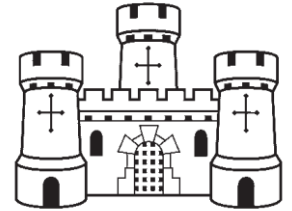


# Public Document Pack

**Date of meeting** Tuesday, 30th March, 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 - 12)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - 2-4 MARSH PARADE, NEWCASTLE . MARSH BOX DEVELOPMENTS LTD. 20/00559/FUL** (Pages 13 - 20)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND TO NORTH OF SHELTON BOULEVARD, THE SOUTH OF NEWPORT LANE AND IN BETWEEN FESTIVAL WAY AND THE A500 (QUEENSWAY), AND LAND AT GRANGE LANE, WOLSTANTON. CITY OF STOKE-ON-TRENT COUNCIL. 20/00630/FUL** (Pages 21 - 28)  
This item includes a supplementary report.
- 6 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF BACK LANE AND MUCKLESTONE ROAD, MARKET DRAYTON. SHROPSHIRE. MRS CAROL CARLYLE. 21/00003/FUL** (Pages 29 - 34)
- 7 APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST, APEDALE ROAD, CHESTERTON. HARVEY THORP. 21/00038/FUL** (Pages 35 - 40)
- 8 APPLICATION FOR MINOR DEVELOPMENT - 2 NEWCASTLE ROAD, MADELEY. MRS KIMBERLEY GABRIELCZYK . 20/00971/FUL** (Pages 41 - 50)

This item includes a supplementary report

- 9 APPLICATION FOR MINOR DEVELOPMENT - 22 KING STREET, CROSS HEATH. MR K NIJJAR. 21/00067/FUL (Pages 51 - 60)**

This item includes a supplementary report.

- 10 APPLICATION FOR OTHER DEVELOPMENT - 4, ROE LANE, NEWCASTLE-UNDER-LYME. MR. & MRS. HALLIDAY. 21/00122/FUL (Pages 61 - 66)**

- 11 APPLICATION FOR OTHER DEVELOPMENT - 1 BERESFORD CRESCENT, NEWCASTLE UNDER LYME. DR SHAMYLLA SAMAD. 21/00054/FUL (Pages 67 - 80)**

This item includes two supplementary reports

- 12 APPLICATION FOR OTHER DEVELOPMENT - OAKLEY HALL, OAKLEY, MARKET DRAYTON. MR AND MRS GHANI. 21/00219/LBC (Pages 81 - 92)**

This item includes a supplementary report.

- 13 APPLICATION FOR OTHER DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL WILLIS BROWN AND OTHERS. 21/00109/FUL & 21/00110/LBC (Pages 93 - 102)**

This item includes a supplementary report

- 14 COMMITTEE SITE VISIT DATES 2021-2022 (Pages 103 - 104)**

- 15 URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

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

**Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.**

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

#### **SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)**

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

|                     |                 |               |
|---------------------|-----------------|---------------|
| Substitute Members: | Stephen Sweeney | Sylvia Dymond |
|                     | Bert Proctor    | Mike Stubbs   |
|                     | Simon Tagg      | June Walklate |
|                     | Barry Panter    |               |

*If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:*

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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**PLANNING COMMITTEE**

Tuesday, 2nd March, 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:      | Rachel Killeen                            | Senior Planning Officer                           |
|                | Elaine Moulton                            | Development Management<br>Team Manager            |
|                | Darren Walters                            | Team Leader Environmental<br>Protection           |
|                | Geoff Durham                              | Mayor's Secretary / Member<br>Support Officer     |
|                | Shawn Fleet                               | Head of Planning and<br>Development               |
|                | Daniel Dickinson                          | Head of Legal & Governance<br>/Monitoring Officer |
| Jordan Ibinson | Apprentice - Infrastructure<br>Technician |   |

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

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Three proposals were put forward:

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

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

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

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

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

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

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

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

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

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

Members were advised that this application had been withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. **DISCLOSURE OF EXEMPT INFORMATION**

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

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

An update was given on this item.

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

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

An update was given on this item.

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

18. **URGENT BUSINESS**

There was no Urgent Business.

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

Meeting concluded at 8.53 pm

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**2-4 MARSH PARADE, NEWCASTLE**  
**MARSH BOX DEVELOPMENTS LTD**

**20/00559/FUL**

The application is for the removal of conditions 7 and 8 (tree protection measures and Arboricultural Method Statement) of planning permission 17/00722/FUL for the proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking.

The site lies within the urban area close to Newcastle town centre. The site is adjacent to but not within the Stubbs Walk Conservation Area. The site extends to approximately 0.10 hectares. The site lies within a Live-Work Office Quarter as indicated in the Town Centre Supplementary Planning Document

A tree adjacent to the site is covered by Tree Preservation Order No.16.

**The 13 week period for the determination of this application expires on the 5<sup>th</sup> April 2021.**

**RECOMMENDATIONS**

**PERMIT the removal of Conditions 7 & 8 of 17/00722/FUL but the following conditions are now necessary to reflect the information submitted;**

- 1. Tree Protection Measures fully implemented and maintained;**
- 2. The recommendations of the Arboricultural Method Statement fully implemented and maintained;**
- 3. Soft and hard landscaping to be fully implemented prior to the occupation of the development;**
- 4. Suitable replacement tree planting if the Lime tree dies within 5 years.**

**and subject to the imposition of all other conditions attached to planning permission 17/00722/FUL that remain relevant at this time.**

**Reason for Recommendation**

Through the submission of an acceptable Arboricultural Method Statement it has been demonstrated that alternative protection measures to those secured by the conditions can be implemented to protect the Lime tree. Therefore, it has been demonstrated that the development will comply with NLP policy N12 and is in accordance with the guidance and requirements of the NPPF

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

Officers of the LPA have continued to engage with the applicant to resolve all issues and a number of site visits have taken place. This has resulted in acceptable information finally being submitted to address the significant concerns that the works by the applicant have caused.

**Key Issues**

The application is for the removal of conditions 7 and 8 (tree protection measures and Arboricultural Method Statement) of planning permission 17/00722/FUL for the proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking.

The site lies within the urban area close to Newcastle town centre. The site is adjacent to but not within the Stubbs Walk Conservation Area. The site extends to approximately 0.10 hectares. The site lies within a Live-Work Office Quarter as indicated in the Town Centre Supplementary Planning Document

A tree adjacent to the site is covered by Tree Preservation Order No.16.

Conditions 7 and 8 of the planning permission set out that;

7. *Prior to the commencement of the development full and detailed tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

*Reason; To protect all protected and visually significant trees in accordance with Policies N12 & B15 of the Newcastle under Lyme Local Plan (2011).*

8. *Prior to the commencement of the development an Arboricultural Method Statement, which shall include details of any utility connections within the root protection areas of retained trees, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

*Reason: To protect all protected and visually significant trees in accordance with Policies N12 & B15 of the Newcastle under Lyme Local Plan (2011).*

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

Given the two conditions relate to matters which sought to protect trees on the site, the sole issue in the consideration of this application is whether the removal of the two conditions would result in unacceptable harm and loss of protected and visually significant trees.

The two conditions required information to be submitted prior to works commencing but acceptable information was not received and the development commenced. The development has primarily been constructed, without the applicant complying with conditions 7 & 8. This has compromised the health of the protected and visually significant Lime tree on the site frontage.

Despite the current breach of planning conditions the works have continued on site, against the advice of your officers. However, the applicant has engaged with your officers to resolve the breach.

The applicant has now submitted an Arboricultural Method Statement (AMS) which acknowledges that two welfare cabins are located in the root protection area (RPA) of the Lime tree and further tree protection measures are necessary.

The AMS also sets out that the general site security fencing is erected on the boundary line and this, together with the cabins, prevents plant and machinery entering into the RPA and therefore this is a Construction Exclusion Zone. Woodchip over geotextile has been laid to allow pedestrian access in the RPA. No services have been installed or are proposed to be installed in the RPA.

The application is also supported by soft and hard landscaping plans to supplement the application, these being required to satisfy conditions 9 and 10 of the planning permission.

Following the submission of the latest AMS, the Councils Landscape Development Section (LDS) has now raised no objections to the application.

The breach of the two conditions is a concern and the length of time that it has taken the applicant to provide acceptable information is equally a concern.

The Planning Practice Guidance (PPG) advises that "There is a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way.

Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations."

Paragraph 58 of the National Planning Policy Framework (NPPF) sets out that "Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control."

Whilst there has been a clear breach of conditions 7 and 8, which has put the protected tree at risk, it is acknowledged that acceptable information has now been received. Therefore conditions 7 and 8 can be removed but additional conditions that secure the identified tree protection measures and full compliance with the AMS are necessary. The permission will also need to reflect the soft and hard landscaping plans that have been submitted to support the application. The soft landscaping plan includes replacement tree planting (secured via condition 9) which will need to be implemented prior to the occupation of the development. There is also the need for a condition which secures replacement tree planting should the protected Lime tree die within 5 years.

Subject to the conditions set out above, the proposed amended tree protection measures and AMS are acceptable and the protected and visually significant Lime tree should not be further damaged or die as a result of the proposed development. Therefore, the development is in accordance with NLP policy N12.

## 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 CSP2 | Historic Environment   |
| Policy CSP3 | Sustainability and Climate Change                                |

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

|            |   |
|------------|---|
| Policy H1  | Residential Development: Sustainable Location and Protection of the Countryside           |
| Policy N3  | Development and Nature Conservation – Protection and Enhancement Measures                 |
| Policy N4  | Development and Nature Conservation – Use of Local Species                                |
| Policy B10 | The requirement to preserve or enhance the character or appearance of a Conservation Area |
| Policy B14 | Development in or Adjoining the Boundary of Conservation Areas                            |
| Policy B15 | Trees and Landscape in Conservation Area  |
| Policy T16 | Development – General Parking Requirements  |

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

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

17/00179/FUL Proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking Permitted (23.06.2017)

17/00722/FUL Variation of condition 2 to substitute the approved plans with revised plans which reduce the footprint, along with slight changes to the internal arrangements, alterations to site levels, revised site layout, and external elevations, of planning permission 17/00179/FUL for proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking Permitted (22.12.2017)

#### Views of Consultees

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

#### Representations

None received.

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

The application is accompanied by an Arboricultural Impact Statement, Tree Protection Plan and soft and hard landscaping plans.



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/20/00559/FUL>

Background papers

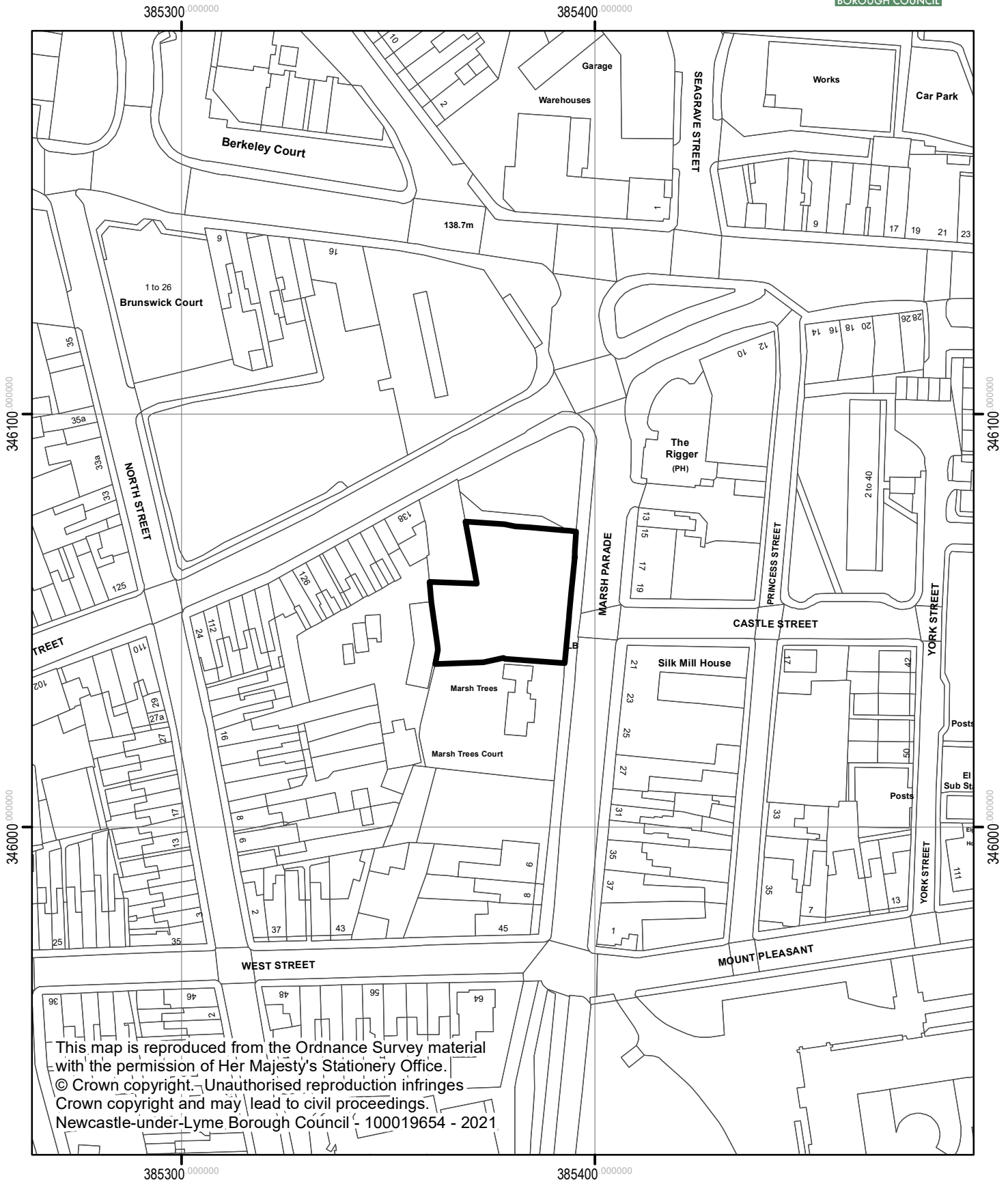
Planning files referred to  
Planning Documents referred to

Date report prepared

16<sup>th</sup> March 2021

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2-4 Marsh Parade, Newcastle.



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 Newcastle-under-Lyme Borough Council - 100019654 - 2021

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**LAND TO NORTH OF SHELTON BOULEVARD, THE SOUTH OF NEWPORT LANE AND IN BETWEEN FESTIVAL WAY AND THE A500 (QUEENSWAY), AND LAND AT GRANGE LANE, WOLSTANTON**

**CITY OF STOKE-ON-TRENT COUNCIL**

**20/00630/FUL**

The application seeks to vary condition 2 of planning permission 17/00834/FUL for a link road, known as the Etruria Valley Link Road, between Shelton Boulevard, Festival Park across the Fowlea Brook and the West Coast Main Line railway connecting to the Wolstanton/A500 roundabout junction. It is a cross-border development involving works within the City and the Borough and each Authority is the Local Planning Authority (decision maker) for the extent of the overall development that falls within its administrative area.

Condition 2 lists the plans approved under planning permission 17/00834/FUL and this application seeks to substitute approved plans with revised plans (although no revisions are proposed within Newcastle).

The City Council, as a Local Planning Authority, have received an identical application relating to the part of the development within their area (SOTCC reference [65564/VAR](#)). A number of amendments are proposed to the development within their area.

Part of the application site lies within Wolstanton Conservation Area and in part adjoins Wolstanton Marsh, a Green Heritage Network as defined on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expired on the 2<sup>nd</sup> November 2020. The applicant has, however, agreed to extend the determination date until 5<sup>th</sup> March 2021 and a further extension is being sought.**

**RECOMMENDATION**

**PERMIT the variation of Condition 2 of 17/00834/FUL subject to the imposition of all other conditions attached to planning permission 17/00834/FUL that remain relevant at this time, amended as necessary.**

**Reason for Recommendation**

The development remains a strategically significant highway proposal which is in accordance with development plan and regeneration strategies for the area. It is considered that provided the scheme is undertaken in accordance with the conditions listed above, it should be permitted.

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

Additional time has been given to enable the issues identified by consultees to be addressed and an amendments to the application have been accepted. 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, under section 73 of the Town and Country Planning Act 1990, seeks to vary condition 2 of planning permission 17/00834/FUL for a link road, known as the Etruria Valley Link Road, between Shelton Boulevard, Festival Park across the Fowlea Brook and the West Coast Main Line railway connecting to the Wolstanton/A500 roundabout junction. It is a cross-border development involving works within the City and the Borough and each Authority is the Local Planning Authority (decision maker) for the extent of the overall development that falls within its administrative area.

The application as initially submitted sought to substitute approved plans with revised plans which would have introduced two maintenance lay-bys on the Wolstanton East and West roundabouts (double, dumbbell, roundabouts at the Wolstanton Grange Lane/A500 junction). Such amendments have now been omitted, however, and no amendments are proposed to the part of the development falling within Newcastle.

National planning practice guidance states that where a site straddles one or more local planning authority boundaries an identical application must be submitted to each local planning authority. Whilst the guidance doesn't specifically state it applies to S73 applications it is considered, to avoid any potential challenge to the validity of the decision, it is necessary to determine this application given that amendments are proposed to aspects of the permitted development within Stoke's area requiring an application.

Given that no changes are proposed to the development, as already permitted by Newcastle Borough Council, there is no basis to refuse the current application. The comments of Highways England, who do not support the application, are noted but do not change this conclusion.

## 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 3 To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride and facilities to promote walking and cycling

Strategic Aim 5 To foster and diversify the employment base of all parts of the plan area, both urban and rural, including development of new types of work and working lifestyles, and supporting the office development sector, new technologies and business capitalising on the inherent advantages of North Staffordshire

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP2: Stoke-on-Trent Inner Urban Core Area Spatial Policy  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

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

Policy E9: Renewal of Planning Permissions for Employment Development  
Policy E11: Development of Employment Land for Land Other Uses  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N16: Protection of a Green Heritage Network  
Policy N17: Landscape Character – General Considerations  
Policy B9: Prevention of Harm to Conservation Areas

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

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

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

[Supplementary Planning Guidance/Documents](#)

[Etruria Valley Enterprise Area Supplementary Planning Document](#) (adopted by the City Council March 2013)

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

[Other Relevant Documents](#)

### **[Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review December 2015](#)**

[Relevant Planning History](#)

In 2019 a planning permission, 17/00834/FUL, was granted for the construction of a new highway link road comprising improvements to the Wolstanton roundabouts, construction of a new viaduct over Fowlea Brook and the West Coast Mainline railway, connections between Shelton Boulevard and

Newport Lane including replacement bridge over the Trent and Mersey Canal (and new bus gate to south of the bridge), new connection between Shelton Boulevard and Festival Way including new bridge over the Trent and Mersey Canal, off-site improvements (at Grange La/Church Lane, Newport La and Festival Way/Marina Way/ Ridgehouse Drive), new landscaping and associated works (Cross boundary application)

Views of Consultees

The **Highway Authority** have no objections.

**Highways England** indicate that they cannot support the proposed variation of condition 2 at this stage due to the ongoing Technical Review of the scheme and in the absence of any updated approved drawings.

Representations

None

Applicant's/Agent's submission

The application form, plans and supporting information are available for inspection on the website and can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00630/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

15<sup>th</sup> March 2021



**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**30<sup>th</sup> March 2021**

**Agenda Item 5**

**Application Ref. 20/00630/FUL**

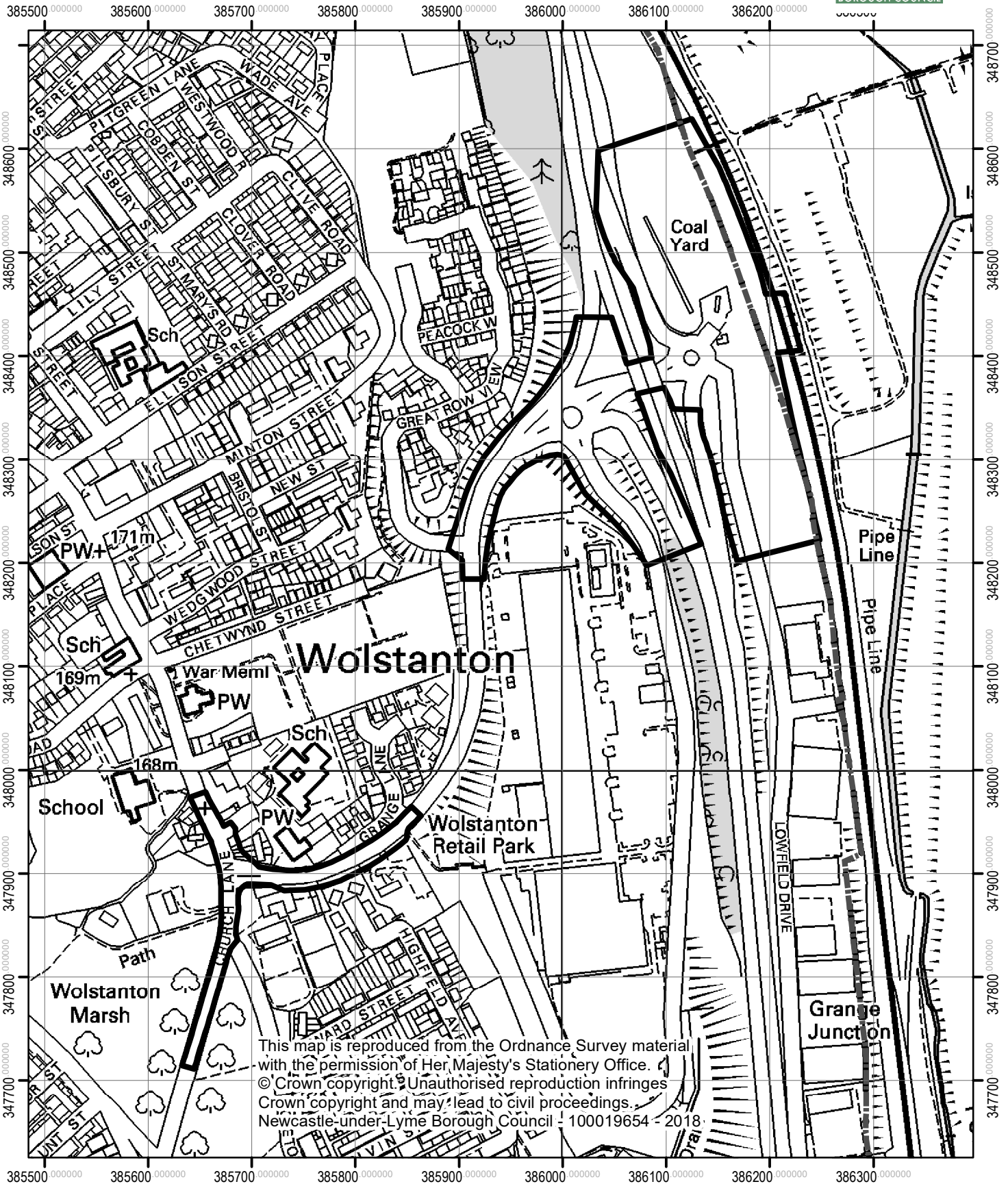
**Land to North of Shelton Boulevard, The South of Newport Lane and in between Festival Way and the A500 (Queensway), and Land at Grange Lane, Wolstanton**

Highways England, in response to a consultation from Stoke City Council, has indicated that following receipt of further information and revisions the proposed variations to the approved plans are not considered to have any direct implications for the A500 Wolstanton junction design. The recommend approval of the variations subject to the re-imposition of all conditions that are still relevant.

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

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# Land Off A500 Slip Road Roundabouts At Wolstanton Etruria Valley Link Road - joint with Stoke City Council



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**LAND OFF BACK LANE AND MUCKLESTONE ROAD, MARKET DRAYTON. SHROPSHIRE**  
**MRS CAROL CARLYLE** **21/00003/FUL**

The application seeks full planning permission for an all weather horse arena measuring 45m x 25m with a post and rail perimeter fence.

The application site is located on land designated as being within the open countryside and an Area of Landscape Maintenance (policy N19) and Landscape Restoration (N21), as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application is 3<sup>rd</sup> May 2021.**

**RECOMMENDATION**

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

- 1. Time limit condition**
- 2. Approved plans**
- 3. No commercial use**
- 4. Submission of Construction Management Plan**
- 5. Restriction on external lighting**
- 6. Adequate control of animal waste**

**Reason for Recommendation**

Subject to a condition that restricts the use of the horse arena to personal use, with no commercial use or events, and other conditions regarding construction and lighting, it is considered the proposal represents 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**

The proposal is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework. As such, no amendments were considered necessary to the application.

**KEY ISSUES**

The application seeks full planning permission for the creation of a sand all weather surface horse arena, measuring 45m x 25m on part of the existing paddocks, adjacent to an existing stable block to south. The horse arena will be bounded by post and rail fencing, with 3m wooden gate to southwest corner. A private access track bisects the paddocks – the area subject of the application site, and the larger paddock bounded by Mucklestone Road (B5026) and Willoughbridge Lane. Trees and hedgerows bound the paddock to the east, with agricultural land beyond. The application site is located in the small settlement of Winnington, a group of residential properties and farm buildings, including the applicant's property on Mucklestone Road. The proposed development would be sited immediately adjacent to an existing stable building. It would measure 45m in length and 25m in width.

The application site is located within the open countryside on land designated as being an Area of Landscape Maintenance (policy N19) and Landscape Restoration (N21), as indicated on the Local Development Framework Proposals Map.

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

- Design and impact on the character and quality of the landscape
- Impact on residential amenity
- Highway safety issues

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

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

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 Maintenance (Policy N19) and Landscape Restoration (Policy N21) as indicated by the Local Development Framework Proposals Map, whereby the Council will seek to maintain the high quality and characteristic landscapes, and ensure development contributes to this aim. It is necessary that development does not erode the character or harm the quality of the landscape.

The development would be seen within the context of the existing use of the land as horse paddock, comprising fencing and farm gates, the adjacent stable block, and the trees/hedgerow boundary to the east. The proposal will not affect the existing landscaping.

The design, siting and materials proposed would be in keeping with the existing use of the land and surrounding landscape. The horse arena and associated fencing/gate could be viewed from the highways to the north, south and west; however views would be restricted due to the development being set back within the site, with the existing soft boundary treatments helping to screen the development. The proposal would not be visually intrusive or harmful to the character of the area.

Therefore, it is considered that the proposed building would not harm the character and appearance of the landscape and it accords with Policies N19 and N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

### Impact on residential amenity

Paragraph 17 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The applicant's property is located to the southwest of the application site, on Mucklestone Road. There are a small number of residential properties and farm buildings to the south and west of the application site.

It is considered that the horse arena will not have an adverse impact on adjoining amenity. The use of the land is horse paddock, with the existing access track and stable block. Existing hedgerows/trees will remain on the boundary of the horse paddocks; thus limiting views of and from the development. The arena will remain for private use only; thus there will not be a significant intensification of use. Appropriate conditions will be applied regarding a restriction on commercial use, lighting, construction and control of animal waste.

Therefore, the development is considered acceptable with regards to residential amenity.

### Highway safety issues

Paragraph 108 of NPPF requires safe and suitable access to the site and consideration of any significant impacts on the transport network and highway safety.

The application site is located adjacent to an existing track access. The proposal will be for the applicant's personal use and will not result in intensification or increased vehicle movements. The development is acceptable in highway terms, subject to a pre-commencement condition regarding submission of a construction management plan. Accordingly the proposal complies with the requirements in NPPF.

## APPENDIX

### **Policies and proposals in the Development Plan relevant to this decision:**

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

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP4: Natural Assets

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

Policy N19 Area of Landscape Maintenance  
Policy N21 Area of Landscape Restoration

### **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](#)

07/00893/FUL Erection of stable block, Permitted 15.01.2008

[Consultation Responses](#)

**Loggerheads Parish Council:** no objection to the application, but wish to see conditions applied in relation to 'No lighting', 'No commercial use' and 'Adequate control of animal waste'

**Staffordshire County Council Highways:** no objection subject to a condition that restricts the proposed horse area to private use of the applicant and their family, and a pre-commencement condition for submission of a Construction Management Plan.

**Staffordshire County Council Mineral and Waste:** no comment.

**Landscape Officer:** no objection.

A response has not been received from **Environmental Health** by the due date and as such it is assumed that they have no comments on the proposal.

[Representations](#)

None received

[Applicants/agents submission](#)

The requisite plans and application forms have been submitted to enable 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/21/00003/FUL>

Background Papers

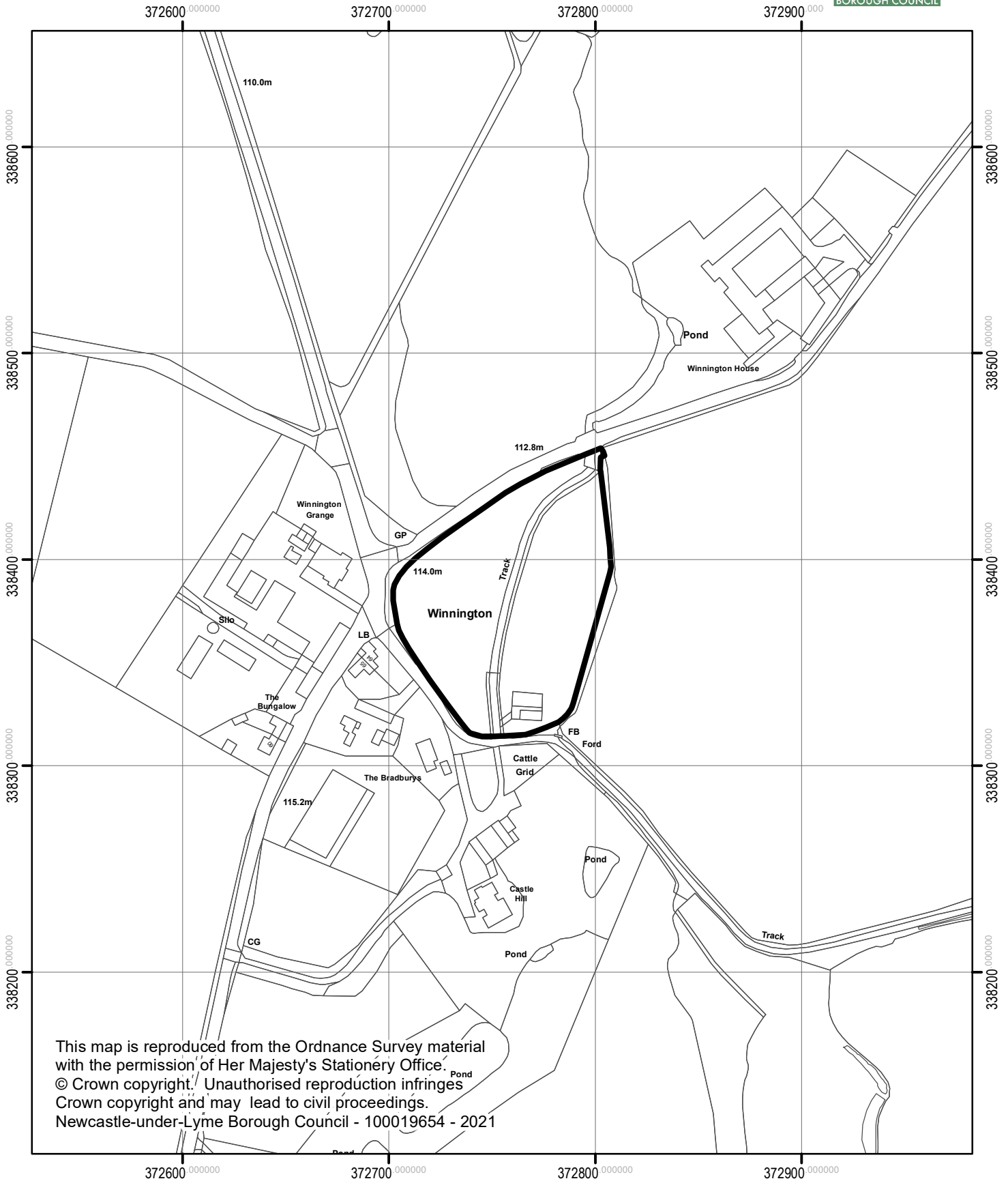
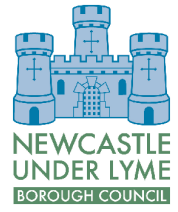
Planning files referred to  
Planning Documents referred to

Date report prepared

16.03.2021



# Land Off Back Lane and Mucklestone Road Market Drayton



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

**21/00038/FUL**

The application is for the removal of conditions 9 and 10 (coal mining investigation and remediation) of planning application 20/00354/FUL for a proposed new crane area, storage areas, trailer parking area and boundary wall, which was granted planning permission on the 5<sup>th</sup> August 2020.

The application site is located within the Rowhurst Industrial Estate in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map. Part of the site is within a High Risk Coal Mining Area and the application is supported by a coal mining risk assessment.

**The 13 week period for the determination of this application expires on the 24<sup>th</sup> April 2021.**

**RECOMMENDATIONS**

**PERMIT the removal of Conditions 9 & 10 of 20/00354/FUL but the inclusion of the following condition;**

**The development hereby permitted shall be carried out and implemented in strict accordance with the mitigatory measures set out in the ‘Report on the Assessment of Coal Mining Legacy and Risk to Surface Stability’ (January 2021) by D J Erskine.**

**and subject to the imposition of all other conditions attached to planning permission 20/00354/FUL that remain relevant at this time.**

**Reason for Recommendation**

Through the submission of a Report on the Assessment of Coal Mining Legacy and Risk to Surface Stability, it has been demonstrated that alternative measures can be carried out without unacceptable risks to ground stability, in accordance with the guidance and requirements of the NPPF

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

The development is considered to represent a sustainable form of development, no further information had to be requested and the planning application has been dealt with in a prompt manner.

**Key Issues**

The application is for the removal of conditions 9 and 10 (coal mining investigation and remediation) of planning application 20/00354/FUL for a proposed new crane area, storage areas, trailer parking area and boundary wall, which was granted planning permission on the 5<sup>th</sup> August 2020.

The application site is located within the Rowhurst Industrial Estate in the urban area of Newcastle, as designated on the Local Development Framework Proposals Map. Part of the site is within a High Risk Coal Mining Area and the application is supported by a coal mining risk assessment.

Conditions 9 and 10 of the planning permission set out that;

*“9. No development hereby approved shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.*

*R9. To ensure that the development can be made safe and stable taking into consideration the coal mining legacy issues on this site, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

10. *Where the findings of the intrusive site investigations (required by condition 9 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.*

*R10. To ensure that the development can be made safe and stable taking into consideration the coal mining legacy issues on this site, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.”*

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

Given the two conditions relate to coal mining legacy, the sole issue in the consideration of this application is whether the removal of the two conditions would result in coal mining legacy implications or not.

The Coal Authority (CA) were consulted on the previous planning application and requested the two conditions on the basis that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth and the applicants coal mining risk assessment identified a possible risk from surface ground movement. Therefore, intrusive ground investigations were considered necessary, along with any remedial measures to stabilise the workings. These were secured by conditions 9 and 10 and had to be satisfied

The applicant raised no objections to the conditions but following the issuing of the planning permission they now seek approval for an alternative approach to the requirements for intrusive site investigations. A report has been submitted to support the application to assess the extent of the coal mining legacy risk over the site and possible measures where necessary to mitigate any residual risks. The submitted report concludes that a reinforced foundation slab design for the crane will mitigate the potential for differential settlement of shallow coal mining legacy.

The CA have considered the report (and alternative approach) and raises no objections to the removal of the conditions on the basis of the nature of the development proposed, the information submitted and the professional opinions of the report author. However, the CA still requires the recommended mitigatory measures (outlined within the report) to be implemented on site. Therefore, it is considered necessary to secure this by condition.

Subject to the recommended condition, it is accepted that the applicant has demonstrated that the works to implement the planning permission can be carried out without unacceptable risks to ground stability, in accordance with the guidance and requirements of the NPPF, in particular paragraph 170(e).

## APPENDIX

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

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

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

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

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

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

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

#### Relevant Planning History

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

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

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

#### Views of Consultees

The **Coal Authority** raises no objections to the removal of conditions 9 & 10 of 20/00354/FUL but recommends the implementation of the recommended mitigatory measures (outlined within the report).

#### Representations

None received.

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

The application is accompanied by a Report on the Assessment of Coal Mining Legacy and Risk to Surface Stability' (January 2021).

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/21/00038/FUL>

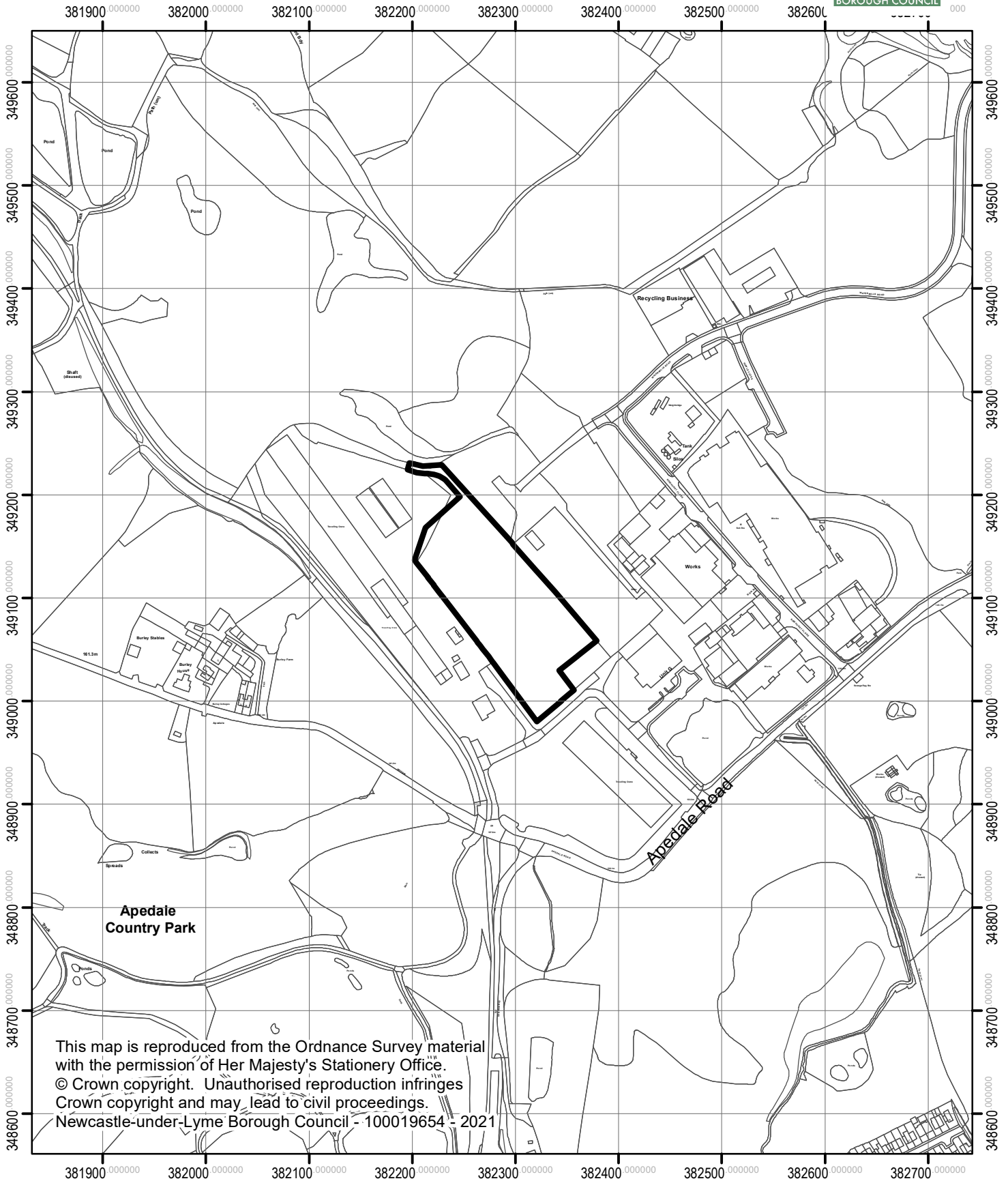
#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

15<sup>th</sup> March 2021

**Thorp Precast Ltd  
Apedale Road, Chesterton.**



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**2 NEWCASTLE ROAD, MADELEY**  
**MRS KIMBERLEY GABRIELCZYK**

**20/00971/FUL**

The application is for the erection of a detached, three bedroom dwelling and double garage.

The application site lies within the village envelope of Madeley, a rural service centre as defined on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds that this is over scale development and the access is unsafe.

**The 8 week period for the determination of this application expired on 18<sup>th</sup> January 2021 but the applicant has agreed an extension to the statutory period until 2<sup>nd</sup> April 2021.**

## **RECOMMENDATION**

**PERMIT subject to conditions relating to the following:**

- 1. Time limits**
- 2. Approved plans**
- 3. Facing materials**
- 4. Provision of access, parking and turning prior to occupation.**
- 5. Access surfaced in a bound material for a minimum of 5m from the site boundary.**
- 6. Garages to be retained for parking and cycles**
- 7. Gates to open away from the highway**
- 8. Construction hours**
- 9. Noise levels**
- 10. Electric vehicle charging.**

## **Reason for Recommendation**

The principle of the use of the site for residential development has previously been established with the granting of outline planning permission. The design and layout of the proposal is considered acceptable 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 Supplementary Planning Document. Following amendments to the proposal, and subject to no objections being received from the Highway Authority, there would be no material adverse impact upon highway safety. In addition residential amenity is 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**

Amendments have been sought from the applicant and obtained and the proposal is considered now to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

## **Key Issues**

The application is for full planning permission for a detached, three bedroom dwelling on a plot of land adjoining Greyhound Corner close to Madeley Village Centre.

The key issues now for consideration, taking into consideration the above, are:-

- The principle of the proposed development.
- Design and impact on the form and character of the area
- Highway safety
- Residential amenity

## The principle of the proposal development

The application site is situated within the defined village envelope of Madeley.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say 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.

CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The National Planning Policy Framework (the Framework) 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.

Paragraph 117 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. 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))

Planning Inspectors have only given limited weight to NLP Policy H1 and CSS ASP6 in as far as they define the village envelopes (Policy H1 and ASP6) and limit the number of additional dwellings in key rural service centres (Policy ASP6).

The limit on the number of additional dwellings, as set out in policy ASP6 applies to housing developments that are located within defined village envelopes as well as those beyond such boundaries. Even though the village envelopes referred to in ASP6 have to be considered to be out of date, the remainder of the policy (i.e. the requirement for development to be of high design quality and to be primarily located on previously developed land) is not inconsistent with the Framework.

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 31st March 2019. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

Whilst the site is not defined as previously developed land it lies in very close proximity to the services and facilities that are available in the village centre and as such is considered to be a sustainable site. Planning permission has previously been granted on the site and it is considered that residential development remains acceptable and in accordance with the Policies of the CSS and Local Plan as well as the provisions of the NPPF.

### 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, is indivisible from good planning, and should contribute positively to making places better for people. 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy CSP1 of the Core Spatial Strategy (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 settlement*
- 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.

RE2 of that document states that new development associated with existing villages should retain, enhance and incorporate some of the existing features and characteristics of the settlement pattern, wherever possible.

RE5 states that new development in the rural area 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. At RE7 it states new buildings should respond to the materials, details and colours that may be distinctive to a locality.

During the application process amended plans have been received considerably reducing the scale and massing of the proposed dwelling. The dwelling, as now proposed, is two storey with a side projection set back from the front elevation with a significant drop in ridge line. The dwelling is to be constructed in facing brick at ground floor, with a rendered finish at first floor and concrete roof tiles. A canopy across the front elevation of the main part of the building adds visual interest as does a bay window at ground floor. An attached single storey double garage also forms part of the overall footprint of the building.

The height of the proposed dwelling is the same as the semi-detached dwellings that are along this side of New Road to the north east of the application site. Opposite the site is the Madeley Centre and the open space, Greyhound Corner, is located to the south west.

In this context it is considered that the design and scale of the dwelling as proposed is acceptable and in accordance with policy and design guidance.

### Highway safety

Paragraph 109 of the NPPF 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. 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.

Local Plan Policy T16 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.

The Highway Authority initially raised concerns that the applicant has failed to demonstrate that the proposals can provide a safe point of access and appropriate off-highway parking arrangements. Amended plans have been received in response to such concerns reducing the width of the access and siting it at the point that was approved when outline planning permission was granted. As such access arrangements were not objected to by the Highway Authority it is anticipated that they will have no objections to the current proposal, although their comments have not yet been received.

At least three parking spaces can be provided within the site which is considered to be an acceptable number of parking spaces for the three bedroom dwelling that is proposed.

Subject to the Highway Authority confirming that they have no objections to the amended plans, it is considered that the proposal does not raise any highway safety issues and is acceptable in this regard.

#### Residential amenity

The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, 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.

Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations. The SPG states (SD6) that where principal windows do not directly overlook each other, but are not otherwise obscured, for example on angled development sites where windows are off set, the 21 metre distance usually required between principal windows may be reduced to 17 metres, depending on height and topography.

There would be between approximately 16 and 18 metres between the rear facing windows of the proposed dwelling and existing rear windows of No. 2 Newcastle Road. The proposed and existing houses are not parallel so a reduction from the full 21 metre separation distance is reasonable and in accordance with the SPG. The distance required where facing windows are at an angle is 17 metres. Whilst 17m separation distance is not achieved from all rear facing principle windows, the distance achieved, on balance, would be acceptable and acceptable living conditions for the occupiers of both houses would be provided.

The proposed dwelling would not cause a material loss of light to any neighbouring principal windows.

Overall, the proposed layout of the dwelling in terms of its impact on the amenity of residents is, whilst tight, acceptable when measured against the Space about Dwellings guidance.

## 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

#### [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

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

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

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

#### Relevant Planning History

|              |           |  |
|--------------|-----------|--|
| 92/00495/OUT | Permitted | Erection of dwelling   |
| 12/655/OUT   | Permitted | Detached dwelling and single garage  |
| 15/00447/FUL | Refused   | Erection of a pair of semi-detached dwellings  |
| 15/00864/OUT | Permitted | Erection of a detached dwelling and single garage  |
| 17/00400/FUL | Refused   | Part Two/part three storey Side/Rear extension to form additional dwelling and first floor rear extension to existing dwelling |
| 17/00936/FUL | Permitted | First floor side and rear extension and additional second floor that includes 2 new bedrooms to form separate dwelling         |
| 18/00897/OUT | Permitted | Proposed 3 bedroom dwelling with single garage   |

#### Views of Consultees

The **Highway Authority** recommended refusal of the application as initially submitted as they applicant has failed to demonstrate that the proposals can provide a safe point of access and provide appropriate off-highway parking arrangements. Their comments on amended plans have been sought and will be reported.

The **Environmental Health Division** has no objections subject to conditions relating to the following matters:

- Restriction of construction hours
- Maximum noise levels
- Electric vehicle charging provision

Following consideration of additional supporting information the **Landscape Development Section** have no objections subject to all recommendations in the tree report being implemented.

**Madeley Parish Council** objected to the proposal as initially submitted on the following grounds:

- The property is a detached 4-bedroomed one that is out of keeping with its surrounding dwellings.
- Road safety due to the proximity of a well-used bus shelter which reduces visibility.

The Parish Council has been notified that amended plans have been received and any further comments they make will be reported.

**United Utilities** recommend that the applicant implements a drainage scheme in accordance with the surface water drainage hierarchy set out in the National Planning Policy Framework. In addition it recommends that the applicant engages at the earliest opportunity it is intended that a water supply is obtained from it.

#### Representations

None received.

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

The application form, plans and supporting information are available for inspection on the website and can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00971/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

16<sup>th</sup> March 2021

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**30<sup>th</sup> March 2021**

**Agenda Item 8**

**Application Ref. 20/00971/FUL**

**2 Newcastle Road, Madeley**

Since the agenda was published an **objection** has been received from Cllr. G White who comments that although the scale of the dwelling has been reduced overall, which is welcome, the amended proposal is still a much larger footprint than was approved at outline stage. Also the outline approval was for one garage only, whereas this proposal is for a double garage. This particular location is very visible in the centre of the village and the new proposal still overbears the area and the neighbouring houses.

In addition the comments of **Madeley Parish Council (PC)** have been received on the amended plans. The PC acknowledges and welcomes that the scale of the development has been reduced from a 3-storey to a 2-storey dwelling. However the amended proposal is still a larger footprint than the original approved outline application. It also notes that the original approval was for one garage and not a double garage. A single garage would be more in keeping with neighbouring properties. The PC still has grave concerns about the proximity of access to the well used adjacent bus stop on New Road, also being directly opposite The Madeley Centre and Lea Court. This is a busy junction-especially at the beginning and end of the day, when the road is a short cut to and from the main Crewe Road and anticipates potential pedestrian/vehicle conflict around the bus stop area.

Officer Comments

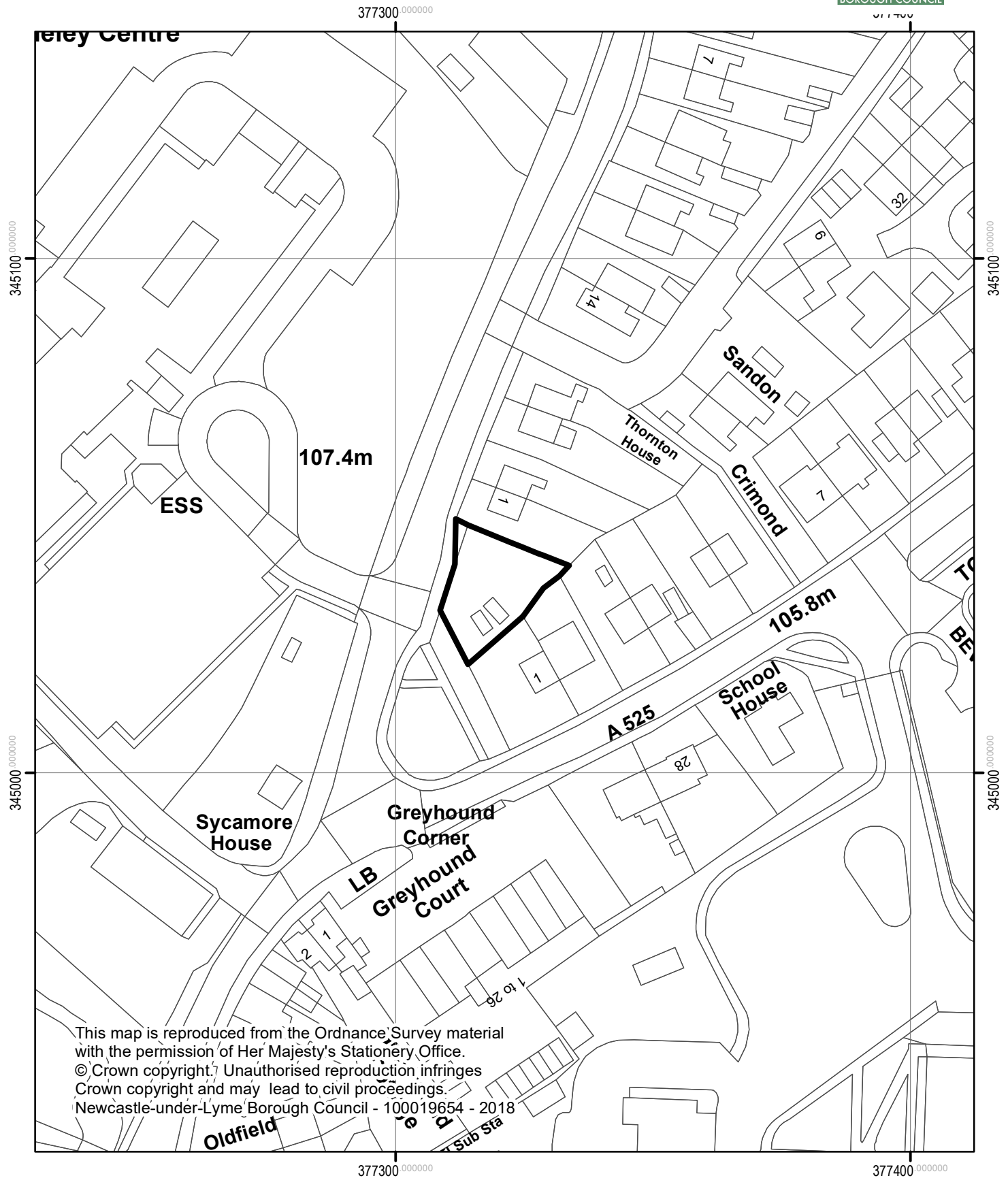
The report addresses the issue of the design of the development and its impact on the street scene. It is acknowledged that the proposal has a larger footprint than that approved when outline planning permission was granted, however it is considered that it is of an acceptable scale and massing in this location.

The Highway Authority views have been sought on the amended access details but they have not responded by the due date. As indicated within the report outline planning permission has been granted on this site for a single dwelling and the access now proposed for the current application is in the same place and of the same width as that previously approved. As the Highway Authority did not object to the outline planning application it is anticipated that they would have no objection to the currently proposed access arrangements.

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

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**22 KING STREET, CROSS HEATH**  
**MR K NIJJAR**

**21/00067/FUL**

Full planning permission is sought for two, three bedroomed detached dwellings to be sited within the rear garden of No. 22 King Street. The curtilage of No. 22 would be subdivided to retain a private rear garden for its occupants whilst the existing access drive would be extended to serve the proposed dwellings. The site lies within the urban area of Newcastle-under-Lyme as defined by the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds of massing and the impact of two dormer houses in a back garden setting. There are also concerns raised about the impact on existing trees and lack of detail regarding boundary treatments.

**The 8 week period for the determination of this application expired on 23<sup>rd</sup> March but the applicant has agreed an extension to the statutory period until 1<sup>st</sup> April 2021.**

## **RECOMMENDATION**

**Subject to the receipt of no objections from the Highways 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 30<sup>th</sup> March 2021 upon receipt and consideration of the Highways Authority comments, Permit, subject to conditions relating to the following: -**

- 1. Time Limit Condition**
- 2. Approved plans**
- 3. Approved Materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Submission of Landscaping Details**
- 7. Submission of Tree Protection Plan**
- 8. Access, parking and turning**
- 9. Provision and retention of Visibility Splays**
- 10. Restriction of gates or obstructions to vehicle access**
- 11. Submission of an Environmental Construction Plan**
- 12. Construction Hours**
- 13. Provision of electrical charging point for vehicles**

## **Reason for Recommendation**

The principle of the use of the site for residential development has been established with the appeal decision referenced APP/P3420/W/193237735 and the design and layout of the proposal is considered to be acceptable and 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 the use of appropriate conditions and the proposed landscaping within the site is considered acceptable. There are no other material considerations which would justify a refusal of this application.

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

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

## **Key Issues**

Full planning permission is sought for two, three bedroomed detached dwellings to be sited within the rear garden of No. 22 King Street. The curtilage of No. 22 would be subdivided to retain a private rear garden for its occupants whilst the existing access drive would be extended to serve the proposed dwellings. The site lies within the urban area of Newcastle-under-Lyme as defined by the Local Development Framework Proposals Map.

The application follows a previous planning application for two semi-detached dwellings, which were granted on appeal in April 2020, reference 19/00135/FUL (APP/P3420/W/193237735). This planning permission is extant and capable of being carried out and on this basis the principle of residential development on the land is acceptable but due to the change to the design of the scheme the main issues for consideration are now as follows;

- Is the design and its implications on the character of the area and street scene acceptable?
- Is the impact on neighbouring living conditions acceptable?
- Is there any impact on trees?
- What is the impact to Highway Safety?
- Other Matters

### Is the design and its implications on the character of the area and street scene acceptable?

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. Paragraph 127 goes on to detail that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document gives further detailed guidance on design matters in tandem with CSP1.

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. Policy R4 states that new housing must create a clear hierarchy of streets and spaces that contributes to the legibility of the area. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line.

The application site comprises a large section of the private rear garden of No. 22 King Street, a traditional semi-detached dwelling with a spacious plot. Despite the presence of the Workingmen's Club to the east of the application site, the surrounding area is predominantly residential and is made up of modest semi-detached and terraced dwellings, all of which are located along active and established frontages. The pair of semi-detached dwellings proposed would be sited within the existing rear garden of No. 22 and so would represent backland development to which there are no comparable examples within the immediate locality.

Whilst it is recognised that the proposed dwellings would not be located or orientated in a manner consistent with many nearby properties, the inspector for the appeal APP/P3420/W/193237735 noted that the rear gardens of Nos 22 to 28 King Street are uncharacteristically generous and that properties in the surroundings are variously set along streets with a rectilinear pattern, but also around closes or crescents, and in some instances properties fall behind others with a street frontage. The inspector

concluded that the dwellings proposed would not appear incongruous within their setting but would rather reflect the piecemeal nature of development found in the surrounding area. In light of the inspector's assessment and given the above, it is concluded that the siting of the properties would not result in any significant harm to the street scene or wider area and would not constitute as overdevelopment of the site.

The dwellings proposed are considered to be of an appropriate design and scale and whilst the detached dwellings are approximately 300mm higher than the previously proposed semi-detached properties, the application is supported by a site section which demonstrates that the scale of the proposed dwellings would be commensurate with the scale of the dwellings along Derwent Crescent and King Street. Subject to conditions to secure appropriate materials, boundary treatments and soft landscaping it is considered that 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.

Is the impact on neighbouring living conditions acceptable?

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

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

It is recognised that there would be a breach of guidance in relation to the separation distance between the rear facing principal windows of No. 2 The Gardens, which is located to the east of the application site and the blank side elevation of the proposed dwellings. The separation distance is 12.2m, the same as that achieved in the permitted development, where the guidance would recommend 13.5m. However, it is considered that this shortfall would not result in an adverse impact on the residential amenity levels of the occupiers of the property to the extent that it would warrant the refusal of the application. The development would accord with all other recommendations within the SPD as well as providing adequately sized private gardens and it is concluded that the development would not result in an unacceptable harm to the residential amenity levels of neighbouring occupiers when compared to the extant planning permission which was granted at appeal.

Whilst officers raised concerns with regard to the potential of noise nuisance of passing vehicles on the occupants of no.22 King Street in the previous application, the planning inspector for the appeal concluded that any noise and disturbance resulting from a handful of daily vehicular movements associated with two new dwellings would be limited, with noise resulting from vehicular movements only being intermittent and not continuous.

It is considered that the proposal would not result in any additional impact on neighbouring properties than the extant planning permission. Therefore, given the conclusions of the planning inspector on the recent appeal, it is considered that the impacts on residential amenity are acceptable and that the proposal is in accordance with the guidance and requirements of the NPPF.

Is there any impact on trees?

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. N12 also states that where, exceptionally, permission can be given and the trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

As with the development permitted on appeal, it is proposed to remove a number of trees from the site in order to accommodate the development, although it is noted that the majority of these are category 'C' or small in stature. The Council's Landscape Development Section (LDS) have raised no objections to the proposal, and it is accepted that subject to the works being completed in accordance with an approved tree protection plan, the development is considered to be in accordance with the requirements of Policy N12 of the Local Plan as well as the provisions of the NPPF.

### What is the impact to Highway Safety?

The NPPF states that safe and sustainable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As discussed, the application site is to the rear of an existing semi-detached dwelling that fronts onto King Street and the access to the new dwellings is proposed to be via an extended access driveway from the existing driveway to the side of No. 22. There is an existing dropped kerb access to 22 King Street, which currently allows vehicles to access the site from the highway.

The access arrangements for the proposal mirrors the access layout approved under the previous permission, however it should be noted that since the time of the appeal, the applicant has constructed a new 900mm fence along the front boundary of no.22 King Street.

The Highways Authority have objected to this current application on the grounds that the 900mm high fence restricts pedestrian visibility to the west. In response to this concern the agent of the application has submitted an amended plan and confirmed that the fence is due to be reduced to a height of 600mm before the start of any works. The further comments of HA have been sought and their comments are expected prior to the meeting.

### Other Matters

4 objections letters have been submitted by the residents of no. 24 King Street, who raise a number of concerns regarding the impacts of the development on their property and surrounding area, the concerns raised cover impacts on residential amenity, highway safety concerns, tree removal, impacts of local wildlife, waste disposal, flood risk and inaccuracies on the submitted plans.

Matters of impact on visual amenity, residential amenity, highway safety implications and impact on trees have been addressed above, and given the similarities of the proposal with the extant planning permission, the proposals are considered acceptable and in accordance with planning policy.

The application is supported by scale plans and the level of information submitted in support of the application is considered sufficient enough to allow a full assessment of the proposal by the Local Planning Authority.

The proposed development would have no greater harm on the ecology of the site or create additional flooding implications than the extant planning permission.

With regards to the noise implications of any construction works, a condition is recommended to limit construction hours to general daytime hours, to help reduce the impact on nearby properties.

## 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                                |

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

|             |   |
|-------------|---|
| Policy H1:  | Residential Development: Sustainable Location and Protection of the Countryside |
| Policy N12: | Development and Trees   |
| Policy T16: | Development – General Parking Requirements                                      |

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

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

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

#### Relevant Planning History

19/00135/FUL - Erection of 2 x 3 bedroom semi-detached dwellinghouses within the existing rear garden of application site, incorporating the provision of 4 parking spaces, cycle spaces and refuse storage, new boundary treatment and landscaping – application was refused, and allowed at appeal (appeal reference APP/P3420/W/193237735)

#### Views of Consultees

The **Highways Authority** raise several objections to the proposal. These objections include the fact that a 900mm high fence has been erected within the curtilage of 22 King Street, which restricts pedestrian visibility to the west. A further concern is that the visibility splays are not shown correctly on the submitted plans in that the pedestrian splay to the east of the access is outside of the redline of the application site.

The Highways Authority also request that a swept path analysis for a car to access and turn within the site curtilage and dimensions of the access drive, parking and turning areas are provided with application, and that additional details for the submitted CMP should be provided, these include

- Details of the routing of construction vehicles to the site.
- Parking of vehicles for site operatives and visitors.
- Measures to prevent the deposition of deleterious materials onto the highway.

In response to these comments the agent of the application has provided a detailed Site layout plan which shows a swept path analysis for the proposed dwellings, as well providing additional details of the Construction Management Plan, which outline how construction vehicles will be outlying that the only

two vans will be used during initial construction until the driveway and turning areas are completed, to allow larger vehicles better access to the site. The agent of the application states that the proposed arrangement would provide adequate off road parking to the site and that only a temporary obstruction to the highway will be caused during delivery of materials to site.

These details have been passed onto the Highways Authority for comment.

The **Landscape and Development Section** raise no objections to the proposal

The **Environmental Health** raise no concerns regarding contaminated land.

#### Representations

Objections have been received by the residents of no. 24 King Street, who raise the following concerns:

- Removal of trees
- Noise nuisance
- Impact on residential amenity
- Limited width of access point
- Use of gravel for parking area
- Limited turning area for vehicles
- Inaccuracies in the submitted plans,
- Impact of local ecology and wildlife habitats
- Flooding
- Impact on the character of the Area
- Waste Disposal
- Highway Safety

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

The application is accompanied by the following documents:

- Design and Access Statement
- Arboricultural Method Statement
- Construction Management Plan

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/21/00067/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

19th March 2021



**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**30<sup>th</sup> March 2021**

**Agenda Item 9**

**Application Ref. 21/00067/FUL**

**1 King Street, Newcastle under Lyme**

A further, late, representation has been received objecting to the application on similar grounds to those set out and considered in the main agenda report.

The **Highways Authority (HA)** has not provided any further consultation comments to date.

Officers Comments

The further consultation comments of HA have not been received but as set out in the main agenda report, the access, parking and turning remain the same as the previously approved scheme and suitably worded planning conditions can secure acceptable access, visibility, parking and turning areas. However, a decision will not be issued until the consultation comments of HA have been received, as set out in the main agenda report.

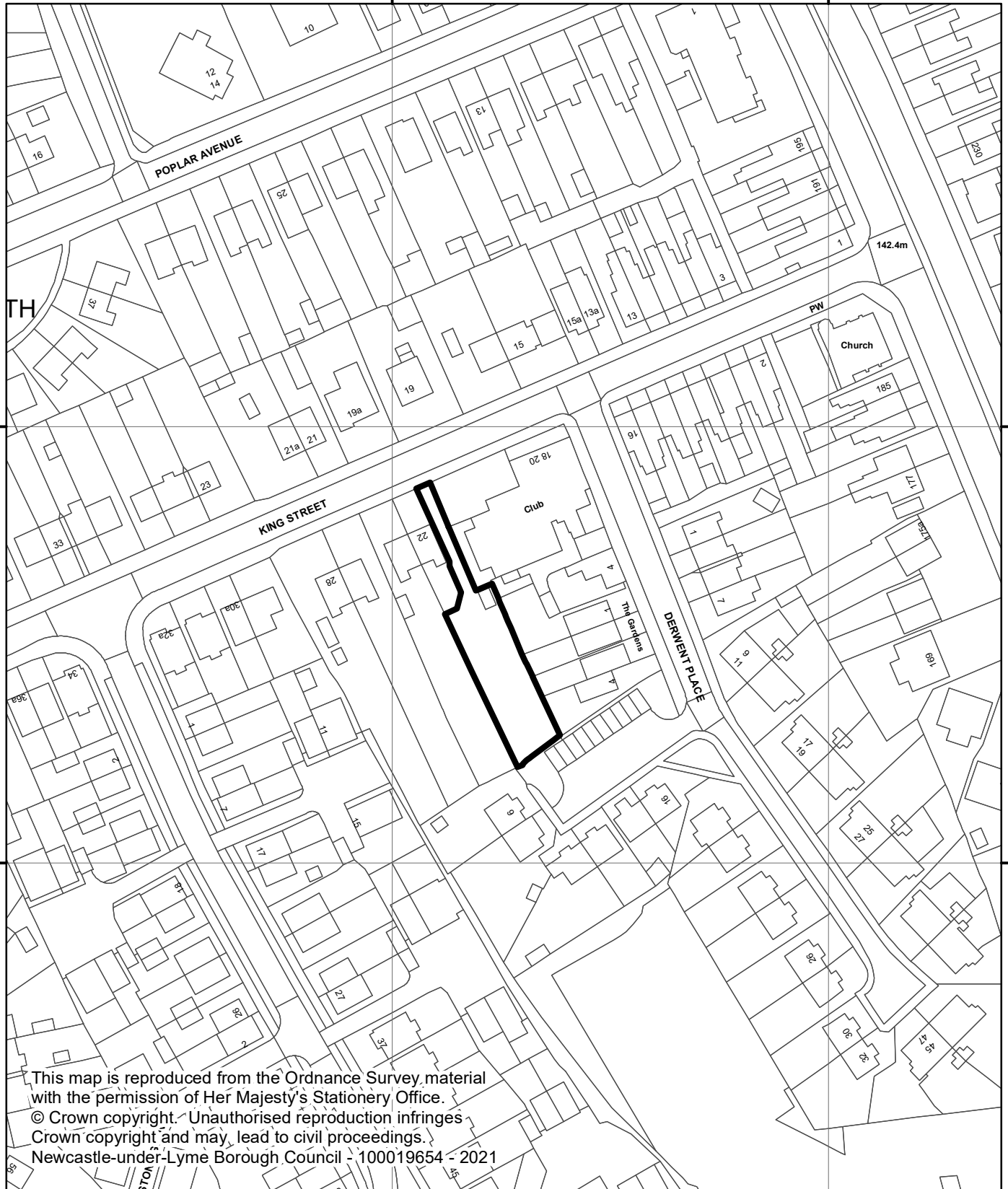
Also, there is an error in the main agenda report which sets out that the proposed dwellings are approximately 300mm higher than the previously proposed semi-detached properties. It has now been confirmed that the proposed dwellings would have an identical ridge height to the semi-detached properties granted at appeal, under reference 19/00135/FUL.

**The RECOMMENDATION remains as set out in the main agenda report.**

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**4, ROE LANE, NEWCASTLE-UNDER-LYME**  
**MR. & MRS. HALLIDAY**

**21/00122/FUL**

The application is for full planning permission for a part two-storey, part single-storey extension to the rear and an extension to the garage with a replacement roof.

The site is located within the Urban Area, as identified within the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expires on the 6<sup>th</sup> April 2021.**

**RECOMMENDATIONS**

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

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**

**Reason for Recommendation**

The proposed extensions are considered to be subordinate to the main dwelling and the streetscene in line with Policy H18 of the Local Plan and would not have a negative impact to surrounding dwellings in terms of neighbouring amenity. In all other respects the development accords with local and national planning policy.

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

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

**Key Issues**

The application is for full planning permission for a part two-storey, part single-storey extension to the rear of this detached property and an extension to the garage with a replacement roof.

The site is located within the Urban Area, as identified within the Local Development Framework Proposals Map.

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

- Design and visual impact
- Impact upon neighbouring occupiers in terms of amenity; and
- Impact on parking and highways.

**Design and visual impact**

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

Paragraph 127 of the framework lists 6 criterion, a) – f), with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

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

The proposed rear extension would extend across the full width of the dwelling. The two-storey element would extend a maximum of 2.9m from the rear elevation and the single-storey element would extend a further 2.4m to the rear with a lean-to roof. The proposed extension to the garage would extend the width and length of the existing garage by approximately 1.8m, allowing a connection with the main dwelling at ground floor level. In addition, the existing flat roof would be replaced with a pitched roof. The proposed materials are to match the existing dwelling.

Whilst relatively large, the extensions are to the rear of the dwelling and their overall scale is considered to be proportionate to the scale of the existing dwelling. The design of the proposals reflects the character of the existing dwelling, and the replacement roof of the garage is considered to be an improvement on the existing flat roof. Overall, it is considered that the design and scale of the proposals are subordinate to the main dwelling in line with Policy H18 of the Local Plan.

Given the above, the development is considered to be an appropriate form of design that would accord with the policies of the development plan and the aims and objectives of the NPPF.

#### Is the impact upon neighbouring occupiers in terms of amenity acceptable?

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

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

Given the orientation of the neighbouring dwelling to the north and the location of the garages of both properties, it is not considered that the proposals would have a negative impact in terms of neighbouring amenity. The garage and outrigger element of the property to the south extend beyond the rear building line of the application dwelling and there is approximately 6m distance between the two properties. Given this, it is not considered that the proposed rear extension would have an unacceptable impact on the amenity of the occupiers in terms of overbearing impact, overshadowing or loss of privacy.

The proposed development accords with the guidance set out in the SPG and would not be harmful to neighbouring residential amenity levels. It therefore accords with the SPG and the NPPF.

#### Impact on parking and highways

The most up to date position with respect to highway safety matters (contained within paragraph 109 of the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 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.

Whilst Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) is not consistent with the Framework in that it seeks to apply maximum parking standards, it 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 car parking standards set out in the Appendix to the Local Plan state that 4 or more bedroom properties should provide a maximum of 3 off road parking spaces.

The proposed extension would increase the number of bedrooms from 3 to 4, and therefore the maximum off road parking spaces required is 3. The submitted block plan demonstrates that the front driveway can accommodate parking for 3 cars and therefore is considered acceptable.

Given the above, the development is considered to accord with Policy T16 of the Local Plan and the aims and objectives of the NPPF.

## **APPENDIX**

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

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Policy CSP1: Design Quality

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

Policy H18: The design of residential extensions, where subject to planning control

Policy T16: Development – General Parking Requirements

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

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

[Space around Dwellings Supplementary Planning Document \(2004\)](#)

Relevant Planning History

None relevant

Views of Consultees

None.

Representations

None received to date.

Applicant's/Agent's submission

The submitted plans for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00122/FUL>

Background papers

Planning files referred to

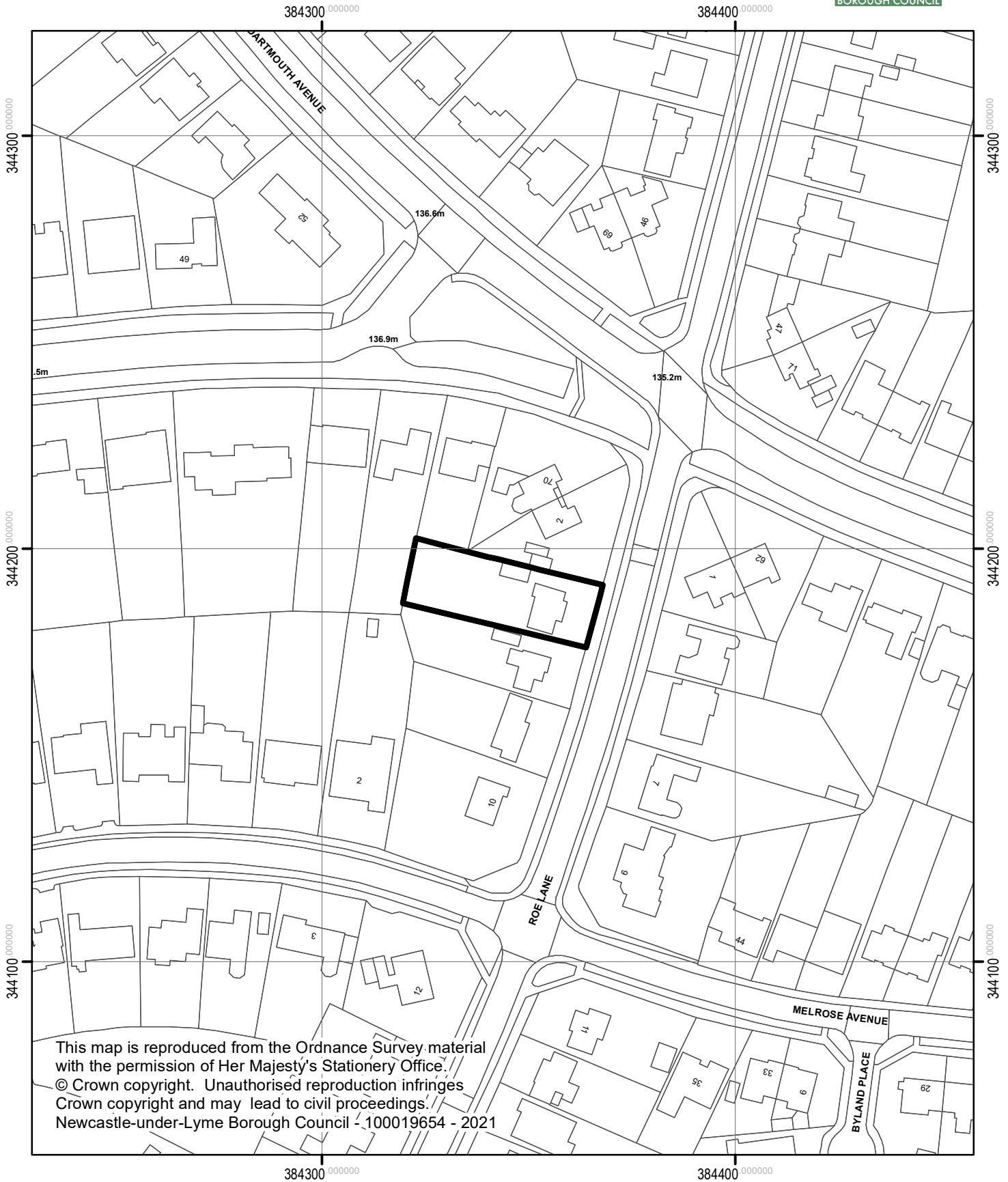
Planning Documents referred to

Date report prepared

12<sup>th</sup> March 2020



4 Roe Lane  
Newcastle



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**1 BERESFORD CRESCENT, NEWCASTLE UNDER LYME**  
**DR SHAMYLLA SAMAD**

**21/00054/FUL**

The application is for full planning permission for a two storey side extension.

The site is located within the Urban Area, as identified within the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to resident's concerns about the size of the proposed property that is not in keeping with the area, increase in parking and concerns about harm to a significant tree.

**The 8 week period for the determination of this application expired on the 25<sup>th</sup> March but the applicant has agreed to an extension of time until the 5<sup>th</sup> April 2021.**

**RECOMMENDATION**

**Subject to the Landscape Development Section not raising any concerns that cannot be addressed through the use of appropriate conditions, PERMIT subject to conditions relating to the following matters:-**

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**

**Reason for Recommendation**

The proposed extension is considered to be subordinate to the main dwelling and the streetscene in line with Policy H18 of the Local Plan and would not have a negative impact on surrounding dwellings in terms of neighbouring amenity. The proposal would not have any adverse impact on highway safety. Additional information has been requested regarding impact on trees.

**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 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 is for full planning permission for a two storey side extension at 1 Beresford Crescent. The site is located within the Urban Area, as identified within the Local Development Framework Proposals Map.

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

- The design of the proposal;
- The impact on residential amenity;
- The impact on parking and highways;
- The impact on trees; and
- Other matters.

**1. The design of the proposal**

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

Paragraph 127 of the Framework lists six 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.

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

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

The property is located on a corner plot at the junction of Beresford Crescent and Pilkington Avenue. The application initially proposed no set-back from the front elevation of the main dwelling but due to concerns of your Officer regarding the scale and design of the extension, amended plans have been received. The revised scheme now includes a set-back of 300mm from the front elevation and a corresponding step down in the ridge height below that of the main house. The proposed materials would match the existing dwelling.

Objections have been received from neighbours regarding the design of the scheme, specifically the scale of the extension, suggesting that the proposals would be incongruous, overbearing and out of character with the dwelling and the surrounding area. Concerns have also been raised on the grounds that the extension projects past the existing building line.

The proposed extension is similar in scale to other extensions in the vicinity and is not considered to be out of keeping with the character of the area. Furthermore, with regard to the concerns that the extension would exceed the existing building line, other corner plots on Beresford Crescent have similar sized extensions which extend beyond the building line, so it is not considered that this element is out of character with the built form of the surrounding area.

It is considered that the proposed extension would be of a form, scale and location that is subordinate to, and in keeping with, the design of the original dwelling and the character and appearance of the streetscene. Overall the proposal accords with the policies of the Development Plan and the guidance and requirements of the Framework.

## 2. The impact on residential amenity

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

Given the property's location on a corner plot, and its relationship with No. 3 Beresford Crescent, the proposed extension would not give rise to any unacceptable impacts on the amenity of the occupiers of that dwelling. In addition, given the subordinate design of the extension, it is not considered that it would be overbearing to the occupiers of properties on Pilkington Avenue.

Whilst concerns have been raised regarding an increase in noise, disturbance and anti-social behaviour from use as a House in Multiple Occupation (HMO), the application is for an extension to a residential dwelling, and has to be considered on that basis. The increase in levels of noise and disturbance would not be so significant to justify a refusal.

Concerns have also been raised regarding an increase in waste and refuse due to an increase in the number of occupiers of the property. It is not considered that the increase in waste would be so significant to adversely affect the surrounding neighbours and additionally, if the development was used as an HMO in the future, refuse storage and disposal would be considered under the relevant license application.

The proposed development accords with the guidance set out in the SPG and the NPPF and would not be harmful to neighbouring residential amenity levels.

### 3. The impact on parking and highways

The most up to date position with respect to highway safety matters (contained within paragraph 109 of the Framework) indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 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.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified parking 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 car parking standards set out in the Appendix to the Local Plan state that for dwellings with 4 or more bedrooms, a maximum of 3 off road parking spaces should be provided.

Objections have been received from residents regarding parking and pedestrian safety. The Highway Authority recommends refusal of the application on the grounds that the submitted plans do not demonstrate that 3 car parking spaces can be provided within the site.

3 is the maximum number of parking spaces which should be provided and the applicant has provided an amended block plan which demonstrates that 2 parking spaces can be provided on site. Given that the application also provides a number of cycle parking spaces in the garage, it is not considered that the reduction of 1 parking space from the maximum would cause an unacceptable impact on highway safety, or that any residual cumulative impacts on the road network would be severe.

Overall the proposal accords with Policy T16 of the Newcastle-under-Lyme Local Plan and the NPPF.

### 4. The impact on trees

Policy N12 of the Local Plan is concerned with the development and the protection of trees. It sets out that the Council will resist development that would involve the removal of any visually significant trees. It also sets out that where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

Representations have been received raising concerns regarding the potential impact to some of the street trees outside of the site boundary. The Landscape Development Section (LDS) has requested an Arboricultural Impact Assessment (AIA) to enable them to make an assessment as to whether the trees would be impacted by the development. It is anticipated that the AIA will be received shortly and therefore the comments of the LDS will be reported in a supplementary report prior to the meeting of the Planning Committee.

### 5. Other Matters

Representations have been received regarding a number of other matters. Some of the issues raised, for example, historic covenants, the need for an HMO license, fire safety, impact on house prices, party wall matters, and building control issues, are not material planning matters and are either civil matters or are covered by other legislation.

Concerns have been raised regarding the use of the property as an HMO. The current use of the property is a dwellinghouse that falls within Use Class C3(a) of the Use Classes Order. The application submitted is a householder application for an extension only and there is no reference to the proposed use being an HMO. That said, a number of objections have made reference to online adverts, advertising the property as student accommodation. Whilst the applicant may be considering renting the property as student accommodation with 6 bedrooms, this would fall within Use Class C3(c) (small HMO up to 6 people) and would not require planning permission.

Concerns regarding flooding have been raised due to speculation that the front garden is intended to be removed and replaced with tarmac / paving to provide additional parking. This does not form part of the proposals and it is not considered that the proposed extension would cause any material flooding impact flooding.

Questions have been raised regarding the validity of the planning application, and whether the correct application form has been submitted. The applicant has submitted a Householder Application form which is correct. Concerns have also been raised questioning where the site notice was displayed. The application was advertised in line with the Council's Statement of Community Involvement which for this type of application requires letters to be sent rather than the posting of a site notice.

## APPENDIX

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

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

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

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

Policy H18: The Design of Residential Extensions, Where Subject to Planning Control  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy T16: Development – General Parking Requirements

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

#### National Planning Policy

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

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

#### Supplementary Planning Guidance/Documents

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

#### [Space around Dwellings Supplementary Planning Document \(2004\)](#)

#### Relevant Planning History

None

#### Views of Consultees

The **Highway Authority** recommends refusal on the grounds that the application fails to demonstrate that adequate off-road parking can be provided.

The **Housing Strategy Section** provides information regarding HMO requirements.

The **Landscape Development Section** states that there are existing trees growing in the highway to the front of the property that are likely to be affected by the proposed development and therefore an Arboricultural Impact Assessment is requested.

#### Representations

Eighty-eight letters of representation have been received, seventy eight raising objections, ten supporting the application.

A summary of the objections raised is as follows:

- Concerns regarding the scale, design, internal configuration and that it's out of character for the area
- Adequacy of parking and concerns front garden would be used as parking
- Access, highway safety and traffic generation
- Concern with HMO use and noise and disturbance relative to HMO use
- Local, strategic, national and regional planning policies
- Landscape

- Environmental issues/hazards
- Waste / refuse
- Residential area largely occupied by families
- Size of garden
- Increase in anti-social behaviour
- Flood Risk / Surface Water / Drainage
- Development would set a precedent for further student accommodation type development in the area
- Residential amenity impact to surrounding neighbours
- Already student accommodation in Newcastle
- Potential fire hazard
- Proposed use of the garage
- Concerns that the property will be extended over the building line of the street
- No licence for this has been submitted for a large HMO at this address
- This area is not suitable for student lets
- Decrease in property value
- Property already advertised as student let, and concerns regarding the instruction given to estate agents
- Concern regarding future residents
- Applicant using Beresford Crescent as their address.
- Historic covenant restricting business activity
- Site notice not displayed
- Concern regarding the type of application submitted.
- Impact on trees and nature conservation – tree survey submitted
- Disabled access
- Design does not comply with HMO Licencing requirements
- Location the architect is based
- Concerns relating to the party wall
- Other development carried out on site in recent years
- Concerns regarding the future use of the site if planning permission is granted.
- Noting that objections still stand following amended plans

A summary of the letters of support is as follows:

- The creation of bedrooms on the ground floor with bathroom facilities would suit the older members of family
- No issues with the design and scale of the proposals
- Many objections are mostly irrelevant in terms of planning
- The proposed double storey extension is sympathetic in design to the existing locality, the detailing within the plan shows this. It is not greater in size than the existing property.
- The plans put forward will create a suitable family home, ideal for large families.
- Multigenerational living is not a new concept. Ground floor accommodation, with accessible wash facilities for octogenarian or the elderly and infirm or frailer members of the family would be served by these rooms.
- The objections relating to fire hazards are covered under scope of building regulations.
- The property occupies a generous corner plot
- Properties within this area have been allowed extensions of varying sizes, design and scale, therefore the proposal does not result in detrimental harm to the character of original dwelling or the integrity of the street scene.
- See no reason why this planning application is any different to similar applications made by local residents.

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

The submitted plans for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00054/FUL>

#### Background papers



Planning files referred to  
Planning Documents referred to

Date report prepared

12<sup>th</sup> March 2021

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**30<sup>th</sup> March 2021**

**Agenda Item 11**

**Application Ref. 21/00054/FUL**

**1 Beresford Crescent, Newcastle under Lyme**

Since the agenda was published, further comments have been received from the **Landscape Development Section**. Initially, they requested further information on the basis that 3 parking spaces were required by the Highway Authority which would result in an increase in the size of the paved area and would almost certainly affect the root protection area. However, they have confirmed that if only two parking spaces are required, this would fall outside of the tree root protection areas and they have no objection to the proposal subject to the imposition of a condition requiring a construction phase tree protection plan to protect the trees during the construction phase.

The imposition of such condition is considered appropriate.

**The RECOMMENDATION remains as set out in the main agenda report with an additional condition requiring a construction phase tree protection plan.**

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**30<sup>th</sup> March 2021**

**Agenda Item 11**

**Application Ref. 21/00054/FUL**

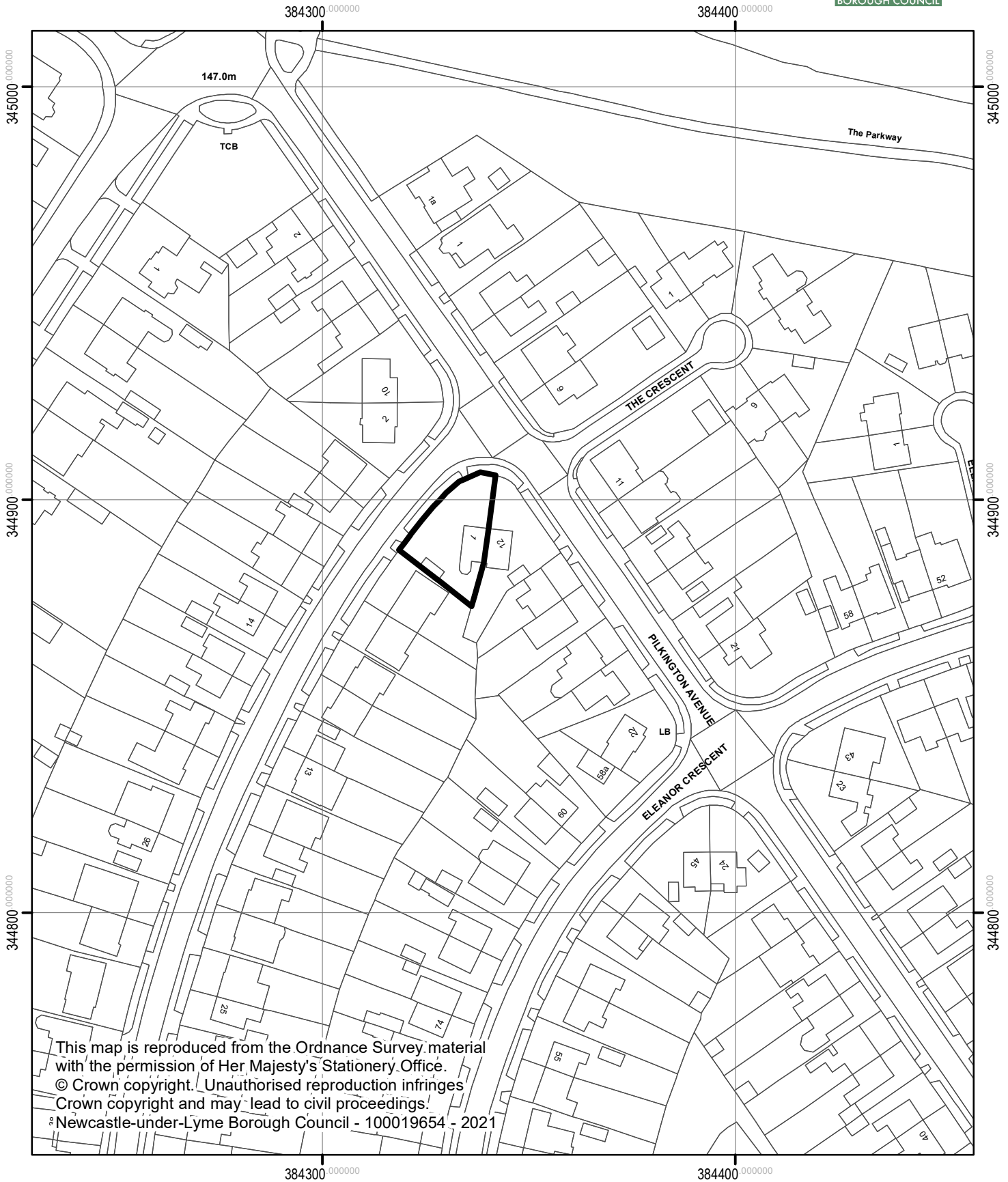
**1 Beresford Crescent, Newcastle under Lyme**

Following publication of the agenda 4 additional, late, letters of objection to the proposal have been received. These letters do not raise any new material planning considerations in addition to those already considered in the report.

**The RECOMMENDATION remains as set out in the main agenda report along with the additional condition set out in the first supplementary report.**

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1 Beresford Crescent  
Newcastle



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**OAKLEY HALL, OAKLEY, MARKET DRAYTON**  
**MR AND MRS GHANI**

**21/00219/LBC**

The application is for listed building consent for repairs refurbishment and alterations to the rear façade and interior of Oakley Hall.

Oakley Hall is a Grade II\* Listed Building set within a rural estate and parkland.

The site is located within the open countryside as defined by the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expires on the 27<sup>th</sup> April 2021.**

**RECOMMENDATION**

**Application 21/00219/LBC**

**PERMIT subject to the following conditions:**

- 1. Time limit.**
- 2. Approved plans.**
- 3. Prior approval of the bricks, including the provision of samples, to be used in this repair and reinstatement of the rear elevation including method statement for structural repair of the rear gable.**
- 4. Prior approval of full details for the proposed window and door**
- 5. In all other respects the permitted repairs and alterations shall be carried out in accordance with the submitted details.**

**Reason for Recommendation**

It is considered that the proposed restoration and alterations would result in less than substantial harm, which would be outweighed by the public benefits arising from the repairs to the listed building and reinstatement of the rear elevation to more appropriate proportions.

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

The proposed development follows pre-application discussions, including revisions following those discussions and 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 is for listed building consent for alterations and refurbishment to the ground floor rear elevation and internal alterations to three rooms on the rear aspect of the ground floor which include the kitchen, back porch and utility areas.

The only consideration in the determination of this application is the impact of the proposal on the listed building and or its setting.

When making a decision on such an application a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and

there is no other viable use. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

Saved Policy B5: of the NLP states that the Council will resist development proposals that would adversely affect the setting of a listed building and Saved Policy B6: of the NLP states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

The NPPF, at paragraph 192, states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Listed Building great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In paragraph 195 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 196 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Consultation responses have been received from Shropshire Council who supports the proposed alterations and reinstatement of proportions of the windows which should enhance the setting of the building providing joinery brickwork and pointing is appropriately detailed and conditioned. The Staffordshire Historic Building Trust (SHBT) considers that this is an acceptable scheme to provide modern family kitchen facilities and that the balance has been achieved between modern requirements and acceptable proposals to re-instate internal spaces and external details.

The proposals in more detail are as follows:

- Removal of rear kitchen window installed in 1970's. The proposal seeks repair and reinstatement of the external wall with openings which reinstate classical proportions and restore the symmetry and rhythm of the rear façade (see photograph on page 25 of the Heritage Statement). This will be done by reinstating the left sash window to historic proportions, matching the cill level of other windows, repairing its adjacent brickwork which requires structural support (see explanation on page 15 of the Heritage Statement) and replace the right window with a similar proportioned door (including step formed and finished with York stone) to match the style of window designs to allow access onto the rear terrace.

- Proposed “slim” double glazed new window and door to the rear elevation (further details to follow).
- Remove internal stud partition plasterboard walls erected in the 1970s within rooms on ground floor between kitchen and utility room.
- Block up a doorway and create a doorway.
- Partially demolish brick internal wall between kitchen and utility to form opening to a height of 2.5 metres with bifold doors (leaving the original plan form still readable) with option to create large kitchen diner.

Considerable alterations and changes have been made to the building throughout its existence most particularly in the 1970’s when much of the interior was changed in some way or added to, and perhaps the most significant change being the stripping of internal plaster walls to brick, lining with plasterboard to create a cavity which has been filled with polystyrene insulation and pipework for a heating system. Changes in the past have been undertaken to the windows, window openings with a doorway access into the stone plinth onto the rear terrace from the left hand bay and externally the building was historically rendered. Considerable work has been undertaken to understand the changes for the purposes of this application however the applicant plans to engage a historic building specialist to unpick these changes further which will inform all future work.

A description of works is set out in the bullet points above and on submitted plans. Proposed works are restricted to three of the rear service rooms of the Hall. Much of the work is removing development undertaken in the 1970s including stud walls and the inappropriate window to the rear. The cavity wall is to remain unchanged given the disruption that would be caused. The proposal includes partial loss of an original internal wall and replacement with bifold doors to create an opening into a large kitchen dining room and partial removal of another small section of wall.

Existing windows are glazing bar sash windows with moulded stone/cement surrounds except for two which were removed in the 1970s to create a large window to the rear kitchen. This proposal (see above) proposes to reinstate the window surrounds and sash window to the west (rear) elevation and add a doorway onto the terrace.

The Society for the Protection of Ancient Buildings (SPAB) objected to the previous recent and similar proposal. This application was withdrawn to allow for the provision of further information and clarification. SPAB considered the heritage statement to be inadequate in its assessment of significance and potential impact. Their biggest concern were that the drawings may need checking and that the archive material is also checked, and the building considered by an appropriately qualified professional to ensure aspirations for the building are soundly based. They considered that a case could be made for the removal of the 1970s window on the rear elevation but that there may be another solution. They also specifically objected to the creation of a large opening between the current kitchen and utility rooms and strongly recommend that the proposals are revised to retain more historic fabric and historic plan, and minimise the harm. The Society also commented on the lack of information to enable full assessment of the proposal for double glazing and argue that it is therefore contrary to the NPPF. Their comments on the current application have not as yet been received.

The proposals have been re-submitted with amendments and clarification. The survey drawings external and internal have addressed a drafting error to reflect the current situation as it was accepted this was creating confusion. The applicant has also given further clarification within the heritage statement and justification for the proposals by using archive information. The opening between the kitchen and utility has been reduced in height and the proposed external window cill height has been raised to reflect the cill height of other windows on the rear elevation.

Given the significance of this important building as an early 18<sup>th</sup> century country manor house built in the classical style with 11 bays and a symmetrical form, this proposal, no doubt, results in some loss in authenticity and therefore some harm, albeit less than substantial, to the significance of the building but it also proposes to reinstate that symmetry. This provides

an opportunity with this change to better reveal and enhance the significance of the Hall – in line with Historic England's good practice advice.

Historic England in its technical advice to owners of historic buildings, has much to offer on changing historic windows. It sees the loss of traditional windows from historic buildings one of the major threats to our heritage. The windows not affected by this proposal at Oakley Hall are large single glazed sash windows with glazing bars but are not original. They were replaced probably in the 1970's – certainly the archive photographs show that some of the upper floor windows were 2 over 2 probably sash late Georgian/Victorian windows. Now they are all modern multi-paned sash windows, 6 over 9. An assessment of the significance of a window or windows and the contribution they make to the overall significance of a building is the key first step in deciding the right course of action. Replicas or recreations of fenestration of aesthetic quality will maintain this value and so whilst the windows at Oakley are not original they are good and sensitive copies which match the quality and fine details of the historic windows i.e. the glazing bars are slim and so help to retain the significant fine aesthetics of the building.

The proposed replacements are slim double glazed timber windows which can retain the proportions of the windows whilst providing some additional energy efficiency measures. To enable a full evaluation of this aspect of the proposal and how it will affect the significance of the house further details and assessment are required. It is therefore proposed to add a condition to the application for the applicant provide further details on the glazing units. This and perhaps a sample will make it possible to decide if this is the right approach for the two new openings. If it is not possible then these windows will be single glazed.

Policy B4 relates to total or substantial demolition of a Listed Building which in this case does not apply. Policy B5 refers the setting of a Listed Building and arguably much of the work is internal and does not apply. The wider setting is the presence of the Georgian Hall within its parkland setting by the lake and the external change is the reinstatement of the window proportions to the rear elevation. This aspect of the proposal does not affect the wider setting of the hall within its parkland, and if it has any local effect from the lakeside view then it is a positive effect by reinstatement of the window proportions.

Oakley is a large hall and, as set out above, has already undergone many changes both to its structure internally and externally. It has still retained its significance as a large country house set in its parkland setting. Its plan form internally can still be read although this too has undergone changes through the centuries and decades. In the circumstances it is considered that the proposed alterations to three rooms would result in less than substantial harm to the designated heritage asset (the Listed Building). Such harm, however, is outweighed by the public benefits arising from the repair to the listed building on the rear elevation and to removing the insensitive window which damaged the uniformity and harmony of the rear façade which provides an opportunity to better reveal the buildings significance.

## 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 CSP2: Historic Environment

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

Policy B4: Demolition of Listed Buildings

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extensions or Alterations to Listed Buildings

### **Other Material Considerations**

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

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

[Historic England: Traditional Windows: their care, repair and upgrading \(2017\)](#)

[Historic England: Traditional Windows: their care, repair and upgrading](#)

### **Relevant Planning History**

|                  |   |           |
|------------------|---|-----------|
| NNRLB9<br>(1972) | General improvements and restoration to the Hall                                      | PERMIT    |
| 21/00056/LBC     | Repairs refurbishment and alterations to the rear façade and interior of Oakley Hall. | WITHDRAWN |

### **Views of Consultees**

On the basis of the information available to date **Historic England** do not wish to offer any comments and are happy to defer to the Council's detailed knowledge of the building.

The **Staffordshire Historic Buildings Trust** has considered the amended submission and thinks that an acceptable scheme to provide modern family kitchen facilities has been proposed. The Trust finds the balance has been achieved between modern requirements and the acceptable proposals to re-instate internal spaces and external details.

**Loggerheads Parish Council** has no objections

**Shropshire Council** supports the proposed alterations and reinstatement of proportions of the windows which should enhance the setting of the building providing joinery brickwork and pointing is appropriately detailed.

The **Conservation Advisory Working Party** will consider the application at its meeting on 23 March.

The views of the **Georgian Group; Twentieth Century Society; Victorian Society; and The Society for the Protection of Ancient Buildings** have been sought and will be reported if received.

### **Representations**

None received.

### **Applicant/agent's submission**

The applications are supported by the following documents;

- Design and Access and Heritage Statement (amended 8 March 2021)

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00219/LBC>

Background Papers

Planning File

Planning Documents referred to

Historic England's - Managing Significance in Decision-making in the Historic Environment

Good practice advice note (2) (2015)

Historic England – Traditional Windows: their care repair and upgrading (2014)

Date Report Prepared

15 March 2021

**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**30 March 2021**

Agenda item 12

21/00219/LBC

**Oakley Hall, Oakley, Market Drayton**

Since the publication of the main agenda report further comments have been received and revised plans have been issued which amend the internal proposals:-

The **Conservation Advisory Working Party** has no objections to the scheme and welcomes the amendments addressing the drafting errors and clarification.

The **Society for the Protection of Ancient Buildings (SPAB)** (in summary) refer to the Officers Report for Planning Committee on 30th March where it is reported that the SPAB's 'biggest concern were that the drawings and archive material is checked, and the building considered by an appropriately qualified professional to ensure aspirations for the building are soundly based.' While this certainly was one of their concerns it is a misunderstanding to say that is was their biggest. To clarify, the Society's main concerns with the previous application were:

- i. a lack of an appropriate assessment of significance and, therefore a lack of other information, an inability to fully understand the potential impact of the proposed works on the building's significance, and
- ii. concern that the proposals would result in harm and for which there was no clear and convincing justification.

With regard to proposed double glazing, the Officers Report states 'The Society also commented on the lack of information to enable a full assessment of the proposal for double glazing and argue that it is therefore contrary to the NPPF'. While they did argue insufficient information had been provided to enable as assessment of the existing and proposed, and this remains a valid point, they also raised the point that any energy efficiency measures should be considered on a whole house basis (i.e. not piecemeal such as this) and that the effect (thermal improvement) of installing double glazing in the two proposed window and door apertures would be negligible.

They are grateful for the clarification in respect of a former door opening in the rear elevation, it is now clear that the current proposal to reconfigure the existing 1970s window into a new window and door takes its cue from former arrangement on the left hand side of the bay/bow window. The scheme has been revised so that the cill of the proposed window is now at the same height as the neighbouring ones. The proposed arrangement is therefore an improvement in design terms to that which was proposed in the previous application. The proposal would involve some loss of historic fabric (red brick and red sandstone plinth), and the authority will need to determine if there is clear and convincing justification for this.

The Society is grateful for the additional information and clarification in respect of the internal arrangement and the proposed alterations. Their outstanding concerns remain in respect of the following:

- the proposed opening between the existing kitchen and laundry room (to form the larger kitchen and dining room);
- the partial removal of the wall to create a recess for cupboards in the existing kitchen (to become a dining room); (**Amended plans have removed this objection**)
- the demolition of part of the eighteenth century chimney breast to accommodate a new large cooker/range in the existing utility (to become the larger kitchen).

While they welcome the revision to the proposed new opening between the proposed larger kitchen and dining rooms, they maintain their *objection* the above. The argument put forward that Oakley Hall is 'robust' and that its 'large grand rooms and a large number of rooms can absorb these minor changes and adaption whilst still retaining its significance' is not one with which they fully concur. The grand proportions of rooms of such buildings is not their only or principal area of interest; their smaller rooms, and service areas, and their relationships to one another, are also important. There have already been a number losses in respect of internal walls and former layouts and the changes would weaken/further dilute the historic plan and the legibility of the building's evolution.

They suggest that if clear and convincing justification can be provided for a new opening between the proposed larger kitchen and dining rooms - that it be double door width maximum. In respect of the eighteenth century chimney breast - they suggest that it be retained as existing and that a new location is found within the kitchen for the large cooker/range. With regard to the proposed opening into the boot room, they withdraw our previously expressed concerns.

SPAB has confirmed that its concerns do not constitute a formal objection (requiring the LPA to refer the application to the Secretary of State)

#### Officers comments

The amended plans and information submitted with this application has helped the understanding of this proposal on an important and complex building which has undergone many alterations over the year's both internally and externally.

The proposed window on the rear elevation has been amended to lift the cill height to match the other ground floor windows. The proposed doorway is retained to allow access onto the terrace. Whilst this involves some loss of historic fabric (red brick and red sandstone plinth) it is reinstating an appropriately proportioned window and door where currently the 1970s horizontal window is causing significant harm to the appearance of the rear elevation. This will involve the loss of a small amount of historic fabric in the brickwork and plinth but the proposal will also have beneficial impacts due to better revealing the appearance of the rear elevation.

Further amended plans have been received since the report was published which omits the partial removal of the wall in the proposed dining room to create a recess for cupboards in the existing kitchen. SPAB welcomes this amendment.

The applicants' agent has provided information which states investigation work discovered that part of chimney breast was constructed in later (1970's) brickwork and after further investigation that timber shuttering and a concrete lintel was cast into place bearing on to this wall, which assisted in forming the doorway in to what was later used as a pantry. The applicants' recently engaged historic building advisor now confirms this wall is a later addition and it is the intention to carefully remove the concrete lintel and utilise the existing chimney recess. There is no harm to the building in this respect and no case to make.

The proposed opening between the existing kitchen and laundry room (to form the larger kitchen and dining room) still remains as a concern from SPAB. The wall is proposed to be removed and replaced by a folding door retaining approximately 1m of the wall at each end. The upper part of the wall and the plain moulded cornice in the proposed dining room will be retained so that the existing plan form will still be legible. (The cornice in the kitchen is a later quadrant coving).

The overall intervention in historic fabric is of a very limited nature, provides a balance between modern extended family requirements and the proposals to create usable internal spaces and re-instate external details whilst not harming the heritage significance of the building to a large degree.

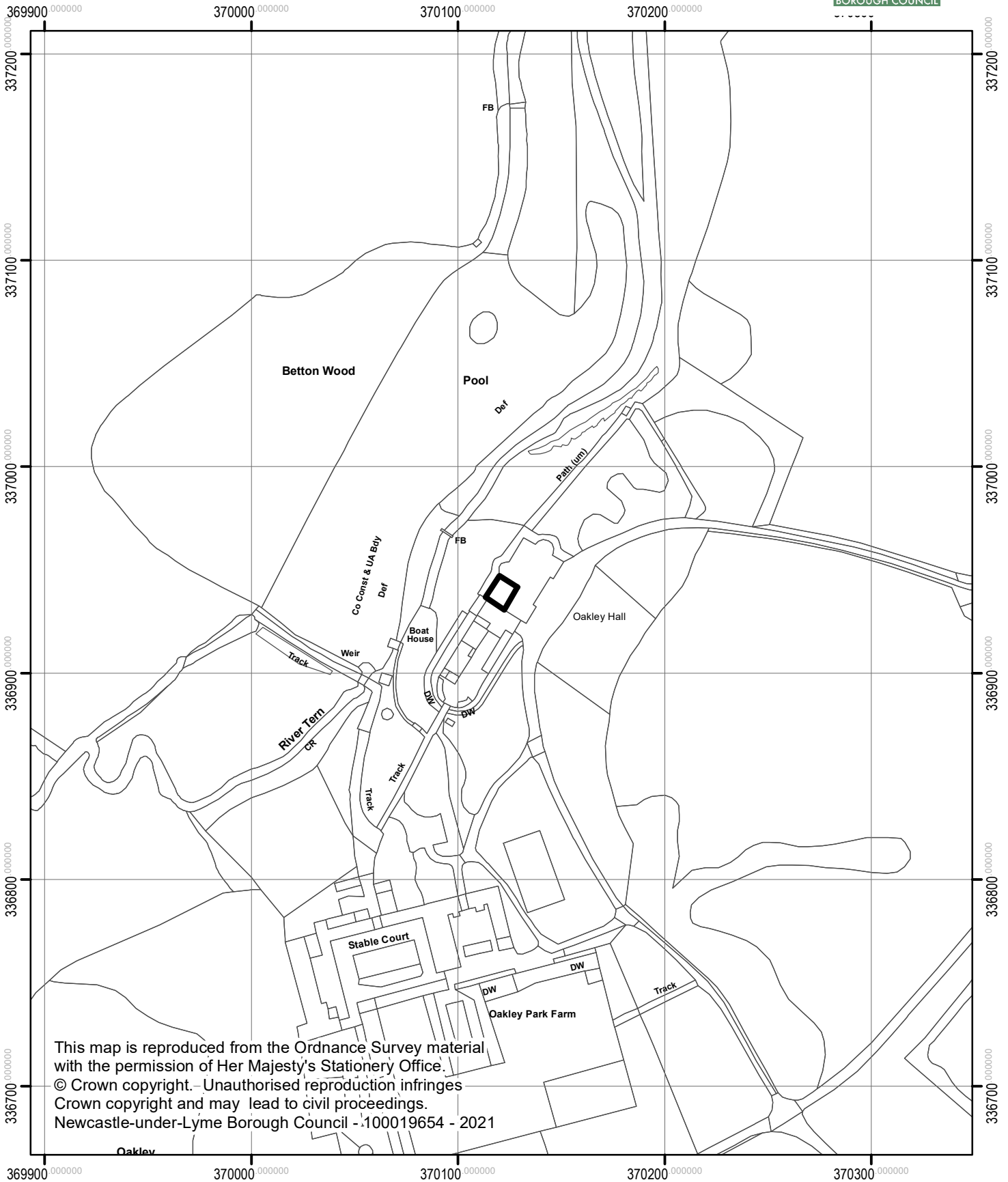


In line with Historic England's advice in Conservation Principles, this conclusion can be reached because there is enough information to understand the impacts of the proposal on the significance of the building; the proposal would not materially harm the values of the place, and would be further revealed; the proposals aspire to a quality of design and execution which provide a sustainable future; and the long-term consequences of the proposals will not prejudice alternative solutions in the future.

**The RECOMMENDATION remains as set out in the main agenda report**

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Oakley Hall, Oakley  
Market Drayton, TF9 4AG



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**BETLEY COURT, MAIN ROAD, BETLEY**  
**DR NIGEL WILLIS BROWN AND OTHERS**

**21/00109/FUL & 21/00110/LBC**

The applications are for full planning permission and listed building consent for repairs and renewal of external doors and windows.

Betley Court is a Grade II\* Listed Building.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

**The 8 week period for the determination of these applications expires on the 13<sup>th</sup> April 2021.**

**RECOMMENDATION**

**Application 21/00109/FUL and 21/00110/LBC**

**PERMIT subject to the following conditions:**

- 1. Time limit.**
- 2. Works to be undertaken in accordance with the approved plans and details set out in the supporting documents.**

**Reason for Recommendation**

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the proposals will not diminish its significance and will enhance the heritage asset by giving it a sustainable future. As such no harm has been identified to the designated heritage assets, the listed building and conservation area. The proposals are therefore acceptable subject to them being completed in accordance with the submitted details.

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

The proposed development follows pre-application discussions and further information has been submitted during the application process for clarification. It is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The applications are for full planning permission and listed building consent for repairs and renewal of external doors and windows

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

Given the nature of the proposed works they would not be inappropriate in the Green Belt as they would preserve its openness and would not conflict with the purposes of including land within it. In addition the proposed works would not affect trees within or adjoining the site.

The key issue in the determination of the applications is therefore the impact on the Listed Building and the Conservation Area.

### Impact on the Listed Building and the Conservation Area

When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition where a planning application affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

The NPPF, at paragraph 192, states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In paragraph 195 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 196 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Betley Court was significantly damaged as a result of a fire in August 2019 and the repair of this Grade II\* listed building is important as delays will put the building at risk of further damage.

These applications follow applications last year relating to works to reinstate and repair the roof. The next phase of works to the building are the repair and reinstatement of windows and doors. Very detailed consultation responses have been received from the Council's Conservation Officer on such plans which are reported in the attached Appendix. The comments highlight that the surviving 36 windows and 2 doors will all be repaired on a like for

like basis. The proposals in respect of the 55 windows and 6 doors that have been lost are as follows:

- The curved windows (14) and French doors (3) will be single glazed replacements with a discreet secondary glazing system within the frame.
- Approximately 45 windows are proposed to be reinstated using a slim double glazed unit.

More than half of the windows and doors within the building have survived and will be repaired or, where lost, will be replaced like for like. The submitted details show that all other windows are proposed to be double glazed and have the same size glazing bars as the single glazed historic window glazing bars and as such the change to appearance will be negligible.

A number of the doors/French doors and windows that were lost were modern. Some of these windows were 'fake' top hung sashes and these, following revisions to the submission, will be restored with traditional joinery in accordance with Historic England guidance.

Taking into consideration the detailed information that has been provided in support of the applications the Conservation Officer considers that the proposals will enhance the heritage asset by giving it a sustainable future and will not diminish its significance. Such expert advice is accepted and it is concluded that the proposals are acceptable and result in no harm has been identified to the designated heritage assets, the listed building and conservation area.

## 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 CSP2: Historic Environment

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

Policy S3: Development in the Green Belt  
Policy N18: Area of Active Landscape Conservation  
Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development In or Adjoining the Boundary of Conservation Areas

### Other Material Considerations

[National Planning Policy Framework](#) (2019)  
[Planning Practice Guidance](#) (PPG) (March 2014)

#### Supplementary Planning Documents/Guidance

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

#### Relevant Planning History

|                                |  |        |
|--------------------------------|--|--------|
| 18/00943/FUL                   | Proposed opening of gardens as a visitor attraction; construction of a detached building to form toilets/office and facilities for light refreshments; demolition of garages and the construction of car parking. (resubmission of 18/00268/FUL) | PERMIT |
| 20/00405/LBC                   | Essential safety works to unstable walls in the listed building following fire damage  | PERMIT |
| 20/00655/FUL                   | Variation of condition 2 (approved plans) of P/A 18/00943/FUL to permit the substitution of revised plans to reflect the details of the visitor centre as built  | PERMIT |
| 20/00685/FUL &<br>20/00686/LBC | Repairs and alterations associated with the reroofing works to Betley Court using leadwork and natural slates, including reinstatement of cast iron rainwater goods. Installation of a lightning conductor system and fall arrest system.        | PERMIT |
| 20/00729/FUL &<br>20/00730/LBC | Formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court following fire damage   | PERMIT |

#### Views of Consultees

The **Conservation Officer**, commenting on both applications, states that the restoration has begun on the building which suffered the devastating fire in 2019. This is the next phase on analysis to enable the windows and doors to be reinstated or repaired. A previous application has dealt with the reinstatement of principally the roof and external walls. This application refers exclusively to the windows and doors.

As a Grade II\* Listed Building, Betley Court has great significance both in its own right as a Georgian house with walls and railings and also in its position within the Betley Conservation



Area. Great weight must be given to the buildings conservation. This is set out in the various statements attached to the application to fully understand the building and its evolution. There was extensive renovation in the late 1970s after the house fell into serious disrepair and much of the house was converted into apartments. Many alterations have certainly been undertaken to the windows and doors over the decades and years and unpicking this history is crucial to full assessing the significance.

Windows and doors are a key part of any buildings appearance, much like the eyes on a face and care is needed to ensure that the buildings significance is retained. The overall significance of the building set out in the window heritage statement at 1.9 is largely accepted and that there has been substantial loss of historic fabric and whilst fire debris has been sifted through for joinery evidence, a lot has gone and with it a lot of the evidential value of the buildings fabric. Internal wall finishes have been lost and only brickwork fabric remains.

The revised window and door schedule is useful, it identifies the windows and doors which have been lost, need repairing and what type they are as well as estimated age of the window and what is proposed. Some windows are 6 over 6 sash windows but many windows as on the south elevation are 2 over 2 and the proposal is to be fully glazed with true glazing bars. Timber painted windows are proposed throughout to match existing and previous windows. Over the years many of the existing windows and those still intact are in need of repair and overhauling so that they fully function and open properly. This will be undertaken as part of this phase of works.

In terms of numbers, 55 windows and 6 doors have been lost to the fire and 36 windows and 2 doors survive, although some surviving are in a very poor state of repair. These are proposed to be repaired on a like for like basis.

Of the 61 that require replacement 3 doors and 14 windows are curved (frames and glass) windows and French doors within the bays on the south elevation. The curved joinery units are proposed as single glazed replacements with a discreet secondary glazing system within the frame. Details can be found in the application of how the secondary glazing will be fitted on the technical drawings. One of the other doors is the main timber panelled front door which is proposed to be replaced to match and good evidence survives for this design.

This means there are approximately 45 windows which are proposed to be reinstated using a slim double glazed unit and details are provided with a sample that has been installed in one of the upper floor windows and shown in the technical drawings appended to the application. Evidence has been provided in the application that the size of the single glazed historic window glazing bars will be the same as the proposed double glazing windows irrespective of the type of sash window. 45% are windows and doors lost to the fire and are proposed to be slim doubled glazed units with no negligible change to appearance.

Therefore 54% of the windows and doors will be either replaced like for like or survive and will be repaired. The double glazed units are proposed in the new windows so there is fundamentally no loss to historic fabric. No surviving windows and doors are to be double glazed.

It is estimated that before the fire there were 5 doors/French doors and 15 windows that were modern post 1977. 5 of these windows were 'fake' top hung sashes. The scheme has been revised to restore all of these with traditional joinery. This will be beneficial to the building and is in line with Historic England guidance (Traditional Windows 2014) which states that where an unsympathetic window is to be replaced the new window should be designed to be in keeping with the style and period of the building.

Discreetly fitting secondary glazing is recognised by Historic England and there are no objections to this. The proposal to have doubled glazed units based has been weighed up on the evidence provided and the fact that the fabric is lost to the fire. Consideration has also been given to the proposal based on the sample provided, looked at the proportions of the glazing bars, frames and quality of the appearance.

Historic England in its Good Practice Advice, Managing Significance in Decision-Taking in the Historic Environment, discusses significance and the importance of understanding it before it is possible to assess the impact of any proposals. The details and amendments provided with the application are crucial. In addition it also recommends looking for opportunities to better reveal or enhance that significance. The replacement of 'fake' windows which are top hung would be one way to achieve this.

The heritage assessments clearly shows how the building has evolved with changes and additions over the centuries. This is certainly a new chapter as the building is pieced together and rebuilt following the fire. The main significance of the building certainly lies in its ability to be brought back to life and play its part in the important contribution it makes to the village both in terms of history and appearance within its immediate and wider setting. It has a key relationship with the adjacent buildings and structures around it. The proposal will enhance the heritage asset by giving it a sustainable future which will not diminish its significance.

The views of the **Conservation Advisory Working Party, Historic England, the Georgian Group** and **Betley, Balterley and Wrinehill Parish Council** have been sought and will be reported if their comments are received.

#### Representations

None received to date

#### Applicant/agent's submission

The applications are supported by the following documents;

- Heritage Statement
- Design and Access Statement
- Window Support Statement
- Updated Window Repair and Renewal Schedule
- Trade Specifications
- Schedule of Work
- Storm Windows Brochure
- Window Heritage Statement

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00109/FUL>  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00110/LBC>

#### Background Papers

Planning File  
Planning Documents referred to

#### Date Report Prepared

18<sup>th</sup> March 2021

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**30<sup>th</sup> March 2021**

**Agenda Item 13**

**Applications Ref. 21/00109/FUL & 20/00110/LBC**

**Betley Court, Main Road, Betley**

Since the agenda was published the views of **Historic England** (HE) and the **Conservation Advisory Working Party** (CAWP) have been received.

**HE** refer the Local Planning Authority to the published advice 'Traditional Windows: their care, repair and upgrading' and suggest that the views of the specialist conservation adviser are sought.

**CAWP** applauded the care taken with this process to find good quality new units for all windows. Concern was raised over the use of the secondary glazed unit and how the built up of condensation would be dealt with. They agreed that the removal and replacement of the 1970s windows was the right approach and they were satisfied with the percentage of double glazing which had been balanced with the aesthetics of the building.

Officer Comments

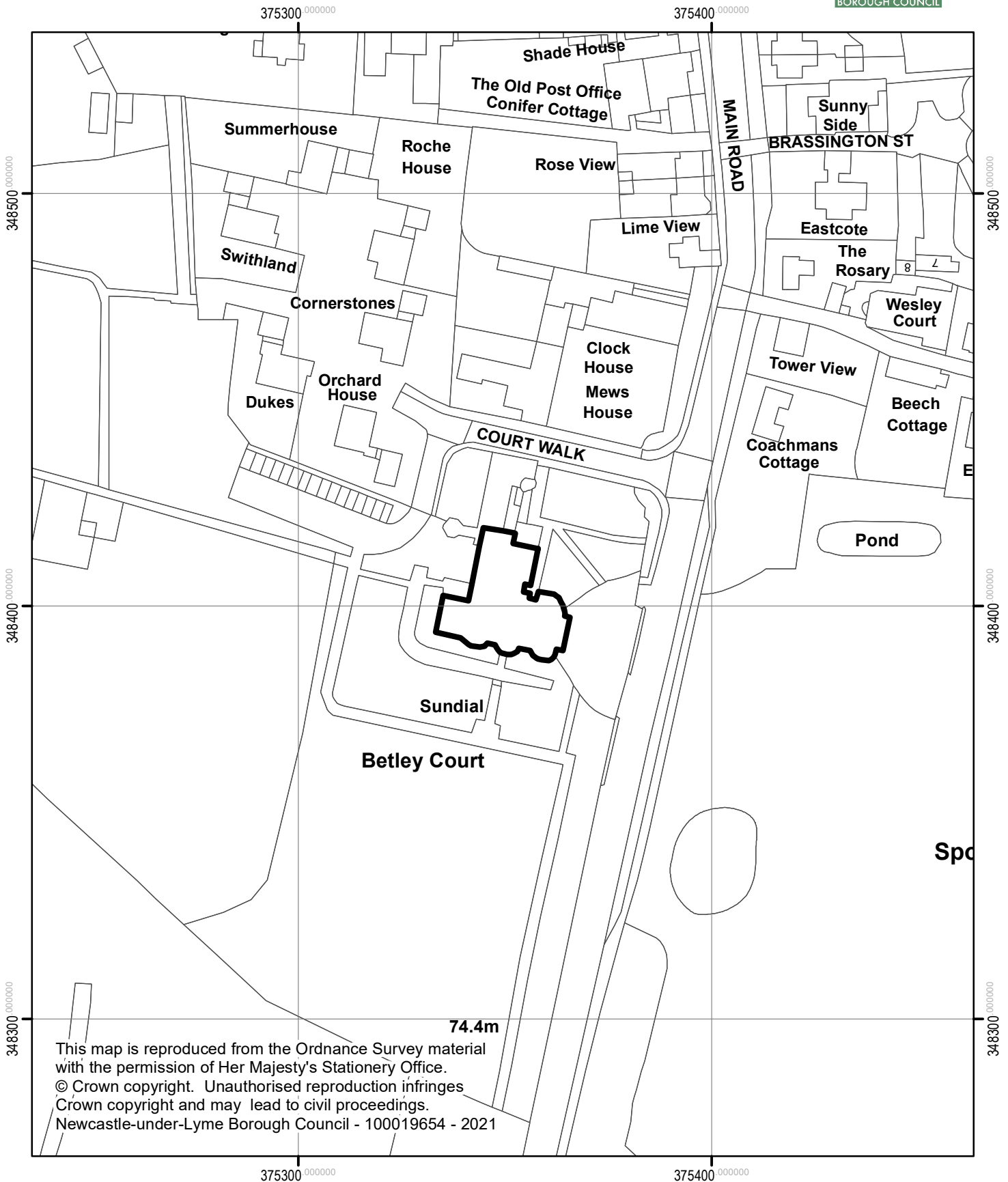
The report has been prepared having regard to the guidance set out in the publication and taking into consideration the views of the Council's Conservation Officer.

In response to the comments of CAWP regarding condensation, discussions have taken place with the manufacturer of the secondary glazed unit. It is understood that provided that the windows are maintained and the building is not vacant then condensation is not normally a problem.

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

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Betley Court, Main Road, Betley.



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## **Planning Committee site visit dates for 2021/2022**

It has been the practice of the Committee to annually agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary at a meeting of the Committee.

The likely dates of Planning Committee meetings, to which Development Management items are likely to be brought, are known. It is recommended that the Committee should now agree to a programme of dates upon which the Planning Committee visits will be held during the 2021/22 municipal year. Members are reminded that the policy of the Committee is that in the event of a site visit being held, only members who have attended the site visit may then take part in the discussion and determination of the application which has been the subject of the site visit.

| Date of Planning Committee at which decision to hold a site visit is made | Date of site visit        | Time of site visit |
|---|---------------------------|--------------------|
| Thursday 27 May 2021  | Thursday 17 June 2021     | 6.15pm             |
| Tuesday 22 June 2021  | Thursday 15 July 2021     | 6.15pm             |
| Tuesday 20 July 2021  | Thursday 12 August 2021   | 6.15pm             |
| Tuesday 17 August 2021  | Thursday 9 September 2021 | 6.15pm             |
| Tuesday 14 September 2021   | Saturday 9 October 2021   | 9.15am             |
| Tuesday 12 October 2021   | Saturday 6 November 2021  | 9.15am             |
| Tuesday 9 November 2021   | Saturday 4 December 2021  | 9.15am             |
| Tuesday 7 December 2021   | Saturday 18 December 2021 | 9.15am             |
| Tuesday 4 January 2022  | Saturday 29 January 2022  | 9.15am             |
| Tuesday 1 February 2022   | Saturday 26 February 2022 | 9.15am             |
| Tuesday 1 March 2022  | Saturday 26 March 2022    | 9.15am             |
| Tuesday 29 March 2022   | Thursday 21 April 2022    | 6.15pm             |

If any additional meetings of the Planning Committee, to which Development Management items are brought, being held, it will be necessary in the event of the meeting agreeing to defer an item for a site visit, to also agree at that meeting an appropriate date and time for that site visit

### **Recommendation**

**That the above list of dates and times for possible Planning Committee site visits for 2021/2022 be agreed**

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