The LAP/LEAP will be in a good position, well overlooked on two sides by housing to provide a safer environment for children's play. Recommendations are made for the physical security of the properties.

The **Landscape Development Section** has no objections.

The **Education Authority** states that a Section 106 Agreement was signed when the outline application was granted. The number of dwellings remain the same so the education contribution amount will remain in line with this.

Staffordshire County Council Flood Risk Team has no objections.

Severn Trent Water has no objections.

The **Environment Agency** has no objections.

The **Waste Management Section** has concerns that plots 1-2, 11-12, 47-48, 116-121 and 126-128 are accessed over unadopted accesses. No bin collection points are shown. The vehicle weight is not given in the swept path analysis and it will need to show that it has been completed for a 26 tonne freighter.

The **Housing Strategy Section** states that the number and mix of affordable housing units are compliant with policy and is satisfied that the units are sufficiently pepper-potted across the development.

Loggerheads Parish Council objects on the following grounds:

- The proposed number of 1 and 2 bedroom dwellings does not comply with Policy LNPG2 of Loggerheads Neighbourhood Plan regarding housing mix.
- The application does not give any detail on play equipment.
- The proposed Remediation Strategy is not sufficient and the Parish Council understands that these conditions will require a separate application and wishes to be consulted on them.
- The proposed internal road access relies on shared access and unadopted access which does not comply with Policy LNPT1 of the Loggerheads Neighbourhood Plan, in particular the last two bullets.

Representations

One letter of representation has been received raising objections on the following grounds:

- Large numbers of houses have already been built.
- Loggerheads has no employment or facilities and there is minimal public transport meaning that occupants of the proposed houses will have to be dependent on private motor vehicles, which is not what environmental policy is supposed to sanction.
- The proposed housing development is on a B road, a country road and traffic is already increasing because of other development.
- This proposal does not fit in with the local plan.
- This proposal is environmentally damaging.
- This proposal is going to strain the few local facilities that currently exist in Loggerheads.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Drainage Strategy
- Phase II Geo-environmental Site Assessment
- Remediation Strategy

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/20/00201/REM>

Background papers

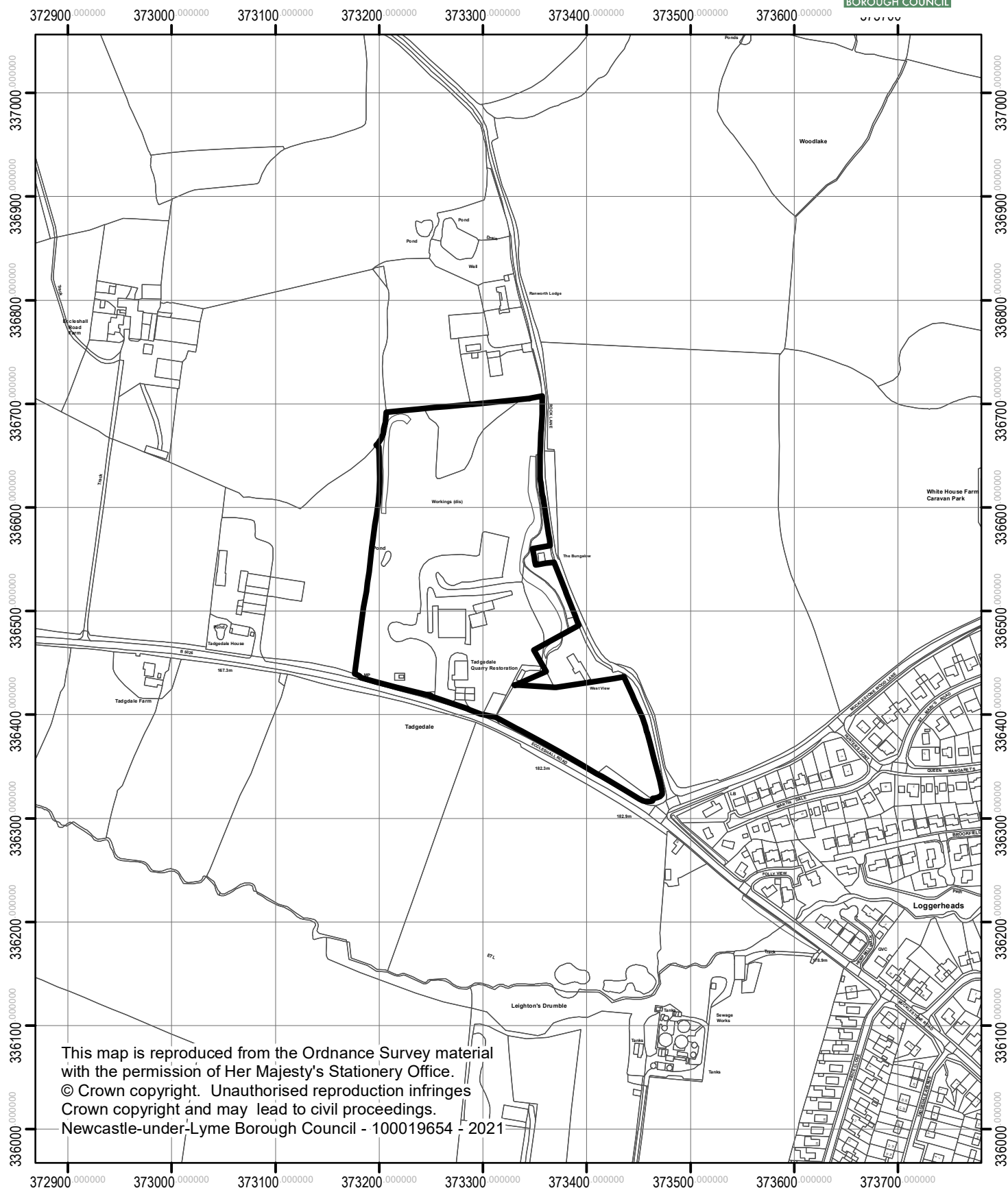
Planning files referred to
Planning Documents referred to

Date report prepared

19th January 2021

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Tadgedale Quarry, Muckleston Road, Loggerheads



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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.

This application was reported to Committee on the 5th January but a decision was deferred to allow the applicant appropriate time to address the concerns of the Lead Local Flood Authority and for their further views to then be obtained.

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 12th March 2021.

RECOMMENDATIONS

A. Subject to the receipt of no objections from the Lead Local Flood Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd February 2021 upon receipt and consideration of the Lead Local Flood Authority comments, and

B. Subject to the applicant first entering into a Section 106 obligation by the March 2021 to secure a residential travel plan monitoring fee of £7,000, 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, internal roads, private drives and parking courts**
- 14. Provision of appropriate visibility splays**
- 15. Surfacing materials, surface water drainage and delineation of the parking bays for the parking courts**
- 16. Secure weatherproof parking for the 24 cycles for plots 27 to 44**
- 17. Garages/ car ports retained for vehicle parking**
- 18. Electric vehicle charging provision**
- 19. Residential Travel Plan Framework**
- 20. Highway & Environmental Construction Management Plan (CMP)**
- 21. Implementation of Noise Mitigation Measures**
- 22. Construction and demolition hours**
- 23. Prior approval of noise assessment for the Pumping Station and Substation**
- 24. Surface water drainage scheme**
- 25. Flood risk mitigation measures and Sustainable Drainage Strategy**
- 26. Land contamination investigations and mitigation measures**
- 27. Unexpected land contamination**
- 28. Coal mining/ land stability intrusive site investigations and remediation (if necessary)**
- 29. 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 Kidsgrove 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 Kidsgrove 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 subject to conditions, which will make the development acceptable and includes 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 application was deferred at its meeting of the 5th January due to the Lead Local Flood Authority (LLFA) requesting further reassurances that the flood risk associated with the existing surface water sewer is sufficiently low and that the proposed drainage layout plan is sufficient. It is anticipated that following the submission of additional information the level of information now provided is appropriate for the LLFA to remove their concerns. However, their further views are awaited.

5.5 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 The NPPF sets out the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until a Local Plan is finalised.

6.7 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 and the applicant and your officers have agreed the split of social rented and shared ownership, along with the specific plots to be affordable.

6.8 A Section 106 obligation will be required to secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then a reassessment of the level of affordable housing the scheme can support if the development were to be found capable of financially supporting these features.

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 11 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 no objections subject to conditions which secure the following;

- Provision of access, internal roads, private drives and parking courts,
- Provision of appropriate visibility splays,
- Surfacing materials, surface water drainage and delineation of the parking bays for the parking courts,
- Secure weatherproof parking for the 24 cycles for plots 27 to 44,
- Garages/ car ports retained for vehicle parking,
- Residential Travel Plan Framework,
- Construction Management Plan (CMP).

A travel plan monitoring fee of £7,000 is requested and secured via a S106 Agreement.

The **Lead Local Flood Authority** has requested further reassurances that the flood risk associated with the existing surface water sewer is sufficiently low and that the proposed drainage layout plan is sufficient. Their further comments are now awaited on the 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

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

- There are enough houses on West Avenue already
- Increased likelihood of flooding, including the public footpath
- 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

20th January 2021

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2021

Agenda Item 5

Application Ref. 20/00501/FUL

Land North of West Avenue, Kidsgrove

Since the publication of the main agenda report the further comments of the **Lead Local Flood Authority (LLFA)** have been received.

The **LLFA** have confirmed that they now raise no objections to the scheme subject to conditions which secure further technical details to be submitted before development commences. The recommended conditions will ultimately ensure that acceptable flood mitigation measures and a sustainable drainage strategy can be secured as part of the development of the land.

Officers Comments

The applicant has submitted information to satisfy the previous concerns of the LLFA and subject to conditions the impact of flood risk from the proposed development can be mitigated against. The proposed development therefore accords with local and national planning policy.

Amended Recommendation

A. Subject to the applicant first entering into a Section 106 obligation by the 10th March 2021 to secure a residential travel plan monitoring fee of £7,000, 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, internal roads, private drives and parking courts**
- 14. Provision of appropriate visibility splays**
- 15. Surfacing materials, surface water drainage and delineation of the parking bays for the parking courts**
- 16. Secure weatherproof parking for the 24 cycles for plots 27 to 44**
- 17. Garages/ car ports retained for vehicle parking**

18. Electric vehicle charging provision
19. Residential Travel Plan Framework
20. Highway & Environmental Construction Management Plan (CMP)
21. Implementation of Noise Mitigation Measures
22. Construction and demolition hours
23. Prior approval of noise assessment for the Pumping Station and Substation
24. Surface water drainage scheme
25. Hydraulic modelling and flood risk mitigation of the existing surface water sewer
26. Water quality pollution mitigation
27. Detailed Sustainable Drainage Strategy
28. Land contamination investigations and mitigation measures
29. Unexpected land contamination
30. Coal mining/ land stability intrusive site investigations and remediation (if necessary)
31. Ecology mitigation and enhancements

B. Should the matters referred to in (A) 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.

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LAND UNDER WOLSTANTON, PORTHILL, DIMSDALE AND BASFORD
GT ENERGY UK LTD

20/00986/FUL

The application seeks full planning permission for boreholes beneath land within the Borough. The boreholes are to be drilled in connection with a proposed geothermal heat plant (or energy centre) that is proposed at Festival Way, Stoke and an associated planning application is currently being considered by the City Council (SOTCC reference [65945/FUL](#)). It follows the granting of planning permission for the same development, as far as it relates to land within the Borough, in 2017 (reference 16/00893/FUL).

The boreholes as proposed are to have a diameter of between about 76cm reducing to about 13cm as follows:

Borehole 1 – to be initially drilled to a depth of 1,850m after which it deviates out and under land within the Borough to a maximum depth of 4,000m. The horizontal distance of this borehole is 1.4km with approximately 40% of its length being within the Borough. Geothermal water will be extracted from this borehole prior to being passed through heat exchangers on Festival Way.

Borehole 2 – to be initially drilled to a depth of 1,350m after which it deviates out and under land within the Borough to a maximum depth of 3,750m. The horizontal distance of this borehole is 2.3km with approximately 73% of its length being within the Borough. The water will be reinjected via this borehole once the heat has been extracted.

The application is supported by an Environmental Statement.

The 16 week period for this application expires on 18th February 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Time limit**
- 2. Approved plans**
- 3. Submission and approval of a micro seismic survey.**
- 4. Implementation of all mitigation measures outlined in the Environmental Statement.**
- 5. Boreholes to be filled in accordance with approved details if not used for intended purpose.**

Reason for Recommendation

The proposed development involves the development of a renewable energy source which is promoted and supported by local and national policy and seeks to address climate change aims for reducing carbon dioxide emissions and ensuring secure, clean and affordable energy. The part of the development that lies within the Borough of Newcastle raises limited issues and it has been demonstrated, subject to approval of further details, that no adverse impacts would arise from the development as a result of induced seismic activity, impact on underground aquifers and contaminated land.

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

This is a cross border application. The development involves the drilling of two deep boreholes and the construction of an energy centre to house both boreholes. The energy centre is located on Festival Way as are the first sections of the boreholes, and as such these elements are the subject of a separate application to Stoke City Council. The application for consideration by Newcastle Borough Council is for two boreholes and is the same as permitted under application reference 16/00893/FUL.

Geothermal water is to be abstracted via one of the boreholes which would subsequently be passed through heat exchangers in the geothermal heat plant at the proposed energy centre before it is reinjected via the second borehole. The heat from the geothermal water is harnessed at the heat exchanger located at the energy centre which will then be distributed via a District Heat Network (DHN) to all connected end users for heat and hot water purposes. The programme to install the DHN is to be developed by Stoke City Council within the City boundary.

The proposal is therefore to develop a renewable energy source.

The project as a whole raises a number of issues. Issues relating to air quality; noise; traffic and transport; and ecology are associated with the construction of the energy centre and its operation located on Festival Way, and as such are not material to the determination of this application. The energy centre will have a visual impact and has the potential to affect heritage, however these impacts will only be within the City Council's area and again are not material to the determination of this application.

The depth of the boreholes beneath the Borough is such that it will not have an adverse impact on any underground archaeology. Any potential issues arising from contamination and impacts on underground aquifers are addressed through the borehole being lined by a casing which is to be set in concrete. Given the depth of the boreholes within the Borough it is not anticipated that any other issues that could affect residential amenity will arise.

In light of the above, the key issues for further consideration in the determination of this application are therefore:

- The principle of the proposed geo thermal heat energy centre
- Seismicity (the occurrence or frequency of earthquakes)

Principle of the proposed geo thermal heat energy centre

Strategic Aim 17 of the CSS is to minimise the adverse impacts of climate change in the move towards zero carbon growth through energy efficiency, promoting the use of renewable energy sources and green construction methods in accordance with best practice. CSS Policy CSP3 states that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

The NPPF, at paragraph 8, indicates that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental. Achieving the environmental objective includes moving to a low carbon economy.

The proposal for determination by the Borough Council is therefore promoted and supported by local and national policy and as such the proposal is acceptable in principle.

Seismicity (the occurrence or frequency of earthquakes)

The area is already affected by historic seismic activity and as such it is necessary to consider whether such activity can be induced by the proposed development.

The submission addresses this, indicating that the likelihood of the drilling operations generating induced seismicity is negligible. However, having taken into consideration the historical induced

seismicity in the area, associated within mining, all possible precautions to carefully monitor any changes have been taken.

In accordance with systems introduced for similar geothermal systems in densely populated sensitive areas a threshold based traffic light system will be implemented whereby extracted geothermal water will only be reinjected where it can be done without the potential that seismic activity is induced (green = injection proceeds as planned; amber = injection proceeds with caution, possibly at reduced rates with monitoring intensified; red = injection is suspended immediately).

Subject to a condition which secures the details of the protocol and thresholds and their subsequent implementation it is considered that any potential for the development to induce seismic activity is appropriately mitigated against.

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](#)

Strategic Aim 17 (referred to in the key issues section above)

Policy CSP3: Sustainability and Climate Change

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

None

Other Material Considerations include:

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

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

Relevant Planning History

16/00893/FUL and associated Stoke-on-Trent City Council 60407/FUL for a proposed geo thermal heat plant including deviated boreholes to a depth of 4000 metres. Both boreholes will be drilled vertically on the Etruria Valley site to a minimum depth of 1350 metres before deviation occurs. PERMITTED

Views of Consultees

The **Coal Authority** has no objections.

The **East Newcastle Locality Action Partnership** has not provided any comments by the due date and so are assumed to have no observations upon the application.

Representations

None received.

Applicant's/Agent's submission

The application is supported by an Environmental Statement, Flood Risk Assessment and a supporting statement specific to the Borough.

The application form and location plan and supporting information are available for inspection on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00986/FUL>

Background papers

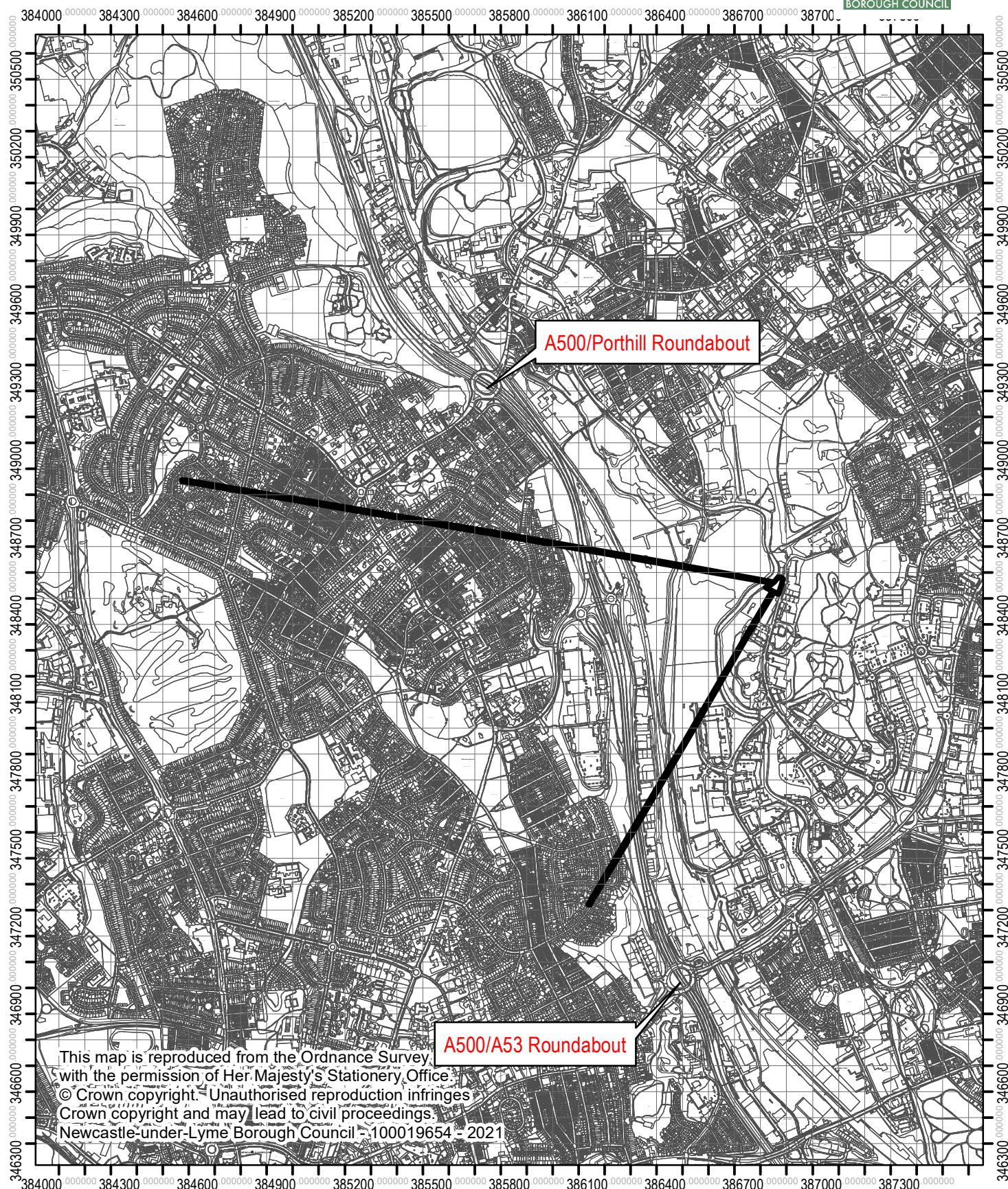
Planning files referred to

Planning Documents referred to

Date report prepared

20th January 2021

Land off Festival Way



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MARKS AND SPENCER, WOLSTANTON RETAIL PARK
MARKS AND SPENCER PLC

20/00985/FUL

The Application seeks to vary condition 3 of planning permission 11/00611/FUL which granted planning permission for the existing store.

Condition 3 as worded in the decision notice is as follows:

The permission hereby granted relates to a single retail unit of 13,010 m² gross internal floorspace with a sales area floorspace of no more than 8,962 m², of which no more than 7,973 m² shall be for the display of comparison goods and no more than 989 m² shall be for the display and sale of convenience goods only.

The reason given for the condition within the decision notice was;

For the avoidance of doubt, to ensure the development does not unduly affect the vitality and viability of Newcastle-under-Lyme town centre, and the City Centre and in accordance with Policy TC1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy SP1 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 and the aims and objectives of the National Planning Policy Framework.

The variation that is being sought is to increase the amount of floorspace for the display and sale of convenience goods to 1,496 m² but the sales area floorspace would remain unaltered.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 25th February 2021.

RECOMMENDATION

PERMIT the variation of condition 3 of 11/00611/FUL so that it reads as follows:

The permission hereby granted relates to a single storey retail unit of 13,010m² gross internal floorspace with a sales area floorspace of no more than 8,962m², of which no more than 7,973m² shall be for the display of comparison goods and no more than 1,496m² shall be for the display and sale of convenience goods only.

and subject to the imposition of all other conditions attached to planning permission 11/00611/FUL that remain relevant at this time.

Reason for Recommendation

The proposal would not result in any additional retail floorspace in this out of centre location and as such there is no requirement to undertake either a sequential or an impact assessment as defined in the NPPF. In addition parking at the retail park would remain acceptable.

Subject to the imposition of the same conditions as were imposed on 11/00611/FUL that remain relevant at this time it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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 application seeks a variation of condition 3 of planning permission reference 11/00611/FUL which permitted a new store at Wolstanton Retail Park, now occupied by Marks and Spencer. The condition, the subject of this application, has previously been varied in 2017 under reference 16/00958/FUL. The 2017 planning permission was subsequently not implemented and as such has lapsed.

Condition 3 sets an upper limit on the amount of floorspace within the building, limiting the overall amount of sales floorspace to 8,962m² specifying that sales floorspace for the display and sale of convenience goods (food, drinks etc.) should not exceed 989m². The variation sought is an increase in the amount of floorspace dedicated to convenience goods to 1,496m² (an additional 507m²). The additional floorspace is not proposed by the extension of the existing store, or by increasing the overall amount of sales floorspace within the building, the increase in convenience goods floorspace as proposed is at the expense of the overall amount of comparison goods floorspace within the building.

The applicant, Marks and Spencer, have a modernisation and improvement strategy for its food stores that has been reassessed in light of the current pandemic. The pandemic has led to a trend towards increased food shopping that is expected to continue. It is indicated within the submission that the increased space will allow for product showcasing and a more spacious layout.

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

- The principle of the proposed increase in convenience goods floorspace
- Parking
- Are further section 106 planning obligations required.

Principle of the proposed increase in convenience goods floorspace

CSS Policies SP1 and SP2 seek to direct retail development to Newcastle town centre or Hanley City Centre. CSS Policy ASP5 indicates that any retail development outside of Newcastle Town Centre will be within a local centre and that its nature and scale should be appropriate to that local centre and will primarily meet the identified local requirements.

The NPPF, at paragraph 86, indicates that LPAs should apply a sequential test to planning applications for 'main town centre uses' that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. At paragraph 87 it states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The NPPF states the following, at paragraph 89.

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

No change to the sales area floorspace of 8,962m² is proposed and as such the variation of condition,

if implemented, would result in a reduction in the amount of floorspace dedicated to comparison goods. As the amount of sales area floorspace would remain unchanged the variation of condition as proposed would therefore allow some flexibility so that a subsequent reduction in the overall amount of convenience goods floorspace, and an increase in comparison goods floorspace, could take place without any further need to vary the condition.

Given that no additional main town centre use floorspace is proposed there is no policy requirement to apply a sequential test or impact assessment to the proposal. Notwithstanding this the applicant has sought to consider retail opportunities in Newcastle and Hanley, concluding that none are both 'suitable' and 'available to accommodate the scale and form of retail floor space being tested (equivalent in size to a retail unit of 13,000m²). The submission also sets out that the trading impact of the proposals will most likely fall upon the various large-format mainstream food stores which surround the application site and are within a short driving distance. These stores are not protected by planning policy given they are not located within any existing centres. Such conclusions are noted.

In light of the above it is concluded that there are no objections to the principle of the proposal and it would not conflict with the guidance and requirements of the NPPF.

Parking

It was previously concluded, when determining application 16/00958/FUL that the proposed change would not have any material impact on the adequacy of the parking provision at this location. Whilst the amount of parking within the Retail Park has reduced since that decision was reached such conclusions still remain valid.

Are further Section 106 obligations required?

The previous permission was only granted following the entering into of two Section 106 Agreements securing a number of matters, of which a number remain relevant. As the original permission was implemented and the obligations set out in the Agreements have been triggered there is no requirement for a further S106 obligation/s to be entered into to secure the Council's position in respect of those obligations that remain relevant and extant.

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 SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development - General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations include:

National Planning Policy Framework (2019)

Planning Practice Guidance (2014 as updated)

Relevant Planning History

Planning permission was granted for the demolition of existing retail warehouse units, distribution unit and redundant methane pumping station. Construction of new retail store with ancillary refreshment facilities, new and altered car parking, servicing and sewerage facilities under application reference 11/00611/FUL.

Condition 3 of planning permission 11/00611/FUL was varied to increase the amount of floorspace within the M&S store that can be used for convenience goods sales to 1,496sqm under application reference 16/00958/FUL.

Views of Consultees

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

The **Economic Regeneration Section, Stoke City Council** and **East Newcastle LAP** have not provided any comments by the due date and so are assumed to have no observations upon the application.

Representations

None received.

Applicant's/Agent's submission

The application form and location plan and supporting information are available for inspection on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00985/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

20th January 2020

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2021

Agenda Item 7

Application Ref. 20/00985/FUL

Marks and Spencer, Wolstanton Retail Park

The report incorrectly states that the application seeks to increase the amount of convenience goods floor space to 1,492m² and should state that the proposed increase is to 2,074m².

It remains the case that the proposal does not result in any increase in retail floor space as the increase in convenience floor space is at the expense of the overall amount of comparison goods floor space within the building. The consideration of the proposal as set out in the key issues section of the main agenda report remains valid and appropriate in view of the actual increase in convenience goods floor space that is proposed and the recommendation to permit remains.

The RECOMMENDATION is amended as follows:

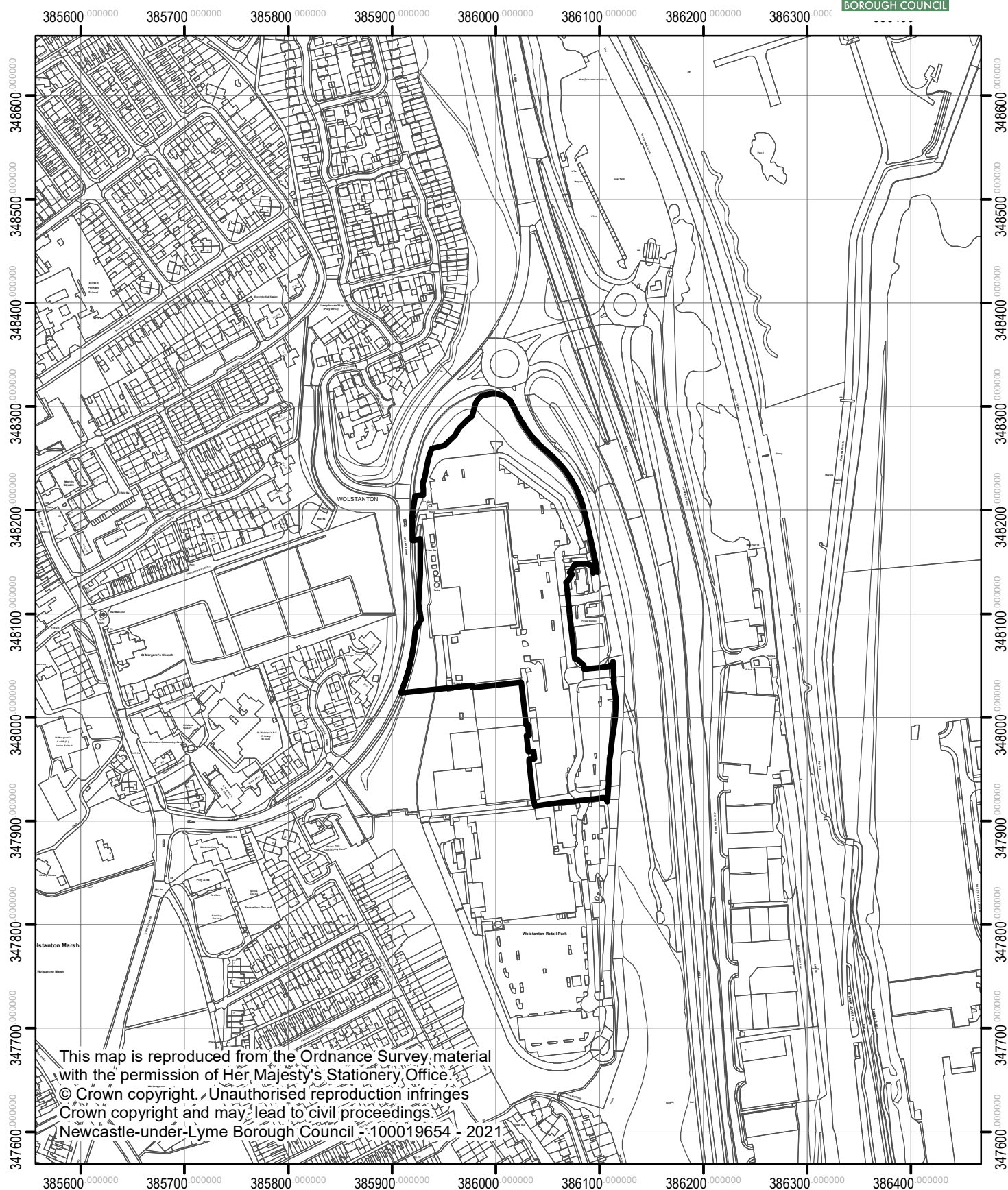
PERMIT the variation of condition 3 of 11/00611/FUL so that it reads as follows:

The permission hereby granted relates to a single storey retail unit of 13,010m² gross internal floorspace with a sales area floorspace of no more than 8,962m², of which no more than 7,973m² shall be for the display of comparison goods and no more than 2,074m² shall be for the display and sale of convenience goods only.

and subject to the imposition of all other conditions attached to planning permission 11/00611/FUL that remain relevant at this time.

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Marks and Spencer Wolstanton Retail Park



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ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE
ABODE RESIDENCIES

20/01002/FUL

Full planning permission is sought for the temporary variation of Condition 7 of Application Reference 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 7 restricts occupation of the development to students only and the temporary variation sought is to allow occupation of the accommodation by any person (student or non-student) until 31st August 2022.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on the 22nd February 2021.

RECOMMENDATION

A. Subject to the applicant entering into a planning obligation by 5th March that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL, PERMIT subject to:

1. Variation of condition 7 so that it reads as follows:

7. The development hereby approved shall be occupied by any person (student or non-student) until 31st August 2022 after which date it shall only be occupied by students unless otherwise agreed in writing by the Local Planning Authority.

2. Any other conditions attached to planning permission 16/01106/FUL that remain relevant at this time.

B. Failing completion by the date referred to in the above resolution (A) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that without such an obligation the development would not achieve appropriate open space provision and/or highway safety/adequate sustainable transport provision interests; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

Given the sustainable location of the site and the provision of a reasonable level of car parking at the site, it is not considered that the highway safety impacts of the occupation of the development by non-students for a temporary period would be so severe to justify a refusal. Given the temporary nature of the application, it is not considered reasonable to request affordable housing provision and given that it is likely that the rooms would remain single person accommodation and that there will be no children among the occupants, it is not considered reasonable to request an additional financial contribution towards public open space.

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

The application is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the temporary variation of Condition 7 of Application Reference 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 7 restricts occupation of the development to students only and the temporary variation sought is to allow occupation of the accommodation by any person (student or non-student) until 31st August 2022.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The applicant has submitted a Planning Statement highlighting the following points:

- This request has arisen as a consequence of the COVID-19 pandemic which has had a dramatic effect on uptake of rooms, particularly foreign students who have been unable to travel. The temporary variation of condition will enable the applicant to offer the apartments to nonstudents, including key workers, construction workers and others for a temporary period, by which time it is hoped that normality will have been restored and demand from students will have been restored.
- Application 20/00532/FUL for The Met in the town centre proposed the temporary variation of an occupancy condition to allow occupancy by both students and non-students for a temporary period of two years. The scheme was submitted in response to the downturn in the student lettings marketing arising as a consequence of the COVID-19 pandemic and was granted consent by the Local Authority. The application and the conclusions raised in the determination of the application constitute material considerations in the assessment of this application.
- The approved development is currently under construction, with Blocks 1 and 2 due to be completed by the end of January 2021, with Block 3 scheduled completion for February 2021. This represents a total of 282 apartments coming online at the beginning of the year.
- The applicant is an experienced student accommodation provider, having been involved in the market for the last 8 years, and has a number of other sites around the country. Lettings for their student accommodation are managed by the Homes for Students, who are the second largest student lettings agency in the UK. Prior to the COVID-19 pandemic the purpose built student accommodation sector was in good health, with the 112 properties (30,000 beds) managed by Homes for Students having been in and around 99% occupancy.
- However, the onset of the COVID-19 pandemic has had very significant implications for the student accommodation sector, with significantly reduced occupancy levels being observed, now averaging around 65% with some accommodations as low as 25% occupancy. With the second wave now upon us the pandemic shows no signs of easing, and uncertainties surrounding the demand for student accommodation are expected to persist, particularly when it comes to foreign students who are unable or unwilling to travel at present, and / or have deferred their courses. The impact of the pandemic on purpose built student accommodation has been exacerbated by Universities now offering their courses online thereby diminishing the need for students to take up accommodation and enabling them to stay at home to study.
- As a consequence of these impacts, there is a fair prospect that the accommodation will sit empty and underused. The proposed variation of Condition 7 will enable the applicant to temporarily let the accommodation to non-students in order to make beneficial use of the accommodation during these testing times.
- The site is noted to benefit from very close proximity to the Royal Stoke University Hospital and Harplands Hospital, and thus is likely to be attractive to key workers from those sites. The applicant has held constructive discussions with the accommodation manager of the Royal Stoke University Hospital who is keen to utilise the facility for staff accommodation, anticipating further demand given the current second wave of COVID-19.
- The full time occupancy of the approved apartments by non-students would usually give rise to a requirement for affordable housing provision (25%) or financial contributions towards off-site provision. However, given that this proposal is for a temporary variation of the occupancy for a period of two years, with reversion to student occupancy thereafter, it would be unreasonable to require the provision of affordable housing or off-site contributions in such circumstances. Indeed, no Registered Social Landlord is likely to have any interest in taking on such accommodation for such a limited period of time. The Local Authority reached a similar view in its assessment of application 20/00532/FUL which had proposed a temporary variation of a student only occupancy condition at The Met.
- In assessing the original application, it was noted that the provision of 157 dedicated student spaces represented over-provision in relation to the Local Authority's car parking standards which requires one space to be provided per 4 units of accommodation. The use of the apartments by non-students would alter the parking requirement in relation to the car parking standards, which require a maximum of 1 space per unit, plus 1 space per 3 dwellings. This

would equate to a maximum parking requirement of 665 spaces for the full, completed development of 5 blocks, if all were to be occupied by non-students.

- As the COVID-19 situation improves and confidence returns, it is expected that the number of students on site will increase, but the levels are hard to predict as the pandemic is still in a state of flux and its impacts could worsen or improve. The site falls short of the maximum parking standards based on the lowest levels of occupancy, but as occupancy by students increases over the next two years, that requirement will gradually reduce.
- It needs to be recognised that these are maximum parking standards, not a minimum, and this is a highly sustainable location, within easy walking and cycling distance of day-to-day services on offer within the town centre (600 metres to the northwest), as well as public transport connections from the main bus station (550 metres). The site is also in close proximity to the Royal Stoke University Hospital (450 metres) and Harplands Hospital (600 metres). The approved scheme also makes provision for some 124 cycle spaces, thereby offering further opportunities for sustainable modes of transport to be adopted.
- The Met site has no parking provision at all but the Highway Authority raised no objection to that application, noting that the site occupies a very sustainable location with good access to day-to-day services and public transport connections. The current application site at London Road likewise comprises a highly sustainable location, with future occupiers having a realistic choice in their means of transportation to access day-to-day services and employment opportunities. The application site is nevertheless considered to occupy a more advantageous position than The Met on account of it having a large amount of parking provision available, whereas The Met has none. To this end the proposal is not considered to give rise to any unacceptable or severe residual impacts to highway safety, and thus meets the requirements of paragraphs 108 and 109 of the NPPF.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application.

The reason given for the imposition of Condition 7 is as follows:

Because affordable housing requirements would otherwise be triggered and to ensure there is no adverse impact upon highway safety in accordance with the requirements of Saved Policies T16, IM1, IM2 of the Newcastle-under-Lyme Local Plan 2011, Policies CSP1, CSP5 and CSP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework.

On this basis, the main issues in the consideration of the application are as follows:

- Is the amount of car parking acceptable?
- Is affordable housing required?
- Is an additional contribution to public open space required?
- Is a planning obligation required?

Is the amount of car parking acceptable?

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

The NPPF, at 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. Paragraph 110 states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second to facilitating access to high quality public transport. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the

government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Although the applicant's agent states that 157 spaces are to be provided for students, the Planning Committee recently resolved to permit amendments to the approved scheme which included a reduction in parking spaces to 148 (Ref. 20/00557/FUL). This number is significantly below the number recommended in the Local Plan car parking standards for residential accommodation for non-students which would be a maximum of 665.

The Highway Authority has no objections to the proposed variation of condition stating that the site is in a sustainable location in close proximity to the town centre and the main bus station and noting that there are bus stops adjacent to the site on London Road.

Although it is acknowledged that the occupation of the building by non-students is likely to lead to more residents owning a car, there are parking spaces at the site and your Officer concurs with the views of the Highway Authority that given the sustainable location of the site, it is not considered that the highway safety impacts of the development would be severe. It must also be acknowledged that the Council recently approved a variation of condition application for the former Savoy site in the town centre which has no car parking, to allow occupation of the accommodation by any person (student or non-student) (Ref. 20/00532/FUL).

The Highway Authority recommend that the variation of the condition be allowed until 1st February 2022 rather than until August 2022 as requested. Given that the variation of condition for the former Savoy was granted until 31st July 2022, it is considered that such a restriction would be unreasonable and that a temporary consent to August 2022 is acceptable.

Is affordable housing required?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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.

In relation to 16/01106/FUL, no affordable housing provision (either on-site or an off-site contribution) was required on the basis that the development was for purpose built student accommodation.

The applicant's agent states that given that this proposal is for a temporary variation of the occupancy for a period of two years, with reversion to student occupancy thereafter, it would be unreasonable to require the provision of affordable housing or off-site contributions in such circumstances. They go on to state that no Registered Social Landlord is likely to have any interest in taking on such accommodation for such a limited period of time and they highlight that the Local Authority reached a similar view in its assessment of application 20/00532/FUL (the former Savoy).

Although it is the case that occupation of the units by non-students would ordinarily trigger a requirement for affordable housing provision, as with the former Savoy application, given the particular circumstances here and the temporary nature of the application, it is not considered reasonable to request provision in this instance.

Is an additional contribution to public open space required?

In relation to 16/01106/FUL, the financial contribution towards public open space was reduced in recognition that all of the units would be single person accommodation. The standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and includes a play element on the basis that children are likely to be among the occupants. The adjustment that was made was to request 2/5ths of the total and to remove the play element of the contribution.

Given that the rooms would remain single person accommodation, it is very unlikely that there would be children among the occupants. Therefore it is considered appropriate to maintain the adjusted

contribution. In any event, this is an application for the temporary variation of the condition and there is no suggestion that the applicant would wish to seek unrestricted occupation for any longer than the period applied for.

On the basis of the above, it is not considered reasonable to request an additional financial contribution towards public open space.

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 (16/01106/FUL in this case). That previous permission was granted on the 30th October 2017 following the completion of a Section 106 agreement which secured a number of financial contributions towards public open space and public realm improvements, highways and transportation matters as well as a landscaping scheme to the Lyme Valley Parkway boundary. Subject to the applicant entering into a Deed of Variation to the original Section 106 agreement that ensures the Council's interests would be protected, then the application can be permitted.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

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

Policy T16: Development – General Parking Requirements
Policy C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

Relevant Planning History

16/01106/FUL	Redevelopment of the site for 499 apartments (comprising of student accommodation) – Approved
20/00557/FUL	Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) – Resolution to approve subject to completion of S106

Views of Consultees

The **Landscape Development Section** states that the original section 106 calculation included a reduction, whereby the removal of the play element of the contribution was made due to the need for playground facilities in single occupancy student type accommodation being considered as low. Should the development be altered to a different occupancy then the need for a contribution to play should be considered.

The **Highway Authority** has no objections subject to conditions limiting the variation to until February 1st 2022, provision of 124 cycle parking spaces and submission of the details of the available car parking.

No comments have been received from the **Housing Strategy Officer** and **Newcastle South LAP**. Given that the period for comments has expired it must be assumed that they have no comments to make.

Representations

None received

Applicant's/Agent's submission

The application is accompanied by a Planning Statement. 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/20/01002/FUL>

Background papers

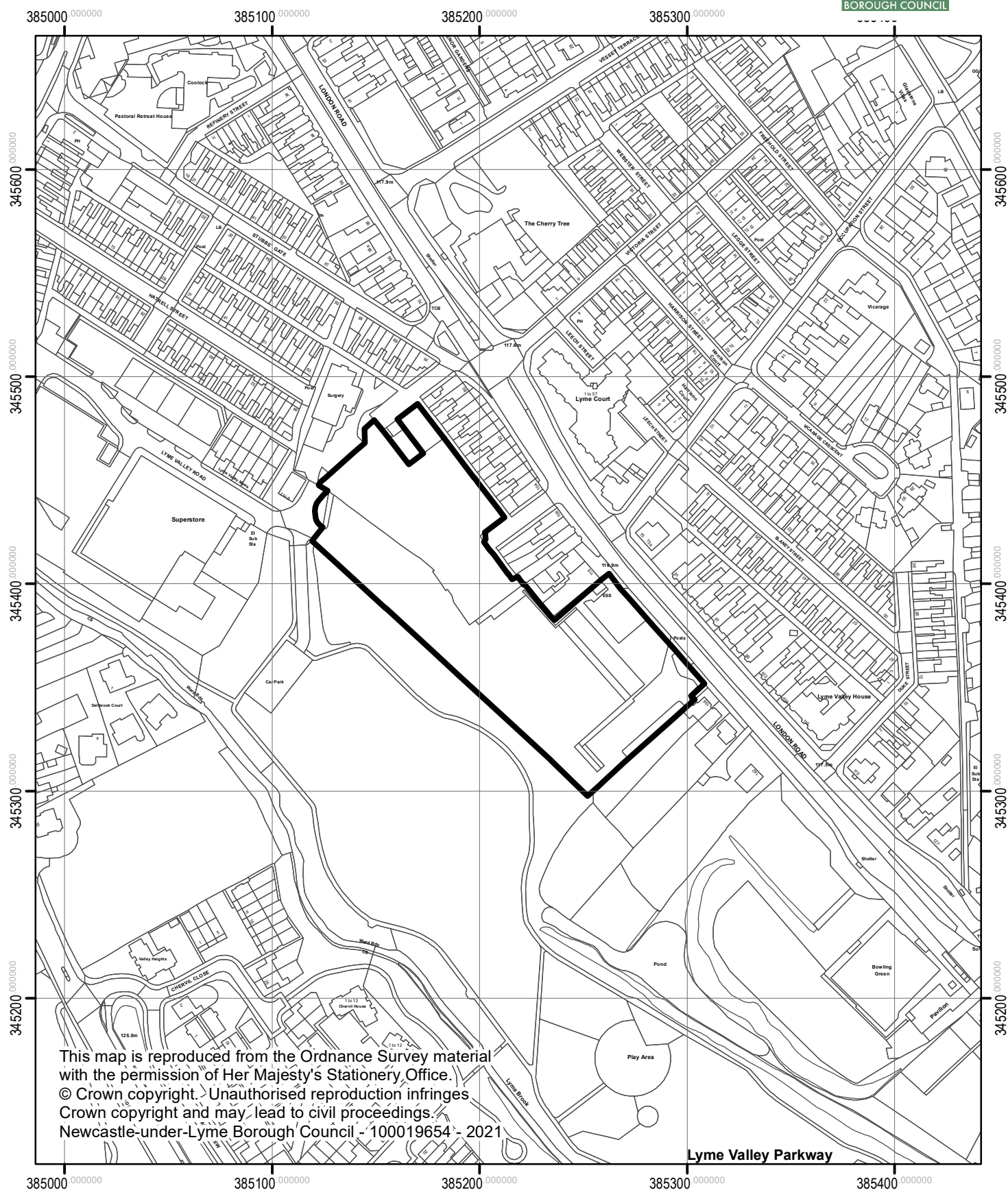
Planning files referred to
Planning Documents referred to

Date report prepared

14 January 2021

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One London Road (Former Bristol Street Ford Site)



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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 application was deferred from the planning committee on 05/01/2021, to seek the comments of the Council's Conservation Officer on the submitted amended plans.

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 now 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 resulted in a reduction in the dwellings height and the alteration of the roof design to a relatively simple pyramidal arrangement. Whilst this roof design was considered an improvement over the original proposal, the pitch of the roof still gave the proposal a top heavy appearance, and a further amendment was sought which has now resulted in the dwelling having a roof which is approximately 1.3m lower in height than the first amended drawing, and the roof pitch of has been lowered to a more traditional angle 35°.

The amended design is considered to be acceptable and better reflects the character of the surrounding area, in addition the overall visual impact of the proposal when seen from the highway and nearby properties would also be improved as a result of these design changes. The Council's Conservation Officer has been re-consulted and has raised no objections to the latest submitted drawings.

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** (following submission of amended plans) raises no objections to the amended roof design for the dwelling and notes that the use of clay tiles is appropriate to assimilating the building into the landscape.

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

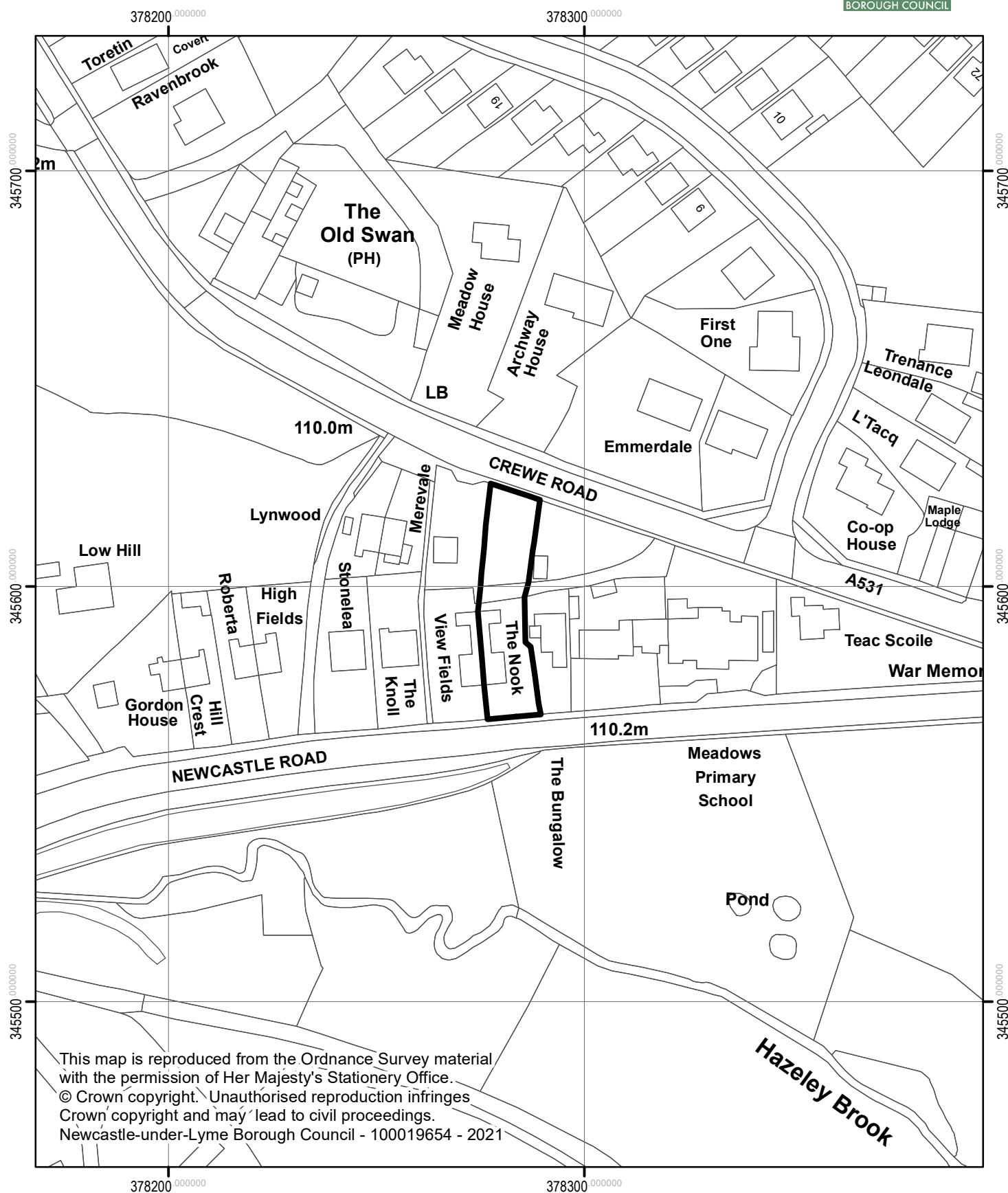
Planning files referred to
Planning Documents referred to

Date report prepared

20th January 2021

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The Nook, Newcastle Road Madeley, CW3 9JU



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BALTERLEY EQUESTRIAN CENTRE, BALTERLEY GREEN ROAD, BALTERLEY
MISS T DAVIES

20/01019/FUL

The application seeks full planning permission for the construction of an administrative centre and groom's accommodation in association with an established equestrian centre.

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 Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 20th January 2021 and the applicant has agreed an extension of time to the statutory determination period to the 4th February 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved plans**
- 3. Occupancy restriction**
- 4. Materials**
- 5. Removal of existing caravan**
- 6. Restriction on additional external lighting**

Reason for Recommendation

Whilst the development represents inappropriate development within the Green Belt, it is accepted that there are very special circumstances which would outweigh the associated harm to the openness of the Green Belt from this development. Subject to a condition that restricts the occupation of the residential accommodation to the equestrian centre it is considered to represent a sustainable form of development that accords with local and national planning policy.

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

Additional information has been requested during the consideration of the application and the applicant has submitted details to satisfy any concerns. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the construction of an administrative centre and groom's accommodation at this established equestrian centre/ livery.

The application site is located within the open countryside on land designated as being within the Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

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

1. Is the proposal appropriate development within the Green Belt?
2. The principal of living accommodation and its location,
3. Design and impact on the character and quality of the landscape, 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, the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed development is for the construction of a 2-storey building to serve as an administrative centre and groom's accommodation in connection with an established equestrian business.

The proposed building would be sited immediately adjacent to an existing stable building, forming an 'L' shape. It would measure 14.4m in length and 5.2m in width. It would be 4m to the eaves and 5.5m to the ridge.

The ground floor of the building would serve as administrative accommodation associated with the equestrian centre and consists of a tack room/ kitchen, office/ training room and w/c. The first floor would form self-contained living accommodation, consisting of an open plan kitchen/ living room, bedroom and bathroom.

The application follows a previous planning permission granted in 2007 for a similar building to be used as an administration centre for the equestrian business. This building was not fully constructed but pre commencement conditions were satisfied and foundations (footings) of the building were constructed and on this basis your officers are satisfied that the planning permission remains extant and capable of being implemented.

Whilst the ground floor of the building would be used as part of the equestrian centre business, which is considered to be appropriate facilities for outdoor sport, the first floor accommodation would be for residential use which does not meet any of the exceptions listed in paragraph 145 of the NPPF. On this basis it has to be concluded that the proposed development is inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

The principal of living accommodation and its location

The application site is located within the open countryside in an area that has poor accessibility to services and facilities and only limited accessibility to public transport.

The applicant has indicated that the first floor of the building would be used as groom's accommodation for the equestrian centre and the application confirms that there is an essential need for a person to live on site for care and welfare supervision of the type of horses at the livery element of the business.

The application also sets out that an existing caravan on has been sited on the land for over 10 years and is used for administrative purposes and for necessary overnight stays to supervise the horses. The proposed building would replace this caravan.

As discussed, the previous permission for a similar building could be constructed and a planning application then submitted to use the first floor as living accommodation.

The NPPF does not discourage the conversion of rural buildings into living accommodation and existing legislation set out in the General Permitted Development Order 2015, as amended, allows the conversion of certain existing buildings to residential units provided that a number of criteria are satisfied and a prior approval application is submitted to the Local Planning Authority for consideration.

The extant permission is not a building that would benefit from permitted development rights for its conversion but the principle of its re-use, within an otherwise unsustainable location for new residential dwellings, is relevant.

Furthermore, paragraphs 78 and 79 of the NPPF also encourage houses that enhance or maintain the vitality of rural communities and where there is an essential need for a rural worker.

As discussed, the proposed building and first floor accommodation would be occupied by a person employed at the existing equestrian centre. The application also confirms that a suitable condition which restricts the occupation of the accommodation is acceptable.

A condition which restricts the occupation of the first floor to persons employed at the equestrian centre is necessary and reasonable due to the unsustainable location of the site. Subject to this condition the development is considered acceptable and in accordance with the guidance and requirements of the NPPF.

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 Enhancement (Policy N20) as indicated by the Local Development Framework Proposals Map. This policy seeks development that will enhance the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The proposed building would be sited immediately adjacent to the existing stable building, forming an 'L' shape. It would measure 14.4m in length and 5.2m in width. It would be 4m to the eaves and 5.5m to the ridge.

It would be constructed from block work with rendered walls and a Grey powder coated profiled composite roof.

It would be seen within the context of the existing buildings of the equestrian centre and views of it from any main vantage points would be restricted due to it being set back within the site, behind existing buildings. However, there would be views from the country lane to the east and south-east.

It also has to be acknowledged that the proposed building would have no greater harm on the landscape than the previous planning permission granted in 2007

Subject to a condition which secure appropriate facing and roof materials it is considered that the proposed building would not harm the character and appearance of the landscape and it accords with Policy N20 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

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

As the residential use of the first floor accommodation is 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."

As discussed, the proposed building would measure 14.4m in length and 5.2m in width and would be 2 storeys.

Planning permission has previously been granted for a similar building which remains extant and the proposed building would have no greater harm on the openness of the Green Belt than that building.

The building is required in association with an established rural business and paragraph 83 of the NPPF sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Subject to a condition which restricts the occupation of the first floor residential accommodation it is accepted that there is a need for the building and it would have no greater harm on the Green Belt. A condition which secures the removal of the existing caravan is also necessary and reasonable.

The proposed building has an acceptable appearance and given the circumstances and justification provided, it is considered that the necessary very special circumstances exist that would outweigh the harm on the Green Belt.

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

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

Policy S3: Development in the Green Belt
Policy N17: Landscape Character - General Considerations
Policy N20: Area of Landscape Enhancement
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

03/01145/FUL Retention of menage (equestrian exercise area) and installation of floodlighting Permitted

07/00552/FUL Erection of building to provide administration centre Permitted

Consultation Responses

Betley, Balterley and Wrinehill Parish Council raises no objection subject to any grant of permission requiring the removal of the existing caravan and annexe from the site by a planning condition.

The **Highways Authority** raises no objections.

The **Environmental Health Division** has no objections subject to conditions which restrict the installation of additional lighting and restrict the occupancy of the grooms accommodation to those associated with the operation of the surrounding equestrian centre.

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

Representations

None received

Applicants/agents submission

The requisite plans and application forms have been submitted and a detailed planning justification statement has been submitted which identifies a number of key points for consideration in the determination of the application.

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/20/01019/FUL>

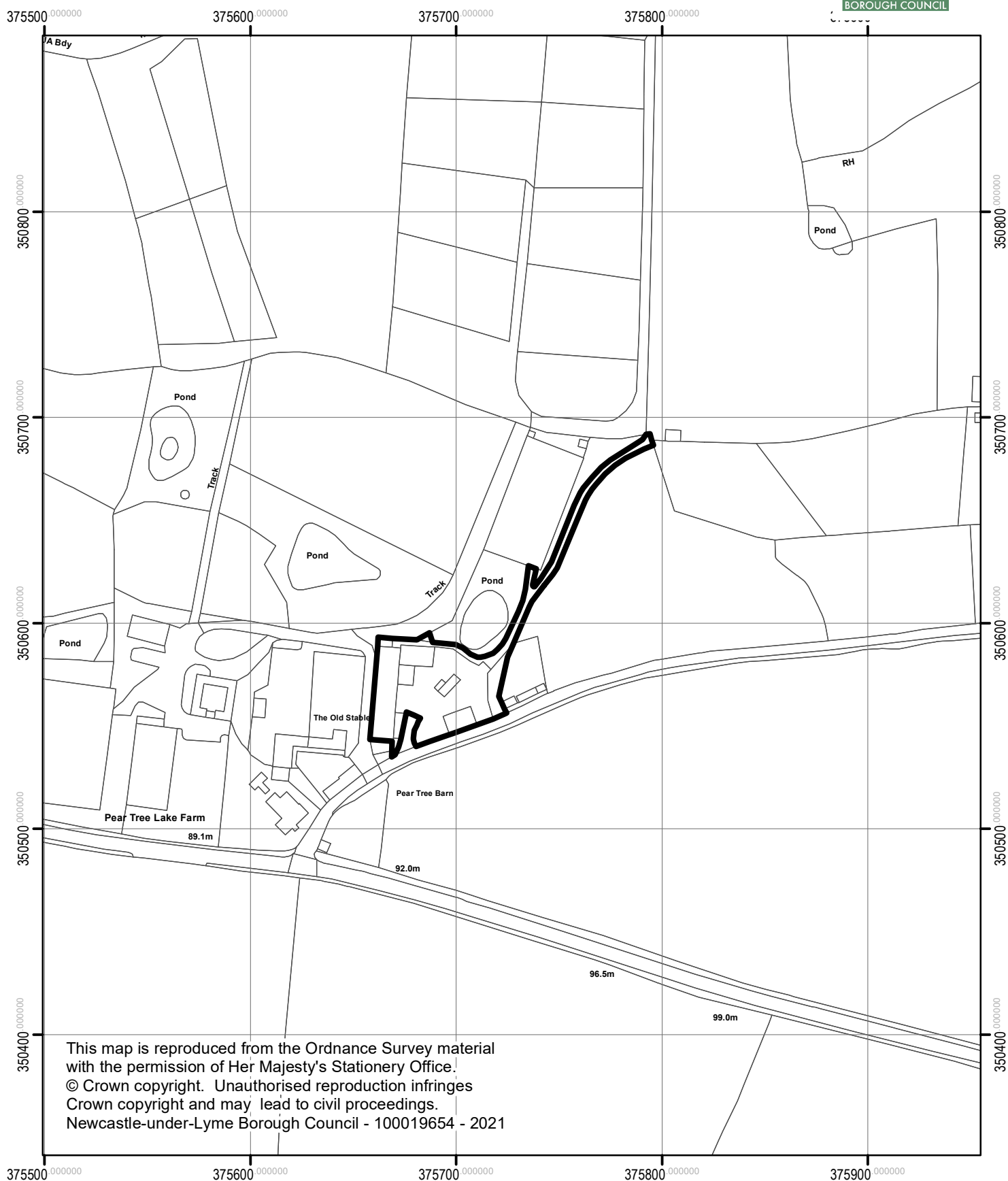
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

20 January 2021

Balterley Equestrian Centre, Balterley Green Road, Balterley



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**KNUTTON COMMUNITY CENTRE, KNUTTON LANE, KNUTTON
NEWCASTLE BOROUGH COUNCIL**

20/01087/DEEM3

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

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

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

RECOMMENDATIONS

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

- **Prior approval of an Environmental Management Plan.**

Reason for Recommendation

In light of the submitted information 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 community centre.

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 a suitable Environmental Management Plan is in place which 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.

The Environmental Health Division (EHD) has requested that a condition is imposed to secure measures to protect the highway from mud and debris. The EHD didn't request such a condition in response to application 20/00958/DEEM3 for the demolition of the adjoining Infant Welfare Centre and Clinic which was determined in December 2020. The imposition of a condition to secure such measures would be inconsistent with the requirements set out in that recent decision and given the very similar circumstances it is considered that it would be unreasonable to impose such a condition in this case.

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](#)

20/00958/DEEM3 – Prior approval granted for the demolition of the Infant Welfare Centre & Clinic which adjoins the Community Centre.

[Views of Consultees](#)

The **Environmental Health Division** raise no objection subject to conditions requiring the submission and approval of an Environmental Management Plan and measures to protect the highway from mud and debris.

[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/20/01087/DEEM3>

Background Papers

Planning File referred to

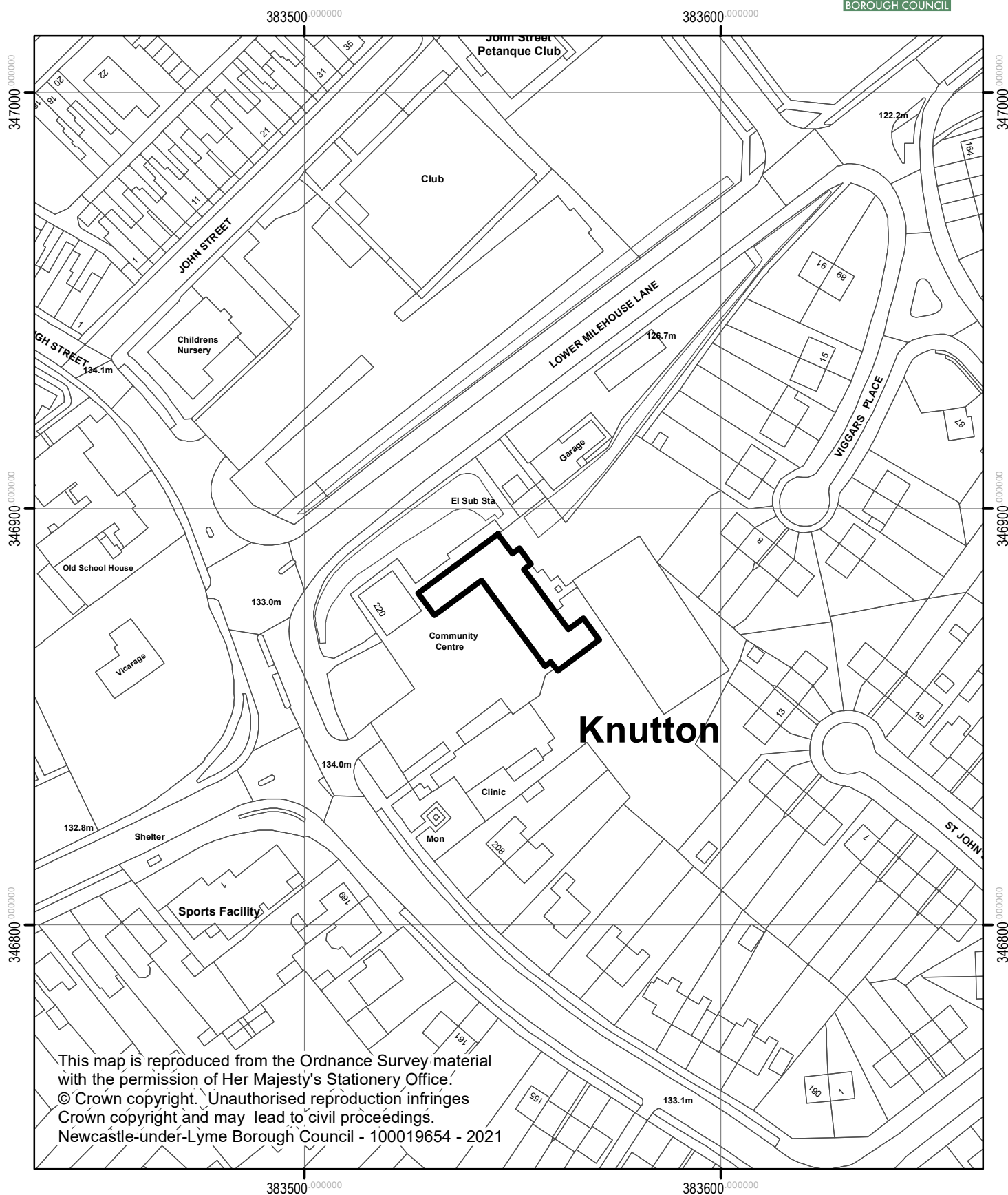
Planning Documents referred to

Date report prepared

19th January 2021

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Knutton Community Centre, Knutton Lane, Knutton



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**CLOUGH HALL PARK BOWLS PAVILION, CLOUGH HALL PARK, KIDSGROVE
NEWCASTLE BOROUGH COUNCIL 20/01089/DEEM3**

The application is for a determination as to whether prior approval is required for the method of demolition of the Clough Hall Park Bowls Pavilion, and any proposed restoration of the site.

The site lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on the 9th February 2021.

RECOMMENDATIONS

PRIOR APPROVAL is GRANTED with no conditions

Reason for Recommendation

In light of the submitted information 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 Bowls Pavilion.

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 its location within an area of public open space 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.

The building is within Clough Hall Park which is surrounded by residential properties but at sufficient distance to ensure that no adverse impact to residential amenity should arise. The demolition works will have some impact on the enjoyment of those using the Park but not to the extent that a refusal on amenity grounds could be justified.

The indication is that all material will be removed from site by a licensed contractor and that the site will then be made good so that it is in keeping with the Park. In light of this information it is considered that it would not 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](#)

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

No comments have been received from **Kidsgrove Town Council** and given that the date for comment has passed, it must be assumed that they have no comments to make.

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/20/01089/DEEM3>

Background Papers

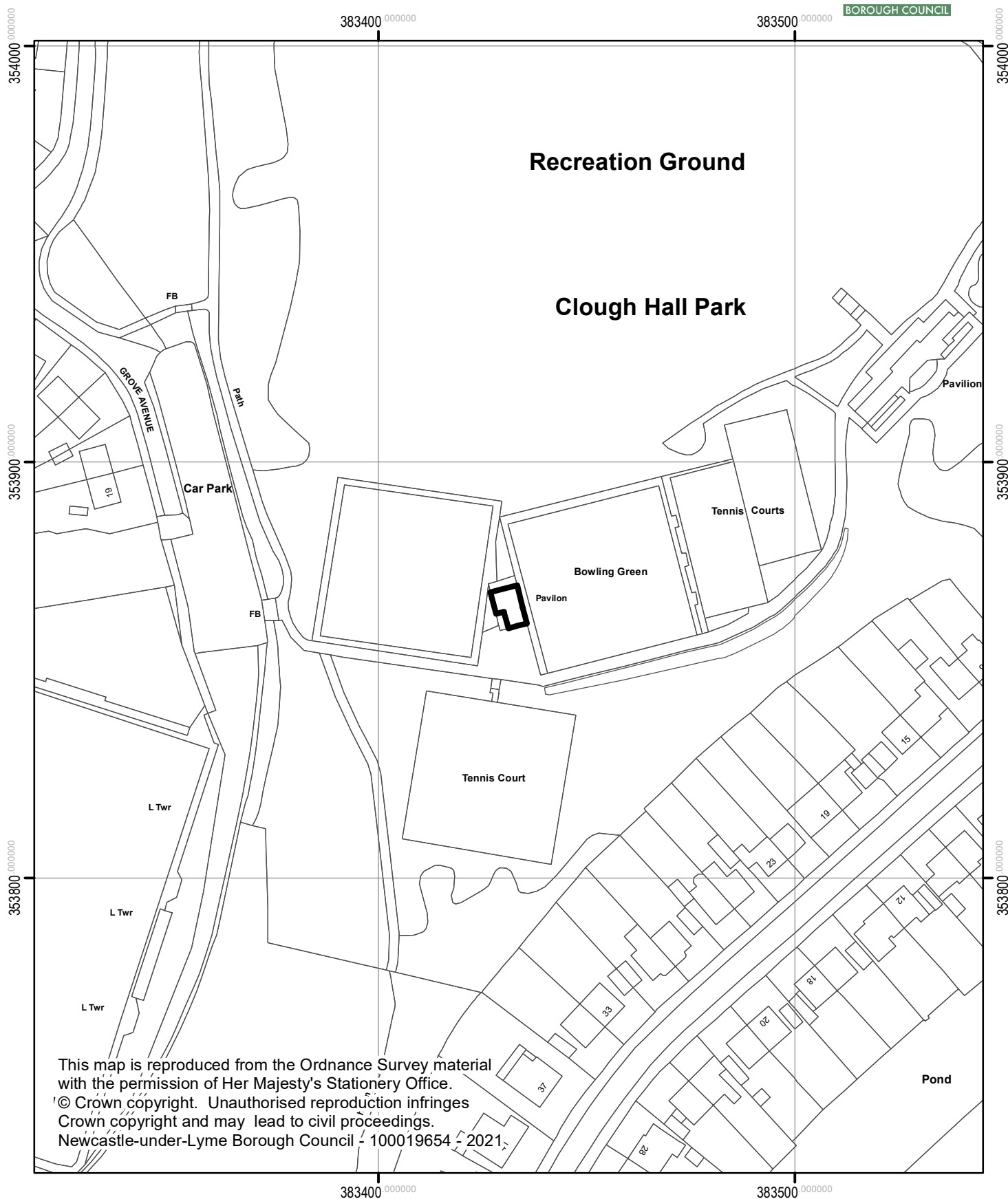
Planning File referred to

Planning Documents referred to

Date report prepared

19th January 2021

Clough Hall Park Bowls Pavillion Clough Hall Park, Kidsgrove



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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 28th April 2020 (since repeated), of the progress in relation to a breach of planning control at this location.

RECOMMENDATION

That the information be received.

Following refusal of a planning application to vary condition B8 of outline planning permission 06/00337/OUT which would have removed the requirement to provide a second Locally Equipped Area for Play (LEAP) on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.

Details of a revised play area were received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018. It was subsequently established that all the approved equipment has been provided within the second LEAP but not the six benches shown on the approved plans.

Your officers were working with the developer to secure the installation of the benches, however following consideration of representations regarding issues of anti-social behaviour at this LEAP Committee resolved, on 21st July, that only two of the benches would now be required to be installed rather than the six approved. In addition Committee resolved to request that the money saved as a result of not having to install four additional benches should be put towards the replacement of the basket swing on the site which is a focal point for the anti-social activity that has been reported.

Following that meeting, the developer has prepared and submitted the costs involved in the installation of the two benches, the removal of the basket swing and its replacement with another piece of equipment. This has demonstrated that the savings arising from the requirement to provide a reduced number of benches does not cover the cost of the replacement of the basket swing. The developer, DWH North West, subsequently advised that they had decided to absorb the cost of the replacement facility and carry out all the necessary work.

The developer has now removed the basket swing and replaced it with a baby swing, and has provided the two benches. It is therefore considered that the identified breach of planning control has now been resolved and the case can be closed.

Date report prepared: 21st January 2021

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Planning Committee 2nd February 2021

QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

The last report was brought to the Planning Committee at its meeting on the 10th November 2020. 4 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Residential Development on site of the Former Silverdale Colliery</p> <p>Non-compliance with condition B8 of outline planning permission 06/00337/OUT which requires the provision of 2 Locally Equipped Areas for Play (LEAPs)</p> <p>17/00258/207C2</p>	25.04.17	<p>Following refusal of a planning permission to vary a condition of the permission which would have removed the requirement to provide a second LEAP on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.</p> <p>Details of a revised play area were subsequently received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018.</p> <p>A site visit was undertaken some time ago which established that all the approved equipment has been provided within the second LEAP but not the benches. Subsequently installation of the benches by the developer was being pursued.</p> <p>More recently at its meeting of 21st July, following representations regarding issues of anti-social behaviour within the play area, Committee resolved to reduce the number of benches that they require to be installed from six to two. In addition Committee resolved to request that the money saved should be put towards replacement of the basket swing.</p> <p>The developer has now removed the basket swing and replaced it with a baby swing, and has provided the two benches. It is therefore considered that the identified breach of planning control has now been resolved and the case can be closed.</p>	CASE CLOSED

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Initially regarding unauthorised use of land for the siting of a mobile home.</p> <p>Now non-compliance with the occupancy condition attached to the mobile home</p> <p>14/00036/207C3</p>	<p>5.1.16 & 11.10.18</p>	<p>A personal planning permission (reference N14847) was granted for the siting of a mobile home on this Green Belt site due to the personal circumstances of the applicant at that time. The same restrictions were imposed on a subsequent planning permission (reference N21428) for a larger mobile home. Subsequent attempts by the original applicant to vary or remove the conditions were unsuccessful.</p> <p>It was established that the occupation of the mobile home as a dwellinghouse ceased and on 5th January 2016 Planning Committee resolved that enforcement action should be taken. An Enforcement Notice (EN) was subsequently served which, because no appeal was lodged, came into force on 13th July 2016.</p> <p>The breach of planning control referred to in the EN was that without planning permission the material change of use of the Land for the storage of a mobile home had occurred. Subsequent visits to the site established that the Notice had not been complied with.</p> <p>On 4th January 2017 Planning Committee refused an application (16/00969/FUL) to vary the condition on permission N21428 so that it could be occupied by others. A subsequent appeal was dismissed on 5th January 2018. Shortly afterwards the applicant/appellant took ownership of the site and it was later established that the mobile home was being occupied. The breach of planning control referred to in the EN was no longer taking place therefore.</p> <p>A further EN was served on 9th November 2018 regarding the occupation of the mobile home in breach of condition 1 of planning permission N21248.</p> <p>An appeal has been lodged, a 'start letter' issued and the Council's statement of case was submitted by 22nd April 2020. More recently the Inspectorate has confirmed that the hearing will take place on 4th February and publicity has been undertaken as required.</p>	<p>Attend the Hearing</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Breach of condition 3 of planning permission 14/00610/FUL.</p> <p>18/00251/207C2</p>	<p>7.11.18</p>	<p>Planning application 14/00610/FUL, for the retention of water reservoir, formation of hardstandings and repairs to the existing track was permitted on the 3rd December 2014 with 13 conditions. Condition 3 required all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas to cease by 1st June 2015.</p> <p>A subsequent application was permitted (reference 15/00521/FUL) extending the period set within the condition a further nine months from the decision.</p> <p>In September 2018 complaints were received that soil was being removed from the site in breach of the condition. Following correspondence from the Council that activity ceased, however further allegations were then received on 2nd November.</p> <p>Whilst the removal of the soil had been infrequent when such operations and activities at the site occur they result in a significant and detrimental harm to the residential and there is reason to consider that the breach could happen again. As such it was resolved to take enforcement action.</p> <p>An Enforcement Notice (EN) was served on 22nd November requiring the cessation of the removal of soil seven days after the notice took effect. An appeal was lodged but was subsequently withdrawn and the EN has now taken effect.</p> <p>Monitoring has been undertaken and no breaches of the EN have been detected. In addition the indication from the landowner is that the soil is to be utilised in the completion of the track which is referred to in the other report on this agenda (Land At Doddlespool).</p> <p>Whilst the EN will remain in place, given that there is no evidence to suggest that a breach is likely it is intended to close the case. A further report will be brought to Committee if and when a breach is suspected.</p>	<p>CASE CLOSED</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
Barn 2, Moss House Farm, Eardleyend Road, Bignall End	18.6.19	<p>Full planning permission was granted at appeal for the conversion of the barn to two residential market housing units (Ref. 13/00755/FUL). An application was subsequently submitted in 2017 to retain alterations to the approved scheme (Ref. 17/00326/FUL) but it was evident that a substantial proportion of the building had been demolished and rebuilt. Such extensive rebuilding was considered to amount to a replacement building and therefore that application was refused on the grounds that planning permission for the retention of buildings to form two dwellings the development comprised inappropriate development within the Green Belt and very special circumstances did not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. An appeal against the Council's decision was subsequently dismissed with the Inspector also considering the development to comprise inappropriate development in the Green Belt.</p> <p>A subsequent application for the retention and alteration of the buildings to form two dwellings was refused by Planning Committee on 18th June 2019 on the grounds that it represented inappropriate development in the Green Belt and there were no very special circumstances that justified the granting of planning permission.</p> <p>On 18th June Committee also resolved that the Council's solicitor be authorised to issue enforcement action and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure removal of the building within 12 months.</p> <p>An application was received (19/00629/FUL) for the retention of the building for a use falling within Class B8 (storage and distribution). That application was refused on 6th March 2020.</p> <p>As yet no enforcement action has been initiated.</p>	Instructions sent to Legal and enforcement notice issued.

Page 9 of 9

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
Land to the West of Newcastle Road (A53), Blackbrook 20/00079/207C2	18.8.2020	<p>Following receipt of information in May this year that a breach of planning control had taken place, investigations were carried out which established that an unauthorised change of use of the land to a gypsy caravan site had been carried out.</p> <p>An injunction was served on the site to prevent any intensification of the use.</p> <p>At about the same time as the breach commenced a planning application was received for that use (20/00368/FUL) which was subsequently reported to Planning Committee on 18th August 2020. The application was refused and Committee resolved to take and institute all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association with its use as a residential caravan site and restoration to a grassed paddock within 12 months.</p> <p>Preparations are being made to take appropriate action.</p>	Initiate appropriate enforcement action

Report on Open Enforcement Cases

Purpose of the Report

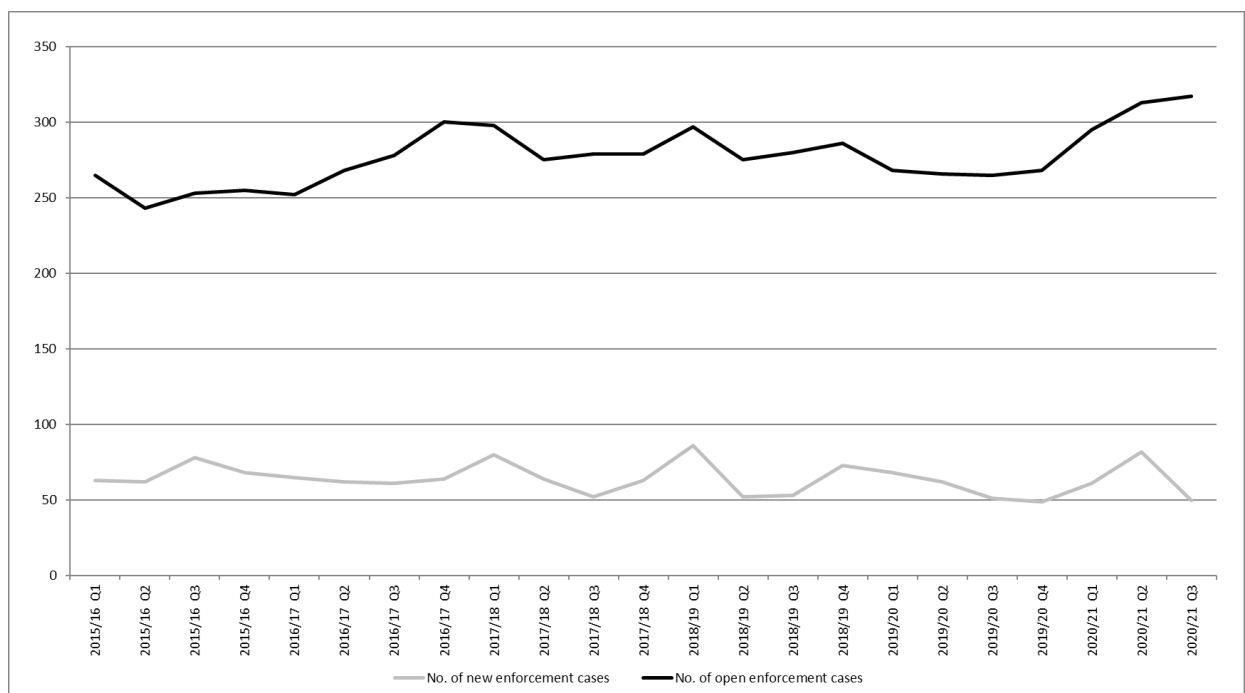
To inform members of the current situation regarding the enforcement caseload.

Recommendations

- That the report be received
- That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

This report will focus on of the numbers of new and open cases that have been received in the last quarter compared to the numbers in the previous quarter.

In the last quarter (October – December 2020) a further 50 new cases have been reported, less than the previous quarter (82). The current number of open cases is 317. The number of open cases has marginally increased in this quarter given that in the last quarter it was 313. Such figures are illustrated in the graph below.



A number of the cases have associated pending planning applications that are awaiting determination (12 as at 14 January 2021).

Date report prepared

14 January 2021

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – 1 Gladstone Villas, Victoria Road, Newcastle (Ref: 20/21005/HBG)

RECOMMENDATION:

That the following grant be approved:-

- 1. £1,390 Historic Building Grant be given towards roof repairs.**

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 tile roof with decorative timber barge boards.

The owners applied for a grant (£348) in June 2020, which was approved, to repair some storm damaged roof barge boards and a finial. The owners have since identified further work is needed to the roof due to water ingress. This grant application will replace this previous application for roof works and will include removing all tiles, replacing battens and re-felting with breathable membrane, re-lead with code 5 lead the front and rear gullies between number 1 and 2 Gladstone Villas, chimney maintenance will including re-leading of chimneys. Original Staffordshire tiles will be re-laid and any broken or damaged replaced. Additional works include re-pointing of the gable end with a lime mortar mix. All exterior decorative roof woodwork will be retained, repaired where needed, treated and painted. Damaged finials on the side and front of property will be replaced with new hardwood finials of a similar design as per the earlier, now superseded, grant offer.

Two competitive quotations have been received by appropriately qualified contractors. The cost of the work is estimated at £13,900 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 applicant also applied for a grant of £198 which was approved in December 2020 to repair a sash window. This work is being undertaken whilst the scaffolding for the roof work is in place.

The Conservation Advisory Working Party will consider the grant at its next meeting on 26 January 2021.

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 10% of the cost of the work for Buildings within Conservation Areas.

There is sufficient funding to meet this grant application with a little over £3,500 in the Fund; allowing for commitments. This will leave £2,474 available to offer subsequent heritage assets within the Borough.

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APPEAL BY MR AND MRS MCDOWELL AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE ERECTION OF A FARM MANAGERS DWELLING AT LAND ADJACENT TO THE OLD HALL FARM, MAIN ROAD, BETLEY, STAFFORDSHIRE

<u>Application Number</u>	19/00491/FUL
<u>LPA's Decision</u>	Refused on 10 September 2019
<u>Appeal Decision</u>	Dismissed
<u>Date of Decision</u>	16 December 2020

Appeal Decision

The Inspector identified the main issues to be whether or not the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; and if the proposal is inappropriate development, 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 necessary to justify it.

The Inspector concluded that because the proposed development did not meet any of the exceptions listed in paragraphs 145 and 146 of the National Planning Policy Framework it represents inappropriate development within the Green Belt. He also concluded that the proposed development would have a substantive detrimental effect on the openness of the Green Belt and it would be contrary to the requirements of the NPPF.

The Inspector then made an assessment as to whether the Green Belt harm identified, by reason of inappropriateness, and any other harm resulting from the proposed development, would be clearly outweighed by other considerations i.e. were there any very special circumstances. In this respect the NPPF seeks to avoid new isolated homes in the countryside other than in particular circumstances. These are set out in paragraph 79 and include reference to situations where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

The Inspector considered the evidence submitted by the appellant and whilst he was of the view that it had been demonstrated that the enterprise required a dwelling within sight and sound of the farmstead, he considered that there was little evidence to adequately demonstrate that suitable temporary accommodation is not available to purchase or rent. Therefore, the Inspector was not satisfied that it has been demonstrated that there is an essential need for a rural worker to live permanently on the site at the current time. On this basis it was concluded that the benefits of the proposed development would not clearly outweigh the substantial weight given to Green Belt harm and other identified harm. As such, the very special circumstances needed to justify the proposed permanent dwelling in the Green Belt do not exist in this case. Therefore, the proposed development fails to comply with the Green Belt aims of LP Policy S3 and the Framework.

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/19/00491/FUL>

Recommendation

That the appeal decision be noted.

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