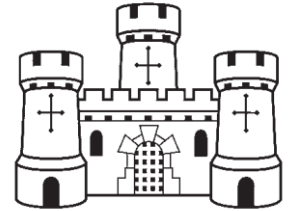


Public Document Pack

Date of meeting Tuesday, 20th July, 2021
Time 7.00 pm
Venue Astley Room - 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 - 8)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS. TADGEDALE QUARRY RESTORATION LIMITED. 21/00536/FUL** (Pages 9 - 16)
- 5 **APPLICATION FOR MINOR DEVELOPMENT - 50 CASTLE ROAD, MOW COP. MR LEE GITTINS. 20/01039/FUL** (Pages 17 - 26)
- 6 **APPLICATION FOR MINOR DEVELOPMENT - PEAK PURSUITS, NANTWICH ROAD, AUDLEY. PEAK ACTIVITY SERVICES - MR JOHN POTTER. 20/01045/FUL** (Pages 27 - 34)
- 7 **APPLICATION FOR OTHER DEVELOPMENT - OAKLEY HALL, OAKLEY, MARKET DRAYTON. MR AND MRS GHANI. 21/00503/LBC** (Pages 35 - 42)
- 8 **APPLICATION FOR OTHER DEVELOPMENT - BATHPOOL PARK, LAND WEST OF PUBLIC CAR PARK, PEACOCK HAY ROAD. EE LIMITED. 21/00592/TDET** (Pages 43 - 50)
- 9 **APPLICATION FOR OTHER DEVELOPMENT - KIDSGROVE SKI CENTRE, WESTMORLAND AVENUE, KIDSGROVE. EE LIMITED. 21/00596/TDET** (Pages 51 - 58)

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| 10 | APPLICATION FOR OTHER DEVELOPMENT - LAND TO EAST OF CONEYGREAVE LANE, WHITMORE. HIGH SPEED TWO (HS2) LIMITED. 21/00634/SCH17 | (Pages 59 - 66) |
| 11 | ANNUAL DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2020/2021 | (Pages 67 - 76) |
| 12 | 5 BOGGS COTTAGE, KEELE. 14/00036/207C3 | (Pages 77 - 78) |
| 13 | LIST OF LOCAL VALIDATION REQUIREMENTS | (Pages 79 - 116) |
| 14 | TREE PRESERVATION ORDER - LAND AT 50 CASTLE ROAD, MOW COP - TPO213 | (Pages 117 - 124) |
| 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), Silvia Burgess, Dave Jones, Sue Moffat, Gillian Williams, John Williams, Jennifer Cooper, Helena Maxfield, Paul Northcott, Mark Holland, Kenneth Owen and Sylvia Dymond

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:	Simon Tagg	Bert Proctor
	Barry Panter	Mike Stubbs
	Stephen Sweeney	June Walklate

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

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

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

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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

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PLANNING COMMITTEE

Tuesday, 22nd June, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	Marion Reddish	John Williams	Kenneth Owen
	Silvia Burgess	Helena Maxfield	Stephen Sweeney
	Sue Moffat	Paul Northcott	
	Gillian Williams	Mark Holland	

Officers:	Elaine Moulton	Development Management Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development

1. APOLOGIES

Apologies were received from Councillor Jenny Cooper.

2. DECLARATIONS OF INTEREST

Councillors' Paul Northcott and Stephen Sweeney declared an interest in application 21/446/DEEM4 as members of Cabinet.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 27 May, 2021 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 20/00143/FUL

Members were informed that this application had been withdrawn.

5. APPLICATION FOR MINOR DEVELOPMENT - 1-27 CROFT ROAD INDUSTRIAL ESTATE, CROFT ROAD. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00439/DEEM3

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

- (i) Time limit condition
- (ii) Approved plans
- (iii) Materials

6. **APPLICATION FOR MINOR DEVELOPMENT - 20 SIDMOUTH AVENUE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00446/DEEM4**

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

- (i) Variation of condition 2 to list the revised plans
- (ii) Remove condition 5
- (iii) Any other conditions attached to planning permission 19/00708/DEEM4 that remain relevant at this time.

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

Members were advised that the Planning Inspectorate had received an appeal on Hazeley Paddocks, against the Enforcement Notice and the Council was now awaiting a 'start letter' for the appeal.

Resolved: That the information be received.

8. **OPEN ENFORCEMENT CASES**

The Chair commented that the graph was moving in the wrong direction and advised Members that he and the Vice-Chair had entered into discussions with Planning Officers to see how the trend could be reversed. Members were invited to offer suggestions by email to the Chair or to Planning Officers.

Councillor John Williams referred to a partly demolished bungalow within his Ward which had become a site inviting anti-social behaviour and asked how the decision was made to prioritise such matters.

The Council's Development Management Team Manager, Elaine Moulton advised Members that if they were aware of any particular enforcement cases which needed higher priority, to let officers know. The Council had adopted a Local Planning Enforcement Plan which was applied to all cases.

Councillor Paul Northcott stated that, with people being at home throughout the Covid 19 pandemic, they had been taking more walks and had become more focussed on what was happening within their area.

Councillor Ken Owen asked how the procedure for initiating enforcement worked. Was there a procedure that Members needed to follow and how were incidents brought to the Council's attention.

Elaine Moulton advised that any alleged breaches were received from the public and from Councillors. Notifications were received in writing as a point of contact was required. The Council's Enforcement Officer would then go out to inspect.

There was a residents guide to enforcement on the Council's website contained within the page on enforcement.

Councillor Sue Moffatt asked if there was a particular type of new breach or a pattern emerging. In an attempt to reduce new cases there should be some communication on social media and the Council's website indicating what could and could not be

done. The pandemic had brought about a lot of DIY projects being carried out. People needed to be made aware of what could be done.

The Chair thanked Councillor Moffatt stating that it was a good idea to raise awareness.

Councillor John Williams advised that there was an enforcement email address given online which he had only found out about a few months ago. The public needed to be reassured that the Council was doing everything it could to advise people what causes enforcement.

The Chair agreed that clarity and accessibility was needed on the Council's website and when the website was redesigned, a priority should be decided upon.

Resolved: (i) That the report be received
(ii) That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

9. **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.

10. **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**

Resolved: (i) That the information be received.
(ii) That a further report be brought back to this Committee in two meetings time.

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

Resolved: (i) That the information be received.
(ii) That a further report be brought back to this Committee in two meetings time.

12. **APPEAL AND COSTS DECISION - 1 ORION COURT, NEWCASTLE. 20/00993/FUL**

Resolved: That the appeal and costs decision be noted.

13. **DRAFT NEWCASTLE-UNDER-LYME STATEMENT OF COMMUNITY INVOLVEMENT 2021 CONSULTATION REPORT**

Consideration was given to a report on the Draft Newcastle-under-Lyme Statement of Community Involvement 2021 Consultation Document.

Councillor Holland referred to the responses received, contained within the appendix, which had all been positive. Responses had been received from Keele and Audley Parish Council's and Councillor Holland asked if any others had responded.

The Council's Head of Planning and Development, Shawn Fleet advised that all Parish Councils had been invited to comment.

Councillor John Williams referred to paragraph 3.6 of the report and stated that the Coronavirus could be around for several years and asked if alternative methods of communication could be included as public meetings were not possible at the present time.

Shawn Fleet stated that the next stage would be 'Issues and Options' in September, 2021 and it was hoped that, by then the meeting could be in person. There was, however, always a role for digital communication to offer better opportunity for people who were unable to attend in person for whatever reason.

The Chair suggested that, it could be appended that the Planning Committee would welcome the use of digital resources.

- Resolved:**
- (i) That Cabinet be advised that the Planning Committee recommend the adoption of the Newcastle-under-Lyme Statement of Community Involvement 2021 and that it be published on the Council's website.
 - (ii) That Cabinet be advised that the Planning Committee would welcome the use of digital resources and communication for those consultees unable to attend physical meetings.

14. URGENT BUSINESS

There was no Urgent Business.

**CLLR A FEAR
Chair**

Meeting concluded at 7.33 pm

TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS
TADGEDALE QUARRY RESTORATION LIMITED

21/00536/FUL

This application seeks to vary conditions 20 and 21 of planning permission 15/00015/OUT, which granted consent for the erection of up to 128 dwellings, to include the wording "other than that required to undertake remedial works".

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

The 13 week period for the determination of this application expires on 3rd September 2021.

RECOMMENDATION

- A. Subject to the applicant entering into a planning obligation by 20th August 2021 that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/00015/OUT,**

PERMIT the variation of conditions 20 and 21 of 15/00015/OUT so that they read as follows:

20. No part of the development hereby permitted (other than that required to undertake remedial works) shall, unless otherwise agreed in writing by the local planning authority, be undertaken unless and until a detailed surface water drainage scheme for the site, including measures to protect groundwater from pollution from infiltration, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development.

21. No part of the development hereby permitted (other than that required to undertake remedial works) shall, unless otherwise agreed in writing by the local planning authority, be undertaken unless and until details of the proposed play facilities and the timing of the provision of the open space and the play facilities have been agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

And subject to any other conditions attached to planning permission 15/00015/OUT that remain relevant at this time.

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

Reason for Recommendation

There is no justification for requiring the agreement of a surface water drainage scheme or details of play facilities and the timing of the provision of the open space and the play facilities reason prior to the carrying out of limited development to facilitate remedial works. The previous permission was granted following the entering into of a Section 106 agreement and therefore a Deed of Variation is now required. Subject to this and the imposition of any conditions of 15/00015/OUT that remain relevant at this time, the proposal is considered to be acceptable.

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

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

Key Issues

This application seeks to vary conditions 20 and 21 of planning permission 15/00015/OUT, which granted consent for the erection of up to 128 dwellings, to include the wording "other than that required to undertake remedial works".

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

The issues raised in representations relate to the merits of the residential development and therefore are not relevant now.

Condition 20 as worded in the decision notice states as follows:

No development shall commence until a detailed surface water drainage scheme for the site, including measures to protect groundwater from pollution from infiltration, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development.

Condition 21 states as follows:

No development shall commence until details of the proposed play facilities and the timing of the provision of the open space and the play facilities have been agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

The reason given for condition 20 was to control surface water flood risk and in the interests of pollution control and the reason for condition 21, was to ensure satisfactory provision of these facilities to future occupiers of the development.

The applicant has requested that the wording of condition 20 is varied as follows:

No part of the development hereby permitted (other than that required to undertake remedial works) shall, unless otherwise agreed in writing by the local planning authority, be undertaken unless and until a detailed surface water drainage scheme for the site, including measures to protect groundwater from pollution from infiltration, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development.

The proposed variation of condition 21 is as follows:

No part of the development hereby permitted (other than that required to undertake remedial works) shall, unless otherwise agreed in writing by the local planning authority, be undertaken unless and until details of the proposed play facilities and the timing of the provision of the open space and the play facilities have been agreed in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

The application states that the proposed variation would be consistent with the wording of condition 7 which states:

No part of the development hereby permitted (other than that required to undertake remedial works) shall, unless otherwise agreed in writing by the local planning authority, be undertaken unless and until:

- i. the approved remediation scheme has been completed; and
- ii. a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority.

There is no justification for requiring the agreement of a surface water drainage scheme or details of play facilities and the timing of the provision of the open space and the play facilities reason prior to the carrying out of limited development to facilitate remedial works. No objections have been raised by consultees and therefore, the wording proposed by the applicant for Conditions 20 and 21 is considered appropriate.

Is a planning obligation required?

In law the consequence of the granting of an application to vary conditions of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (15/00015/OUT in this case). That previous permission was granted on the 22nd March 2017 following the completion of a Section 106 agreement which secured provisions relating to affordable housing, open space, education, and sustainable transport. Subject to the applicant entering into a Deed of Variation to the original Section 106 agreement that ensures the Council's interests would be protected, then the application can be permitted.

APPENDIX

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

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

Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP10: Planning Obligations

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

Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

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

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

Other Material Considerations include:

National Planning Policy

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

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

Relevant Planning History

15/00015/OUT Outline planning application for the erection of up to 128 dwellings (including details of access) – Allowed at appeal
16/00202/OUT Outline planning application for the erection of up to 128 dwellings (including details of access) – Refused
20/00201/REM Approval of appearance, landscaping, scale and layout for the erection of up to 128 dwellings as approved under planning application 15/00015/OUT – Approved

Views of Consultees

Loggerheads Parish Council has no objections.

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

Staffordshire County Council as the **Lead Local Flood Authority** has no comments to make.

Representations

Two letters of representation have been received. Objection is made on the following grounds:

- Inaccuracies in application form
- Dust impact
- Noise impact on adjacent dog kennels business
- The site can be seen from Rock Lane
- Commencement of construction works at 7.30am is unacceptable
- Impact on wildlife
- Traffic impact
- Impact on trees

Applicant's/Agent's submission

The application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/0536/FUL>

Background papers

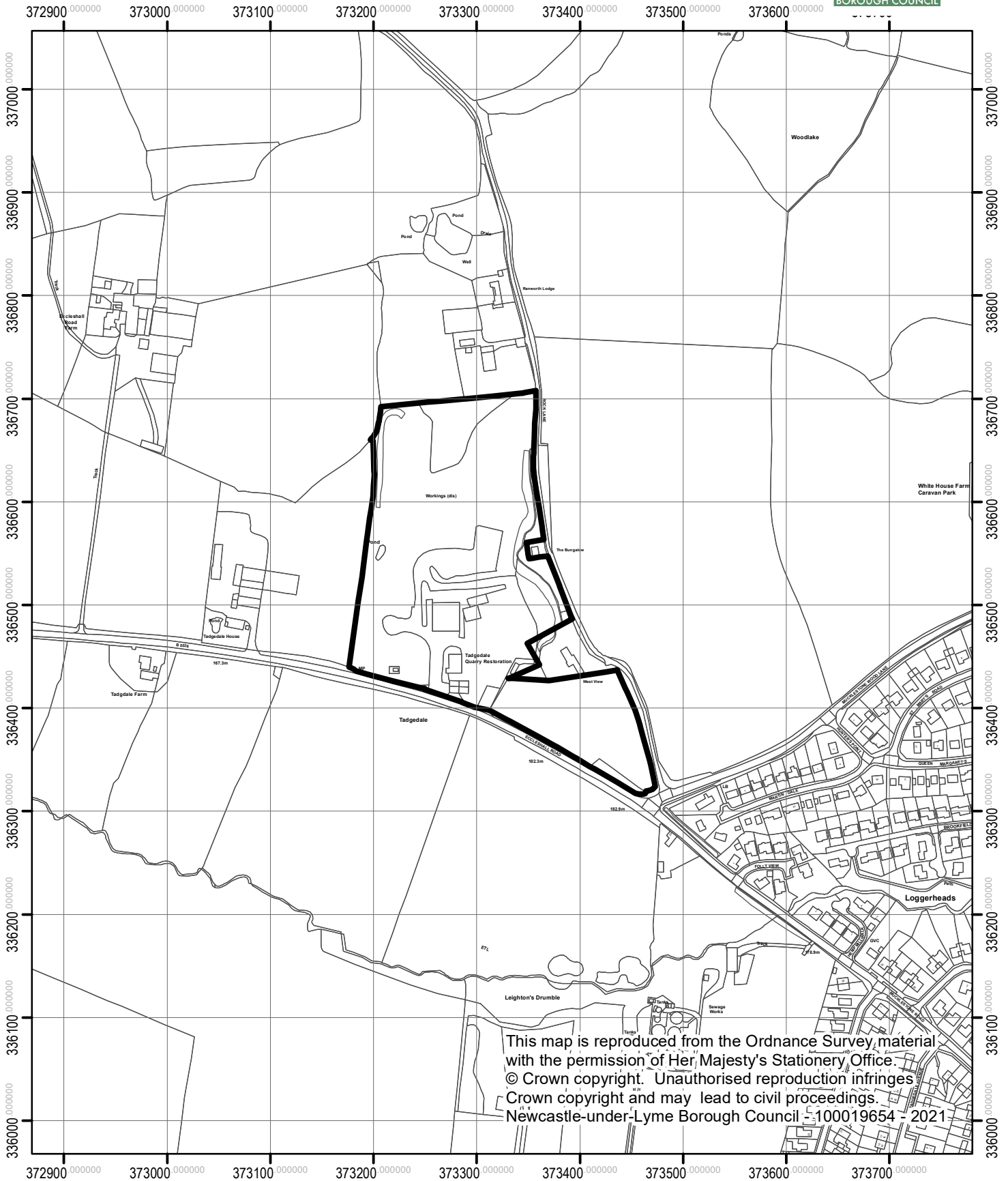
Planning files referred to
Planning Documents referred to

Date report prepared

8th July 2021

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Tadgedale Quarry, Mucklestone Road
Loggerheads, TF9 4DJ



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50 CASTLE ROAD, MOW COP
MR LEE GITTINS

20/01039/FUL

The application is for full planning permission for a replacement dwelling at 50 Castle Road, Mow Cop.

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

The 8 week determination of this application expired on 2nd February 2021 and the applicant has agreed an extension of time to the 23rd of July 2021.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Electric vehicle charging provision**
- 5. Prior approval of parking and turning areas**
- 6. Surfacing of access driveway**
- 7. Restriction on gates**
- 8. Construction hours**
- 9. Prior approval of proposed ground levels**
- 10. Tree protection measures**
- 11. Prior approval of semi-mature replacement tree planting**
- 12. Prior approval of soft landscaping scheme**

Reason for Recommendation

Whilst the development represents inappropriate development within the Green Belt, it is accepted that there are very special circumstances which would outweigh the associated harm to the openness of the Green Belt from this development. The design and layout of the proposal is considered acceptable and to be in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. The proposed development fully complies with planning policy guidance in terms of the impact on highway safety and residential amenity levels of neighbouring occupiers. Subject to conditions, the proposed landscaping and impact on trees within the site is also considered acceptable.

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

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 replacement dwelling at 50 Castle Road, Mow Cop.

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

Public Footpath No.115 Kidsgrove runs beyond the eastern boundary of the application site.

The application site is comprised of a spacious plot, which is set away from neighbouring residential properties and complies with supplementary planning policy guidance. The access and parking arrangements are also considered acceptable following a no objections response from the Highways

Authority, subject to conditions. Given the above there are no concerns regarding highways implications or residential amenity, and the key matters in the consideration of the application are;

- Is the development an appropriate form of development within the Green Belt?
- The design and the impact on the character and appearance of the area,
- Impact on visually significant trees, and
- Do the required very special circumstances exist (to justify inappropriate development)?

Is the development an appropriate form of development within the Green Belt?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. One of these exceptions is (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposal is for a replacement dwelling and the application sets out that the existing dwelling to be replaced has a volume of 157m³. However, there are some partially constructed additions to the dwelling, which account for an additional 97m³. Whether these additions are original or not is unclear but the existing dwelling is in a severe state of disrepair due to its age and the balance of probability is that they are original. Therefore, the overall size of the existing dwelling is 254m³.

Amended plans have been received during the consideration of the application and the replacement dwelling now has an overall volume of 660m³. This amounts to a 260% increase and on this basis it must be concluded that the proposed replacement dwelling is materially larger than the existing dwelling. Therefore, the proposed development constitutes inappropriate development in the Green Belt and should only be permitted if very special circumstances exist.

The design and the impact on the character and appearance of the area

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

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

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

The application site consists of a small traditionally designed detached property which is currently in a severe state of disrepair. The site has been the subject of illegal rubbish tipping and vandalism, and the site currently detracts from the quality of the area. The application site is located on the eastern slope of the Mow Cop Hill, close to the main ridge of the hill. The application site contains a number of mature trees, which currently screen the existing property from view when seen from nearby vantage points.

The proposed dwelling would be of a traditional two storey design but would include more contemporary fenestration. The eaves height of the property would be set at 4.23m, with the overall ridge height being 7.4m. This is approximately 2.2m higher than the ridge height of the original dwelling.

Nearby dwellings are made up of a mixture of design styles, including bungalows and two storey properties, and as such it is considered that the overall external appearance, with respect to the proposed materials and design character, is appropriate for the area.

It is recognised that the replacement dwelling would result in a clear visual change to the application site, and the height differences would be perceivable within the wider landscape. However the application site does benefit from a number of existing trees which will continue to provide the dwelling with a good level of natural screening. The application site also benefits from being set within a generous plot size and can therefore accommodate the proposed development without appearing as an overdevelopment of the site itself.

With regards to the impact on the wider landscape, the proposed dwelling would not result in any significant change to views from the west, due to the position of the application site which is located on the eastern slope of the Mow Cop Hill. Views from the north of the application site would be already restricted due to the number of trees that surround the site, and also due to the 61m separation distance of the proposed dwelling from the site boundary.

The visual impacts of the proposal would be most noticeable from the east of the application site due to the sloping topography, however the natural screening of trees will help to soften the impacts of the proposal, and it is not considered that the additional 2.2m height increase would result in such a significant impact on the landscape as to warrant the refusal of the application.

It is noted that the replacement dwelling would be partially visible from the Mow Cop Folly located to the south, however there are a number of existing properties surrounding the Folly which are already clearly visible from the main local vantage points, and whilst the comments and concerns submitted by the National Trust have been reviewed, it is not considered that the presence of an additional roof slope within the landscape would have any significant impact on this heritage asset due to the distance from the Folly and the proposal for a replacement dwelling. Therefore, no harm would be caused in this instance.

On balance it is considered that the overall the scale, appearance and siting of the proposed dwelling would have an acceptable visual impact when assessed against adopted national and local development plan design policies. The proposed development would restore the quality of the landscape, as required by policy N21 of the local plan also.

Impact on Trees

Policy N12 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.

There are a number of trees that fall within the application site, these provide the application site with a good level of natural screening, and the existing dwelling within the application site is almost entirely screened from sight when viewed from the surrounding area. The trees are also an attractive natural feature that complement the character of the wider landscape.

Given the importance of these trees, the Landscape Development Section (LDS) have served a provisional Tree Protection Order over the application site.

LDS have raised objections to the proposal, initially these were due to a lack of details regarding which trees were to be removed and which were to be retained, however concerns were also raised with regards to whether any land levels would be changed within the application site, which could potentially affect trees also.

A number of supporting documents, including an arboricultural report and associated plans, have now been submitted. However, LDS still object to the application on the grounds of loss of visually significant trees.

The application documents indicate that a total of 5 trees are proposed to be removed (4 category C, of low quality with an expected lifespan of 10 to 20 years or below 150mm in diameter, and 1 category B, of moderate quality and expected to remain between 20 to 40 years) from the application site, and fifteen replacement trees are proposed. Therefore, the overall number of trees within the site would not

be significantly decreased and semi-mature replacement tree planting can be secured by condition to ensure a satisfactory level of screening, to supplement the existing screening of the site.

The proposed development would require land excavations but the applicant has confirmed that no proposed changes to the land levels within the site will be required. Planning conditions to secure finished ground levels and tree protection measures can be imposed to secure acceptable ground levels and to protect existing trees.

Whilst the LDS have objected to the application and a provisional Tree Protection Order has been served for trees on the site, it is considered that suitably worded planning conditions, which secure tree protection measures, tree replacement, surfacing and land levels details, along with a soft landscaping plan for the site, can mitigate the impact and loss of visually significant trees, as required by policy N12 of the local plan.

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

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

A supporting statement has been submitted with the application which includes a calculation of what extensions and additions could be added to the existing property through the use of permitted development rights. It should be noted that there are no restrictions on the permitted development rights currently available for the existing property at the site.

The applicant has calculated that an additional 522m³ could be added to the property through the use of permitted development, with these additions the overall size of the property would be 776m³, which would result in the formation of a larger dwelling than what is proposed in the application.

An assessment of these calculations have been completed by the case officer, and the overall level of development that could be achieved through permitted development has been worked out to be actually slightly larger than the percentage increase set out in the supporting statement. This fall-back position could therefore potentially have a greater harm on the openness of the Green Belt should this application be refused.

In this instance, weight must also be given to the visual improvement to the application site that the proposal will bring. The existing dwelling on site is dilapidated in nature and currently detracts from the quality of the local area, in addition there are also issues relating to illegal rubbish dumping on site which will be difficult to resolve until the property is brought back into use. The redevelopment of the site will help to revitalise what is currently an unsightly plot and the proposed visual changes to the site are considered to be an improvement over the current arrangement, which will also help to preserve the long term quality of the site.

Your officer accepts that the above represents the very special circumstances required to justify the proposed development. The proposal therefore considered to be in accordance with the requirements of the NPPF.

Consideration must be given to whether permitted development rights (PDR) should be removed by condition, to make the development acceptable.

Paragraph 55 states that "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".

Paragraph 017 of the Planning Practice Guidance (PPG) states that conditions to restrict the future use of permitted development rights may not pass the test of reasonableness of necessity, and should only be used in exceptional circumstances.

Appeal inspectors have concluded that there are rarely exceptional circumstances for removing PDR just because a site is within the Green Belt.

Whilst the size of the replacement dwelling would be considerable larger than the existing the amount of further extensions to the resultant dwelling is unlikely. Therefore, the exceptional circumstances test is not met in this instance.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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

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

Policy S3:	Development in the Green Belt
Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Considerations
Policy N21:	Area of Landscape Restoration

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

NKPL3188 - Alterations and extensions to existing cottage – permitted

Views of Consultees

The **Environmental Health Division** have raised no objections to the proposal, subject to conditions relating to electrical vehicle charging points, and construction hours.

The **Highway Authority** raises no objections subject to conditions which relate to means of access, surfacing materials and layout.

The **Landscape Development Section** raise objections to the proposal as they consider that the works could result in changes to the land levels of the site which could affect the trees within the site, particularly to the south west. In addition the Landscape Team request that a detailed soft and hard landscaping plan is submitted in support of the application and that additional details of trees to be removed and planted are submitted.

United Utilities recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy

County Council Public Rights of Way Officer note that the public Footpath No. 115 Kidsgrove Parish runs parallel to the application site on the eastern side, however it does not appear from the application documents that this right of way will be affected by the proposals.

The National Trust object to the proposal for the following reasons:

- The proposal does not conform to National Green Belt Planning Policies
- The proposal would be an intrusive feature in the landscape and would result in visual harm to the area
- Impact on Protected Species
- Concerned of the proximity of the proposal to Mow Cop Folly

Comments were also invited from **Kidsgrove Town Council** and **Cheshire East Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

Three representations have been received from two neighbouring occupiers who make the following comments and concerns;

- The proposal is an attractive design but will have a greater visual impact;
- The proposal will result in a loss of privacy to neighbouring occupiers;
- The LPA should be consistent with their approach to development in the Green Belt;
- Loss of trees is a concern;
- The comments of Environmental Health are supported; and
- Access concerns.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Topographical survey
- Tree Constraints Plan and Tree Protection Plan
- Arboricultural Report

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01039/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

7th July 2021

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PEAK PURSUITS, NANTWICH ROAD, AUDLEY
PEAK ACTIVITY SERVICES – MR JOHN POTTER

20/01045/FUL

The application is for full planning permission for the retention of three 20ft x 8ft shipping containers located on the private rear hard standing of the property at Peak Pursuits.

The application site lies in the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The building is on the Council's list of Locally Important Buildings and is located within Audley Conservation Area.

The 8 week period for the determination of this application expired on 9th February 2021. The applicant has agreed an extension of time to 25th June 2021.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Planning permission for temporary 2 year period.**
- 2. Approved plans**
- 3. Lighting**

Reason for Recommendation

Although the proposed development is inappropriate in Green Belt, given the small scale and location of the development, it would have a limited impact upon the character and appearance of the landscape. There are similar storage containers on adjacent land at Audley Community Centre. The proposed development would accord with the overarching aims and objectives of both local and national policy in this regard.

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

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

Key Issues

This is an application for full planning permission for the siting of 3 storage containers within the enclosed yard to the side of the building at Peak Pursuits. The containers measure 6m by 2.4m and are steel shipping container design.

The application site comprises the main building, set back from the highway, with hard surfaced parking area to front. The yard containing the storage units is accessed via a narrow shared road serving the community centre, associated car parking and BT Openreach depot. The parking area is also used by visitors to Audley village centre.

The property is on the Council's Register of Locally Important Buildings and the application site is located in Audley Conservation Area. The site is on the edge of Audley centre, and is located within the Green Belt, a Landscape Maintenance Area and the rural area of Newcastle as identified on the Local Development Framework Proposals Map.

The main issues to be considered with this proposal are:

- the appropriateness of the development in the Green Belt
- the design of the proposal and impact on the Locally Important Building and Conservation Area and wider landscape
- the impact on parking provision.

- Do the very special circumstances exist to justify inappropriate development in the Green Belt

Appropriateness of development in the Green Belt

'Saved' policy S3 of the Local Plan asserts there will be a presumption against any form of development in the Green Belt, with limited exceptions. Development for sport or recreation uses of a predominantly open character may be deemed acceptable.

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstance.

Paragraph 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. Paragraph 146 identifies other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

In this instance, storage containers do not constitute any of the limited exceptions and would constitute inappropriate development within the Green Belt. It is therefore necessary to consider whether there are special circumstances to justify approval of the development.

Design and impact on the Locally Important Building, Conservation Area and wider landscape

The application site is located within Audley Conservation Area, and the building is on the Council's list of Locally Important Buildings. The application is accompanied by a Heritage Asset Statement, which sets out the proposal in its historic context.

Both national guidance in the NPPF and local planning policies seek to protect and enhance the character and appearance of Conservation Areas. Development that fails to meet those aims will be resisted.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, significant weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

Paragraph 127 of the NPPF lists 6 criterion that planning policies and decisions should accord with; including, 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 B9 asserts the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 reiterates the requirement for development to preserve or enhance the character or appearance of a Conservation Area.

Policy B13 requires applicants to demonstrate how they have taken account of the Conservation Area designation in their proposal. B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability of the form, scale and design of the proposal when related to the character of its setting.

Policy B8 states that the Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of

the area. Policy CSP2 seeks to preserve and enhance the character and appearance of the built heritage, and sites and areas of special historic interest.

The proposal comprises the retention of the existing storage containers within the hard-surfaced yard at the side of the existing building. They are single storey and flat-roofed and of metal construction. They are well-screened by existing boundary treatments – brick boundary walls and planting, and do not have a detrimental impact on the street scene.

Whilst the storage containers are not prominent in the street scene given their location in an enclosed area, it is considered that a more suitable storage solution should be designed to enhance and preserve the character and appearance of the Locally Important Building and the Conservation Area. Therefore, it is considered that a temporary permission of 2 years should be approved, to enable the applicant to submit a further application and address the design and character of the property and area in the long term.

With regard to Policy N20 of the Local Plan, the Council is required to seek to maintain high quality and characteristic landscapes in Landscape Enhancement Areas. Development is expected to contribute to this aim, and should not erode the character or harm the quality of the landscape.

The containers are being used for storage of equipment associated with Peak Pursuits. The single storey storage containers are located within the hard surfaced yard, adjacent to the existing building and are screened by boundary treatments. The containers would not be overly visible or prominent from public vantage points given their location in the contained yard. The containers would not be widely visible from the landscape beyond the application site. Furthermore, similar storage containers have been permitted for use at the adjacent community centre which are within the parking area and therefore more open to views.

Whilst the proposal does not necessarily contribute to the aim of maintaining high quality landscape, it would not erode the character or result in harm.

It is therefore concluded that the development would be acceptable by virtue of its scale and siting for a temporary period, and would accord with the policies of the development plan and the aims and objectives of the NPPF.

Impact on Parking provision

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

Policy T16 of the Local Plan outlines development which provides significantly less parking than maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem.

It is considered that the siting of the containers does reduce the parking space available within the site to some extent which has the potential to displace vehicles onto the adjoining car park. The objections raised suggest there is limited parking provision for the community centre at certain times due to the number of vehicles associated with Peak Pursuits using the parking area at the rear of the site. The indicative plan submitted by the applicant to demonstrate the layout of parking spaces shows the application site comprises 10 spaces following the siting of the containers. The plan shows 4 spaces at the front of the building and 6 spaces in the yard adjacent to the storage containers, with a further 8 spaces at the rear of the site within the community centre car park. It appears that up to three additional spaces could have been accommodated within the enclosed yard.

The ongoing parking issues are noted; however, the storage containers are a temporary storage solution and result in a minimal loss of parking. It is therefore considered that the proposal does not lead to an unacceptable impact on highway safety or result in severe residual cumulative impacts. Any further, more permanent storage proposals to replace the storage containers would need to include

details of parking provision, to demonstrate that the proposal would not result in overspill on to the community centre car park and loss of parking.

On balance, the proposal is considered acceptable, and would comply with the relevant local planning policies and the provisions of the NPPF.

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

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The units provide a storage solution that help to sustain this rural business which accords with one of the aims of the NPPF, to support a prosperous rural economy. Due to the well-screened and hard-surfaced location of the development there is a very minor impact on the perceived openness of the Green Belt. In addition it would not conflict with the purposes of including land within it. Therefore, in the absence of any other identified harm arising from the development for a temporary period. It is considered that such matters represent the very special circumstances required to justify the proposed development. The proposal therefore considered to be in accordance with the requirements of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy N20: Area of Landscape Enhancement
Policy B8: Other Buildings or Historic or Architectural Interest
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
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

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

[Planning Practice Guidance \(PPG\) \(Updated 2018\)](#)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

07/00813/FUL Change of use from adult centre to first floor offices for outdoor pursuit company and ground floor education/training centre with associated car parking and landscaping to front and side, Permitted

Pre-application enquiry in November regarding the retention of the storage containers. Officer advice given that an application was required; but that the containers would not be visible from any public vantage points, and would only be on site for the lease on the building.

Views of Consultees

Audley Rural Parish Council objects to the application and makes the following comments:

- Car parking issue at rear of site
- Community Centre (custodians of site) objects
- Containers will take up 3 spaces of 19 allocated to Peak Pursuits
- Visitors to Peak Pursuits often use other parts of car park, limiting space available for the village/users of the Community Centre
- Car park is already very limited and overused therefore as many spaces as possible should be available for parking
- Alternative arrangements should be made – area is for car parking, not as a storage yard

The **Urban Design and Conservation Officer** has no objections to the application.

The **Environmental Health Officer** has no objections, subject to condition regarding lighting, and makes the following comments:

- Details of any lighting used to facilitate use, or for security purposes are to be submitted for approval, in order to limit light pollution

The **Highways Authority** was not formally consulted, but advised that details would be required of the increase in floor area and a parking plan of existing and proposed parking/ servicing arrangements to demonstrate that the development would not lead to parking issues on the highway.

Representations

A letter of objection has been received from the Community Centre, adjacent to the application site. The comments are summarised as follows:

- Proposal should be described as retrospective, not retention of shipping containers
- Area described as private hardstanding is allocated car parking, which applicant has right of way across Community Centre car park to access
- Applicant has insufficient parking for staff members, so utilises row of parking spaces in Community Centre car park
- No official agreement, but 'gentleman's agreement' has established for parking arrangements
- Now application site operates as a 'school', tutor to pupil ratio is high, and transport is required to bus pupils to site, resulting in additional and larger vehicles
- Community Centre has also allowed informal visitor parking for village centre, but parking of this nature is only occasional and for short time periods
- Complaints from people hiring/using Community Centre due to limited parking available
- Peak Pursuits also has a facility on Nantwich Road (with a climbing wall). No onsite parking means customers used Community Centre parking
- Disagreements between applicant and Community Centre regarding parking are long-running
- As custodians of the parking facilities, Community Centre cannot allow further encroachment, rendering parking unavailable to own users
- Submission of application was likely prompted by Community Centre's enquiries regarding initial delivery of containers to the premises
- Green Belt status thus special requirements for use of land
- Rebranding as school – should this be change of use
- Damage caused by pupils in car park due to lack of supervision
- Rear car park designated as gated play area, thus reducing car parking area
- Significant proportion of Community Centre car park used by Peak Pursuits (at least 12 of the 24 marked spaces/ 6 marked disabled spaces)
- Right of way across car park to all Open Reach vehicles and well used by pedestrians to nearby Millennium Green
- Years of complaints by Community Centre to Peak Pursuits and their landlords (Newcastle-under-Lyme Borough Council) – unaware that the Council has taken any action
- Peak Pursuits does not use maximum capacity available of either their front or rear parking area, except to display signage restricting other users from parking at frontage

Applicant's/Agent's submission

can be accessed by following this link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01045/FUL>

Background papers

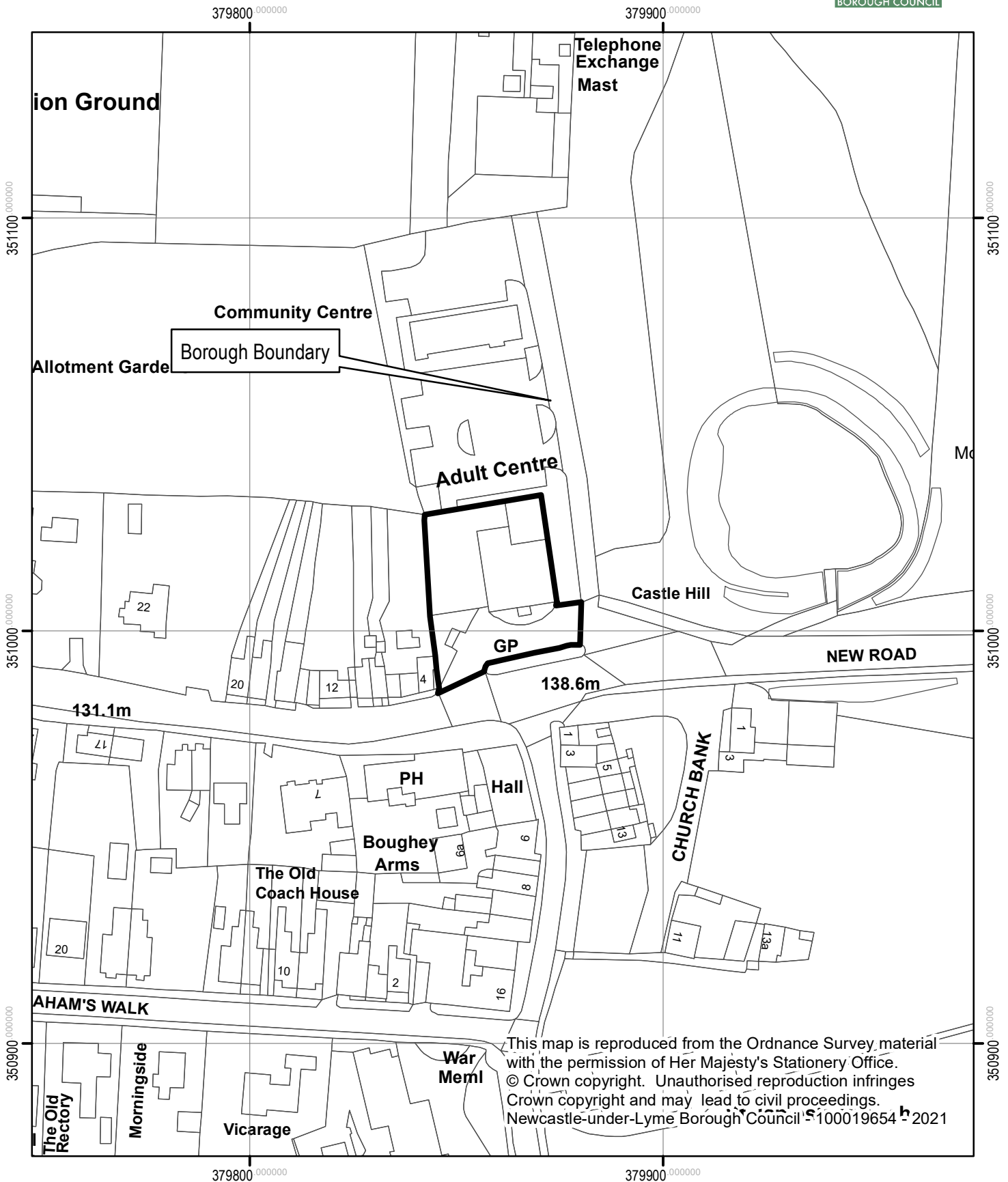
Planning files referred to

Planning Documents referred to

Date report prepared

24th June 2021

Peak Pursuits, Nantwich Road
Audley, ST7 8DH



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OAKLEY HALL, OAKLEY, MARKET DRAYTON
MR AND MRS GHANI

21/00503/LBC

The application is for listed building consent for refurbishment and alterations to the partial 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 14th July 2021 and an extension of time has been agreed until 22nd July 2021.

RECOMMENDATION

Application 21/00503/LBC

PERMIT subject to the following conditions:

- 1. Time limit.**
- 2. Approved plans.**
- 3. Approval is sought, prior to installation, for the details of fixings for new partition walls.**
- 4. Approval of details for the proposed interior panelled door design and architraves with appropriate mouldings**
- 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 alterations would result in less than substantial harm, which would be outweighed by the public benefits arising from the refurbishment to the listed building.

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 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 internal alterations to rooms on the front south corner of the ground floor which includes an apartment.

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

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. Policy B4 relates to total or substantial demolition of a Listed Building which in this case does not apply. Policy B5 refers to the setting of a Listed Building and all of the work is internal and does not apply.

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 Loggerheads Parish Council who have no objections and Historic England who have no comments to make and defer to the Council's specialist advice.

The proposals, which are restricted to front southern corner of the Hall, are as follows.

- Removal of lightweight partitioning to current bedroom(2) bathroom and passageway within apartment and erect new partition walls to create new boot room and utility. Form new opening off the main side corridor into Boot room. Removal of suspended ceiling and re-open up existing chimney breast from behind partition.
- Create a shower room in the current store, infill doorway and create new doorway. Re-order the existing lobby and WC off the main hall moving stud walling.
- Create new family room in former bedroom(1) and lounge by re-opening doorway and enlarging it to 1.8m wide and 3m high. Infill doorway from bedroom (2) into family room. Open up blocked chimney breast in corner.

Extensive 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 including 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 and externally the building was historically rendered. Considerable work has been undertaken to understand the changes and a comprehensive heritage statement provides more detail on the heritage significance of the building. A description of works is set out in the bullet points above and on submitted plans. An original floor plan on Plate 148 of the Heritage Statement also aides understanding of the various changes the building has undergone.

Given the significance of this important building as an early 18th century country manor house built in the classical style with 11 bays and a symmetrical form, this proposal, results in some loss in authenticity and therefore some harm, albeit less than substantial, to the significance of the building. The Heritage Statement assesses the apartment as having medium heritage significance overall, due to the level of change this section of the Hall has undergone, the individual rooms are seen as having low-medium heritage significance.

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.

The existing lightweight partition walls are non-original fabric, as is the existing suspended ceiling and harm the ability to appreciate that original room, so their careful removal will cause no harm to the heritage significance of the building. The removal of the walls and ceiling will thus better reveal the plan form of this area. The proposed erection of two new partition walls to create a Boot Room and a Utility Room will again subdivide this area but to a lesser degree, as its full width will be revealed and will enable it to be better appreciated. The new partition walls will be lightweight stud walls, lightly fixed to the existing walls and will be reversible, without causing any damage to historic fabric. If the original plaster cornice survives, it will be conserved.

It is proposed that a condition will be added to ensure that the new door into the boot room will have an appropriate panelled design and architraves with appropriate mouldings and that any minor damage to any historic plaster will be made good with lime plaster. It is proposed that the existing doorway into the existing Bedroom 1 will be infilled with salvaged bricks but with a straight joint so that it is potentially reversible without causing any damage to historic fabric.

Opening the wall between the new family room involves a small loss of historic fabric but: a) it will not involve the loss of any decorative fabric; b) substantial sections of the wall will be retained on each side of the opening and; c) a substantial area of wall will be retained over the opening. The original wall and its role in separating the rooms will thus remain fully legible and the harm to the original floor plan will thus be minimal.

In the circumstances it is considered that the proposed alterations to this part of the Hall would result no overall harmful impact to the heritage significance of Oakley hall. The balance has been achieved between modern requirements and acceptable proposals to re-instate internal spaces and external details - no net harm is caused, as stated in the information provided by the applicant. The proposed works provide an opportunity to better reveal the buildings significance and have been informed by the understanding of the significance of the building through the Heritage Statement.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who

are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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 \(PPG\) \(March 2014\)](#)

Relevant Planning History

NNRLB9 (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
21/00219/LBC	Repairs refurbishment and alterations to the rear façade and interior of Oakley Hall.	APPROVED

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.

Loggerheads Parish Council has no objections

The **Conservation Advisory Working Party** accepted the alterations but wanted to ensure that any details, like architraves and the fireplace, that were uncovered were repaired and reinstated as appropriate. There are also no details of proposed new internal doors and this should also be conditioned for approval by the LPA to ensure the design is sensitive to the Grade II* Listed Building. Concern was raised over the ventilation of the wet room, given its location in the centre of the property. The Group wanted to condition an architectural watching brief at each stage of the process so that informed judgements could be made on findings and how to treat these.

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 Statement (May 2021)
- Heritage Statement (May 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

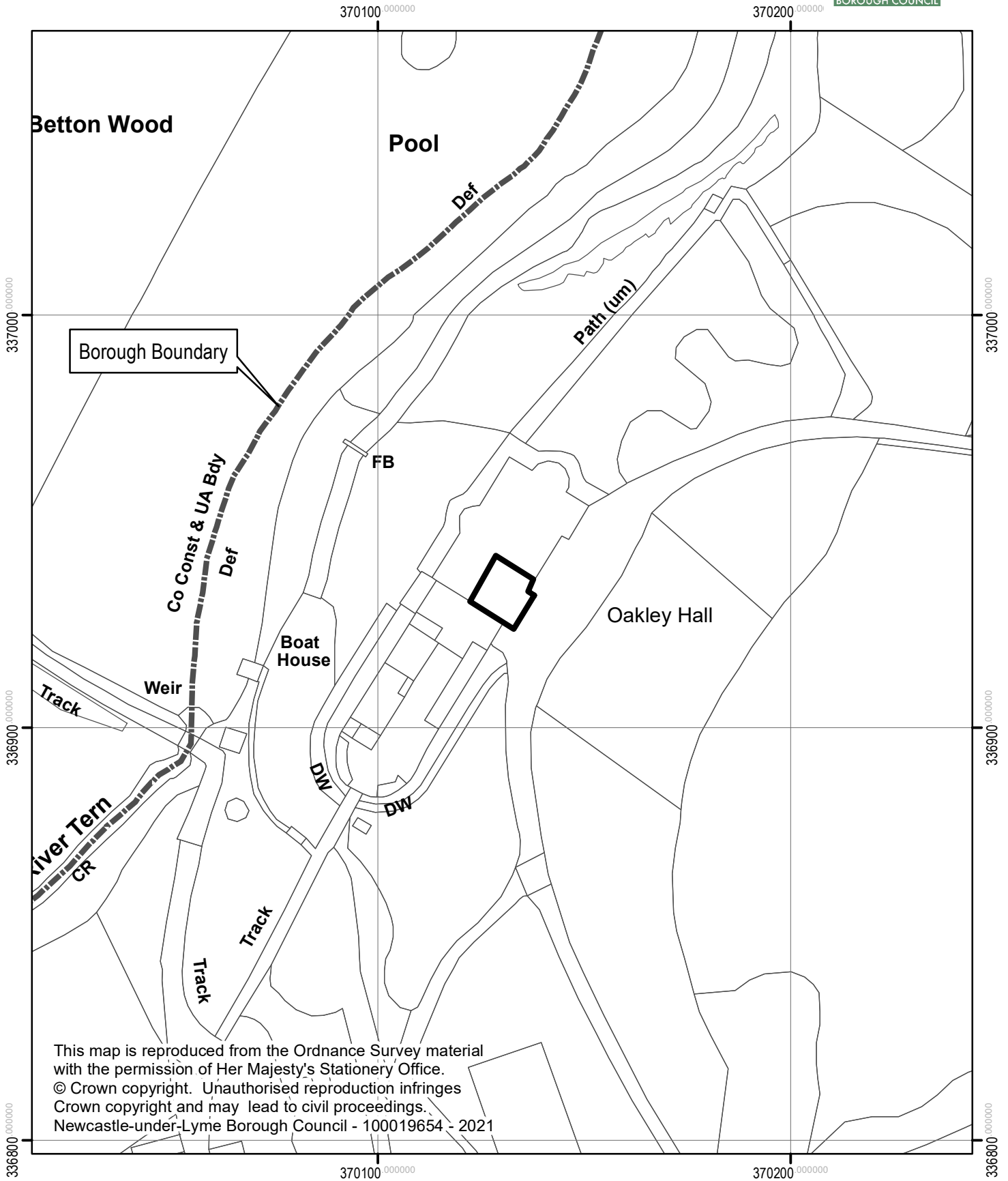
Planning Documents referred to

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

Good practice advice note (2) (2015)

Date Report Prepared

5 July 2021



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BATHPOOL PARK, LAND WEST OF PUBLIC CAR PARK, PEACOCK HAY ROAD

EE LIMITED

21/00592/TDET

The proposal is for a 25 metre high telecommunications lattice tower with 3no. antennas, 2no. 0.6m dishes and 2no. Ground-based equipment cabinets which are to be sited within a 2.1m high green chain link fence in an 8m x 6m compound at land west of the public car park to Bathpool Park, off Peacock Hay Road.

The application site is located on the edge of the Urban Area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Maintenance, as identified within the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 5th August 2021 the development will be able to proceed as proposed.

RECOMMENDATIONS

- (a) That prior approval is required, and**
- (b) That such prior approval is GRANTED**

Reason for Recommendation

Given the height of the proposal, which will result in a clear visual change to the area surrounding the application site, and given the proposals location within the Green Belt and a Landscape Maintenance Area, prior approval is required. The proposed tower would be sited adjacent to several mature trees and it is not considered that the proposal would result in a significant adverse impact on the visual amenity of the area. In the absence of any significant visual harm and also taking into account the weight given to proposals relating to the maintenance of the telecommunications network, prior approval should be granted.

KEY ISSUES

The application is for a determination as to whether prior approval is required for the installation of a 25 metre high telecommunications lattice tower with 3no. antennas, 2no. 0.6m dishes and 2no. Ground-based equipment cabinets which are to be sited within a 2.1m high green chain link fence in an 8m x 6m compound at land west of the public car park to Bathpool Park, off Peacock Hay Road.

The application site is located on the edge of the Urban Area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Maintenance, as identified within the Local Development Framework Proposals Map.

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted.

Is prior approval required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The proposal comprises a new 25 metre high lattice tower and ancillary ground based equipment cabinets located within the Green Belt. The top sections of the tower would be visible above the adjacent tree line and it is considered that prior approval is therefore required.

Should prior approval be granted?

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions

should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The purpose of the proposed lattice tower is to provide EE Ltd customers with a 4G (and at a later date 5G) service when utilising rail services along the nearby section of the West Coast Main Line track as it passes through Longport Station heading west towards Kidsgrove Station. The tower will also provide improved coverage to the immediate surrounding area and will also form part of the new Emergency Services Network that will replace the existing radio service used by the emergency services throughout the country.

Supporting evidence provided with the application states that this site was chosen for the proposed tower as the nearby trees will provide some natural screening, and that the nearby railway line will help the proposal to be seen in the context with the existing nearby infrastructure rather than as an isolated feature landscape. Supporting details also note that the mast has been decided by EE's Radio engineer as the lowest height capable of providing the required coverage and thus any reduction of height would render the apparatus redundant.

As noted in the supporting details, the proposed lattice tower would be sited adjacent to several mature trees and although the upper section of the tower would still be visible above the tree line, the overall visual impact of the proposal would be greatly reduced by the verdant nature of the site. With regards to topography the application site sits at the base of a valley which will help to soften the visual impact of the proposal when seen in the context of the wider area, particularly from the north east and south west, although it is acknowledged that the tower would be easily seen from the nearby rail bridge located directly to the south of the site.

The nearby railway line would ensure that the proposal is not the only piece of infrastructure in the vicinity, in addition there are no close residential premises close to the application site, the nearest of which is located approximately 500m to the southwest of the site.

Given the above, whilst it is recognised that the proposed lattice tower will have a clear visual presence in the area surrounding the application site, given the number of mature trees surrounding the proposed tower and the surrounding topography of the area, it is considered that on balance, that the siting and design of the proposed monopole and associated equipment is acceptable and that the proposal would meet the guidance and requirements of the NPPF.

It is not possible to impose conditions on the grant of prior approval but the General Permitted Development Order 2015 requires the development to be carried out in accordance with the submitted application details.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development within the Green Belt
Policy T19: Telecommunications Development – General Concerns
Policy T20: Telecommunications Development – Required Information
Policy N9: Community Woodland zones
Policy N19: Landscape Maintenance Areas

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2019)

Planning Practice Guidance (2014 as updated)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

None relevant

Views of Consultees

Network Rail do not object in principle to the provision of new electronic communications development, as long as it does not interfere with existing communications systems operated by other organisations.

Comments were also invited from **Kidsgrove Town Council** and the **Environmental Health Division** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

None received.

Applicant/agent's submission

The applicant has submitted a Design, Access and Supporting Statement.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

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/21/00592/TDET>

Background Papers

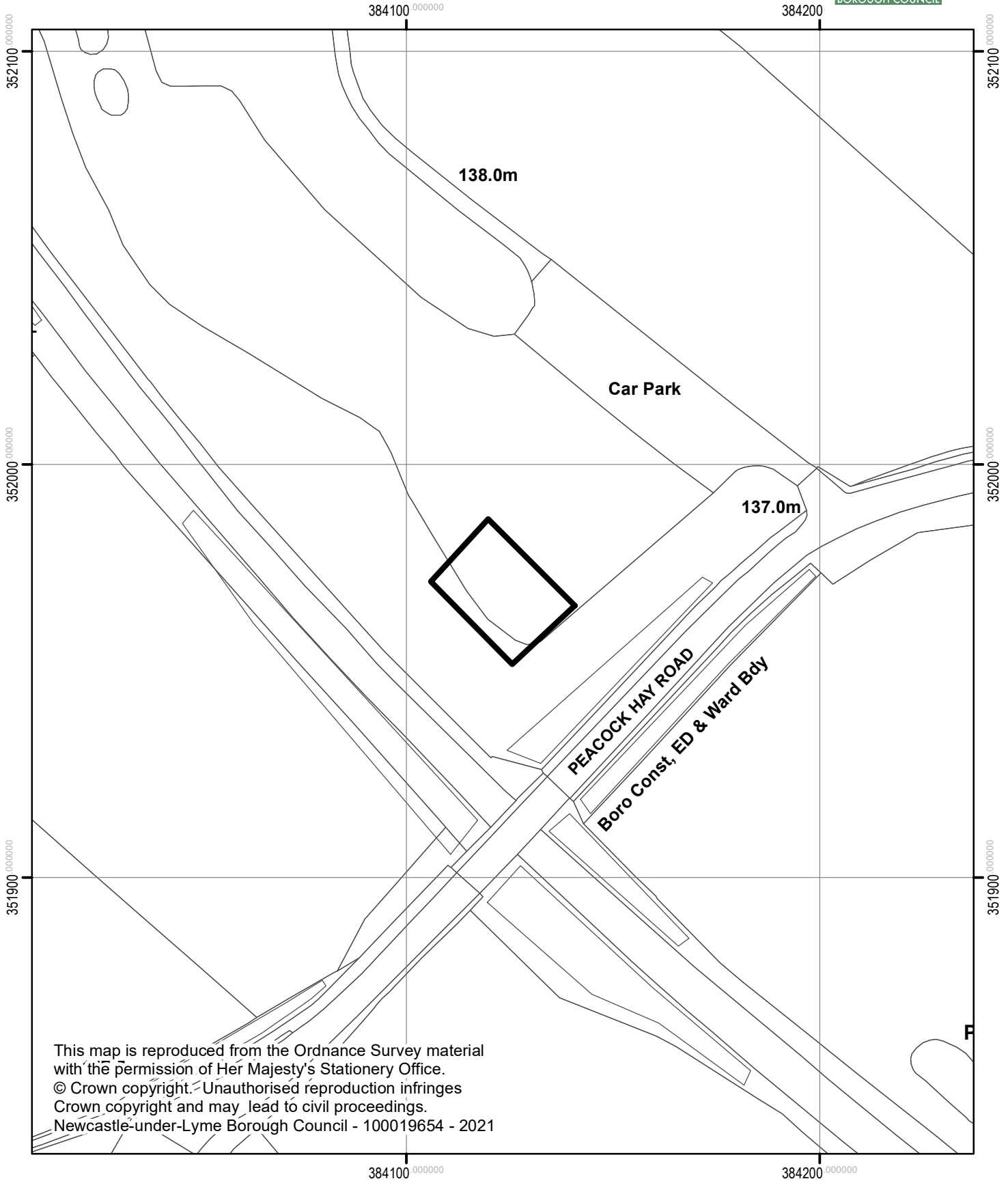
Planning File referred to
Planning Documents referred to

Date report prepared

7th July 2021

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**Bathpool Park, Land West Of Public Car Park
Peacock Hay Road, Talke, ST6 4QH**



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**KIDSGROVE SKI CENTRE, WESTMORLAND AVENUE, KIDSGROVE
EE LIMITED**

21/00596/TDET

The proposal is for the installation of a 25 metre high telecommunications lattice tower with 3no. antennas, 2no. 0.6m dishes and 2no. ground-based equipment cabinets all located within a 2.1m high green chain link fence in an 8m x 6m compound, at Kidsgrove Ski Centre.

The application site lies within the Urban Area of the Borough as defined on the Local Development Framework Proposals Map. It is also located within the Green Belt, a Community Woodland Zone and an Area of Landscape Restoration.

Unless a decision on this application is communicated to the developer by the 5th August 2021, the development will be able to proceed as proposed.

RECOMMENDATIONS

- (a) That prior approval is required, and
- (b) That such prior approval is GRANTED

Reason for Recommendation

Given the height of the lattice tower and the amount of equipment proposed which would be visible within the wider area, prior approval is required. Given the location within the woodland and the context of existing buildings at the ski centre, it is considered that the proposed lattice tower and associated equipment would not have a significant adverse impact on the visual amenity of the area, nor harm the character of the area designated as Green Belt, a Community Woodland Zone and Area of Landscape Restoration. In the absence of any visual harm and taking into account the weight given to proposals related to the expansion of the telecommunications network, prior approval should be granted.

KEY ISSUES

The application is for a determination as to whether prior approval is required for the installation of a 25 metre high telecommunications lattice tower comprising 3no. antennas, 2no. 0.6m dishes and 2no. ground-based equipment cabinets, bounded by a 2.1m high green chain link fence in an 8m x 6m compound and associated ancillary development at Kidsgrove Ski Centre.

The purpose of this site is to provide improved mobile phone coverage for individuals utilising the rail services along this section of the West Coast Main Line, as well as for local residents and the emergency services.

The application site lies within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map. Furthermore, the site is designated as being within the Green Belt, a Community Woodland Zone and an Area of Landscape Restoration in the Local Plan.

The Council must initially decide whether prior approval is required for the siting and appearance of the development, and if it is required, to consider whether it should be granted.

Is prior approval required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The proposal comprises a new lattice tower, measuring 25 metres in height, and a substantial amount of new equipment that would be clearly visible above the trees in the wider area. Therefore, it is considered that prior approval is required.

Should prior approval be granted?

Paragraph 112 of NPPF states advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation technology and full fibre broadband connections. Paragraph 113 outlines the number of sites should be kept to a minimum to meet consumer need, and the use of existing masts is encouraged. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 115 requires applications for electronic communications development to be supported by the necessary evidence to justify the proposed development, including the outcome of any consultations and a certificate/declaration of conformity with ICNIRP public exposure guidelines.

Saved policy T19 lists criteria whereby the siting of telecommunications equipment will be approved provided applications meet certain requirements. These include the proposal does not harm the visual quality and character of sensitive areas such as the countryside and the Green Belt, there are no alternative more suitable sites available, the proposal accords with relevant standards such as ICNIRP, and where appropriate, satisfactory landscaping arrangements are included. Policy T20 outlines the information that the applicant must submit, and that failure to do so would constitute grounds for refusal of prior approval or planning permission.

The site is on land at Kidsgrove Ski Centre, within Bathpool Park, with the railway line running north-south through a cutting on the eastern side of the recreation ground.

Two objections have been received raising concerns about the siting and design of the proposal and the impact that the proposed development would cause.

The proposal comprises a functional lattice tower design, which will be located adjacent to existing flat-roofed buildings at the ski centre, adjacent to the toilet block and storage container. There are existing trees on the embankment, which provide a good level of screening from the park and Westmorland Avenue to the west, which is located at a higher level to the park. However, by its nature and the technical requirements, the headframe would be visible above the wooded area.

The proposal would be largely screened and only limited views will be achieved from any public vantage points. The lattice tower design will also ensure that it will primarily be lost against the back drop of mature trees. Therefore, the siting and design of the development is considered acceptable and any visual impact would be negligible.

In line with the requirements of NPPF, there are no existing telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area of the railway line.

In conclusion, it is considered that the siting and design of the proposed lattice tower and associated equipment is acceptable and that the proposal would meet the guidance and requirements of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability

- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns
Policy T20: Telecommunications Development – Required Information
Policy S3: Development in the Green Belt
Policy N9: Community Woodland Zones
Policy N21: Areas of Landscape Restoration

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

Various planning applications for development associated with the Ski Centre, but no previous telecommunications determinations.

Views of Consultees

Comments were invited from **Kidsgrove Town Council** and the **Environmental Health Division** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

Two objections have been received raising the following concerns;

- Visual impact
- 25m tower on elevated ground which will be clearly visible to visitors of Bathpool Park
- Alternative site at Peacock Hay, discounted for technical reasons, should be reconsidered
- Out of keeping with country park location
- Could antenna be redesigned to look like surrounding trees?
- Question need in this location where there is good signal, with more black spots in surrounding area

Applicant/agent's submission

The applicant has submitted a Design, Access and Supporting Statement and has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

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/21/00596/TDET>

Background Papers

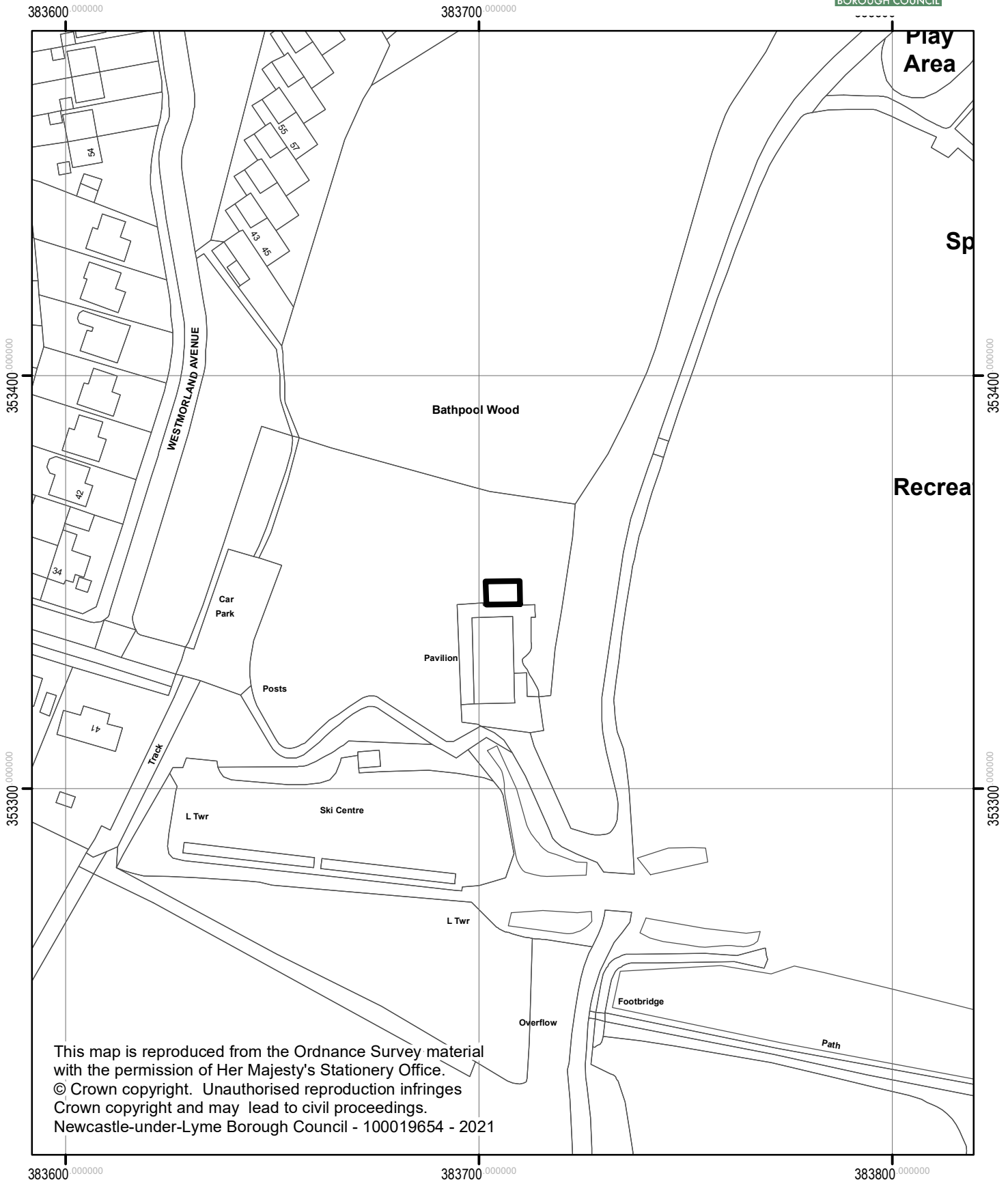
Planning File referred to
Planning Documents referred to

Date report prepared

7th July 2021

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Kidsgrove Ski Centre, Westmorland Avenue
Kidsgrove, ST7 4EF



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LAND TO EAST OF CONEYGREAVE LANE, WHITMORE
HIGH SPEED TWO (HS2) LIMITED

21/00634/SCH17

This application seeks approval of the plans and specifications under Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act 2021 for four ecological mitigation ponds and one associated bund on land to the east of Coneygreave Lane.

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

The 8 week determination of this application is 23rd July 2021

RECOMMENDATIONS

That the Schedule 17 application be granted subject to conditions relating to the following:

- 1. Carried out in accordance with the approved plans.**
- 2. Any conditions as recommended by consultees which relate to the grounds set out in the legislation**

Reason for Recommendation

Subject to confirmation from the Landscape Development Section that the works can be carried out without loss of, or harm to, the hedgerow and trees surrounding the site or that any loss can be suitably mitigated through replacement planting, the proposed works preserve the local environment and local amenity. In addition the works do not result in any prejudicial effect on road safety or on the free flow of traffic in the local area and would not adversely affect a site of archaeological or historic interest or nature conservation value. As such there are no design and appearance reasons to refuse to approve the application or grounds to argue that the development ought to, and could reasonably be carried out on, other land.

KEY ISSUES

Consideration of Schedule 17 Applications

Section 17 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase 2a and associated works (“the Works”) between West Midlands and Crewe, but some of the detailed design and construction are subject to further approval. Schedule 17 to the Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organization on whom the powers to carry out the works are conferred) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act requests for approval under Schedule 17 are not planning applications.

In passing the Act, Parliament has judged such impacts to be acceptable when set against the benefits to be achieved by the Phase 2a scheme.

The purpose of Schedule 17 is not therefore to eliminate all prejudicial impacts on, or to secure the complete preservation of, any sites within the various categories identified in the schedule (set out below). On the contrary, the operation of Schedule 17 is such that there will be cases where a submission must be approved notwithstanding an identified negative impact, unless there are modifications that are reasonably capable of being made.

Accordingly, it is not open to the planning authorities under Schedule 17 to refuse in principle works or development which is covered by the Environmental Statement and approved by Parliament. The impacts have been assessed and planning permission has been granted on that basis. Instead,

Schedule 17 offers planning authorities an opportunity to seek modifications to the details submitted that they consider reduce the impacts of a submission if such modifications can be justified.

The Schedule sets out that the Council can only refuse to approve the application, or impose conditions, in the following circumstances:

- (a) The design or external appearance of the works ought to be modified to
 - (i) To preserve the local environment or local amenity;
 - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or
 - (iii) To preserve a site of archaeological or historic interest or nature conservation value; and is reasonably capable of being so modified; or
- (b) Where the Council consider that the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.

(a) Consideration of the Design and External Appearance of the Proposal

This Schedule 17 application seeks approval for four ecological mitigation ponds and one associated bund on land to the east of Coneygreave Lane.

Impact on the local environment and local amenity

The proposal involves the formation of four ecological mitigation ponds of varying sizes and depths (maximum 1.5m) in a position close to the boundary of the site, a field, with Coneygreave Lane.

Further ecological mitigation works proposed involve the formation of a herpetofauna hibernacula and grassland habitat creation, to act as a habitat for reptiles and amphibians.

A bund is to be formed measuring to protect Great Crested newt habitats, in particular from potential human disturbance nearby, between the ponds and Coneygreave Lane. The bund will measure approximately 150m in length and a maximum height of 1m and will be formed from the soil obtained from the pond excavations. Its purpose is. It will comprise an asymmetric profile and be planted with the same grassland habitat as the adjoining land

The existing hedgerow and hedgerow trees are to be retained and protected. The submission sets out that where excavation is required with root protection areas it will be undertaken manually with existing ground levels retained to avoid causing root damage.

Subject to confirmation from the Landscape Development Section that the works can be carried out without loss of, or harm to, the hedgerow and trees surrounding the site or that any loss can be suitably mitigated through replacement planting it is considered that the proposals will not have an adverse impact on the local environment and local amenity.

Environmental management arrangements during construction do not form part of the request for approval of plans and specification under Schedule 17. As such consideration cannot be given to any impact on the local environment arising during construction of the ponds and bund.

Road safety and the free flow of traffic in the local area

No new permanent access or other highway elements are proposed. As such the works would not have any detrimental impact on road safety or the free flow of traffic in the local area.

Measures to control road safety and traffic impacts arising from the construction of the ponds are separately covered and do not fall to be considered with this application.

Impact on archaeological or historic interest or nature conservation value

The site is not within, or close to, a known site of archaeological or historic interest or nature conservation value. Notwithstanding this a Location Specific Written Scheme of Investigation has been drawn up in consultation with the County Archaeologist which details the methodology for

archaeological surveys and investigations to be implemented prior to construction. Should any heritage assets of such significant be identified during construction that warrant preservation in situ there is a commitment to redesign the submission to avoid impacting the assets leading to a revised Schedule 17 approval request.

(b) Ought the development, and could it reasonably, be carried out elsewhere on land within the Act limits.

As there are no design and appearance reasons to refuse to approve the application or grounds to argue that the development ought to, and could reasonably be carried out on, other land.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality

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

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

[Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan \(CHCMAWNDP\) Made October 2021](#)

Policy NE1: Natural Environment
Policy DC2: Sustainable Design

Other Material Considerations include:

[National Planning Policy](#)

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

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

[High Speed Rail \(West Midlands – Crewe\) Act 2021](#)

[High Speed Rail \(West Midlands – Crewe\) Act 2021 Schedule 17 Statutory Guidance \(May 2021\)](#)

[Equality Act 2010](#)

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

None

Views of Consultees

The views of the **Environmental Health Division, Landscape Development Section, Highway Authority, County Ecologist, Environment Agency** and **Whitmore Parish Council** have been sought. All responses are due by 15th July and any received will be reported.

Representations

None

Applicant/agent's submission

The applicant has submitted, in addition to plans, the following:

- Submission Letter
- Proforma
- Written Statement

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00634/SCH17>

Background Papers

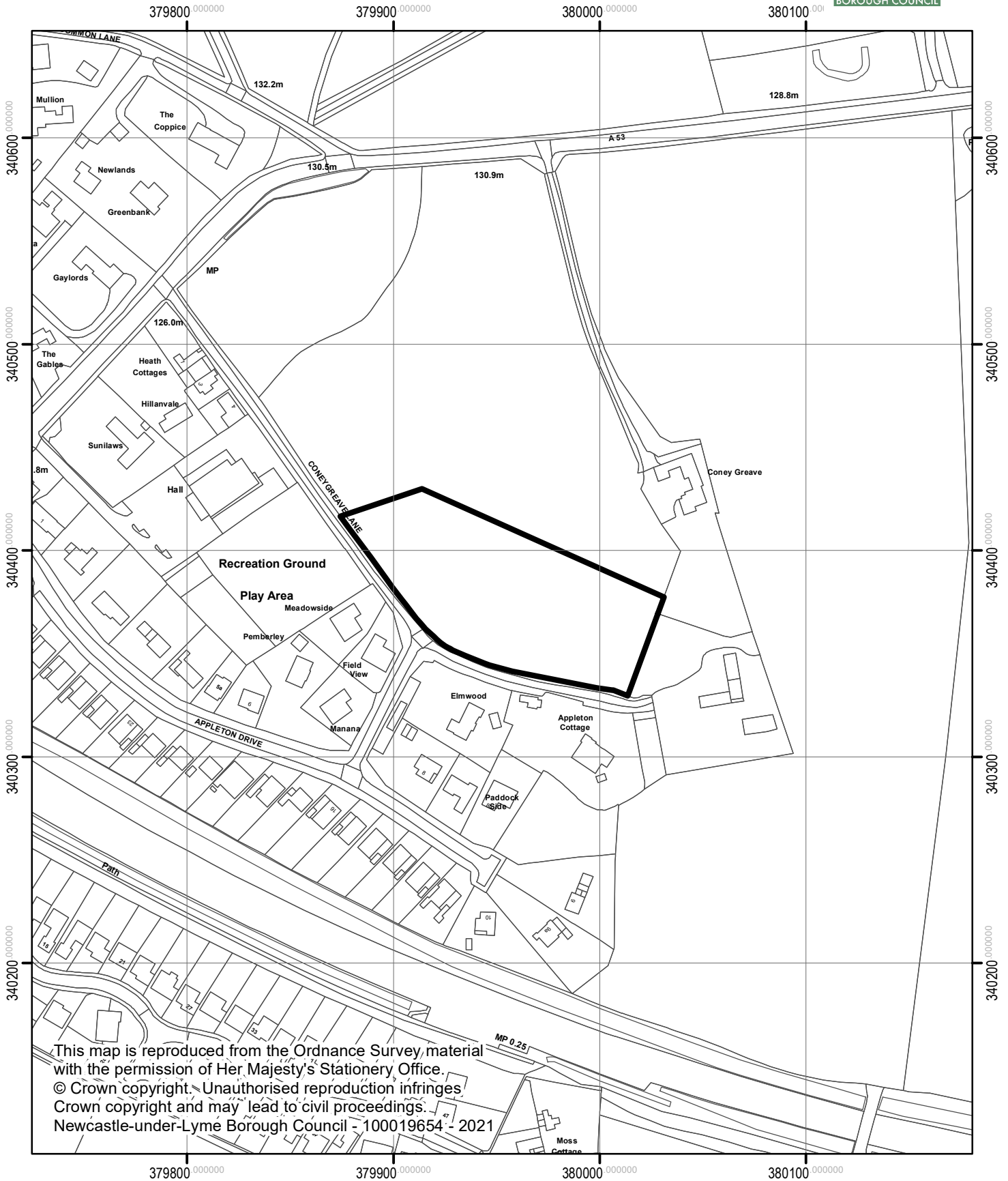
Planning File referred to
Planning Documents referred to

Date report prepared

7th July 2021

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Land to East of Coneygreave Lane Whitmore



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REPORT TO PLANNING COMMITTEE

ANNUAL DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2020/2021

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management between 1st April 2020 and 31st March 2021. Figures for 2018/19 and 2019/20 are also provided for comparison as are targets set within the relevant Planning Service Plan.

Recommendations

(a) That the report be received.

(b) That the Head of Planning and Development Manager seeks to maintain and improve performance of the Development Management team (including the technical support team) to meet the targets.

(c) That the 'Mid-Year Development Management Performance Report 2021/22 be submitted to Committee around November/December 2021 reporting on performance achieved for the first half the complete year 2021/22.

Reasons for recommendations

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

1. Background:

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

2. Matters for consideration:

There is an Appendix attached to this report:-

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

This report is a commentary on the local performance indicators that the Council has as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 8th December 2020 which reported on the mid-year performance figures and gave predictions on whether the targets for 2020/21 would be likely to be achieved.

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

3. The performance achieved:

National Performance Indicators

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

The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation.

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

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

The other designation criteria measure the quality of decision making as demonstrated by appeal performance (again for Majors and Non-Majors). The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.

The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period.

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

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

	Designation threshold	Performance To date
Speed of major development applications	Less than 60%	92.6%*
Speed of non-major development applications	Less than 70%	97.3%*
Quality of major development applications	Over 10%	3.4%**
Quality of non-major development applications	Over 10%	0.9%***

The figures provided are based upon the rolling total for the two year assessment period drawn from the Ministry of Communities, Housing and Local Government’s (MCHLG) nationally published ‘Live Planning Tables’ for the following two year assessment periods:

* April 2019 – March 2021 (Table 151a for major development and 153 for non-major)

** October 2017 – Sept 2019 (Table 153)

*** July 2017 – June 2019 (Table 154)

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

The MHCLG 'Live Planning Tables' show how improved performance over a sustained period has affected the Council's placing. At the end of the year 2019-2020 the Council remained within the bottom quartile of Local Planning Authorities within England with regard to 'Speed of Decision' for both 'Major' and 'Non-major' applications. The most up to date performance information published in the Live Planning Tables, however, now places the Council in the second quartile for 'Speed of Decisions' for 'Major' applications and in the top quartile for 'Non-major' applications.

Local Performance Indicators (LPI)

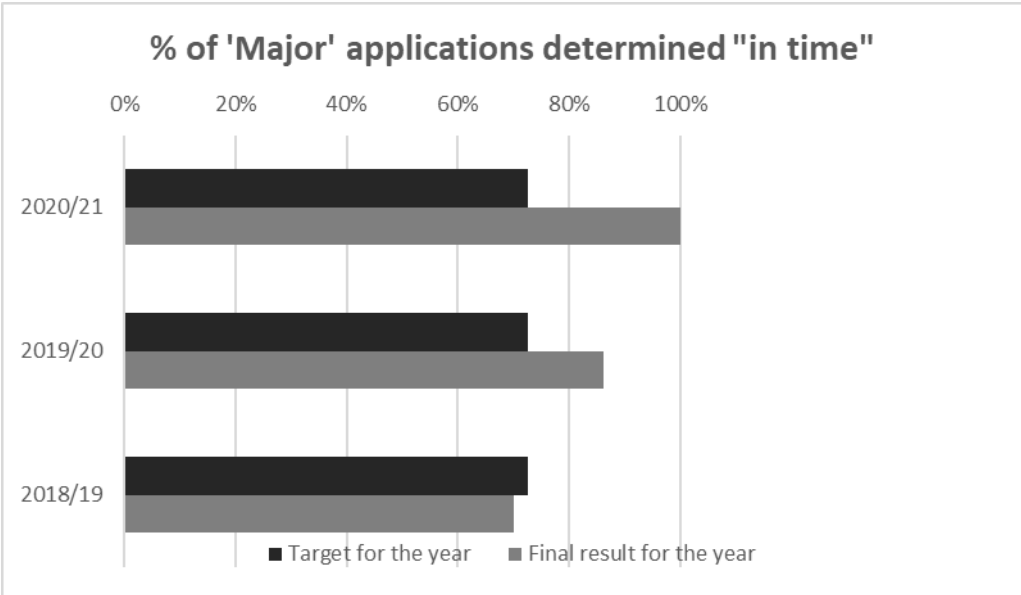
There are 7 indicators, all measuring speed of performance, which are referred to in the commentaries below. Members will note that out of these 7 performance indicators, the target set by the Council for itself has been met in 2020/21 in 6 cases.

INDICATOR - Percentage of applications determined within timescales:-

- (1) 72.5% of 'Major' applications¹ determined 'in time'²
- (2) 77.5% of 'Minor' applications³ determined 'in time'²
- (3) 85% of 'Other' applications⁴ determined 'in time'²
- (4) 85% of 'Non-major' applications⁵ determined 'in time'²

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

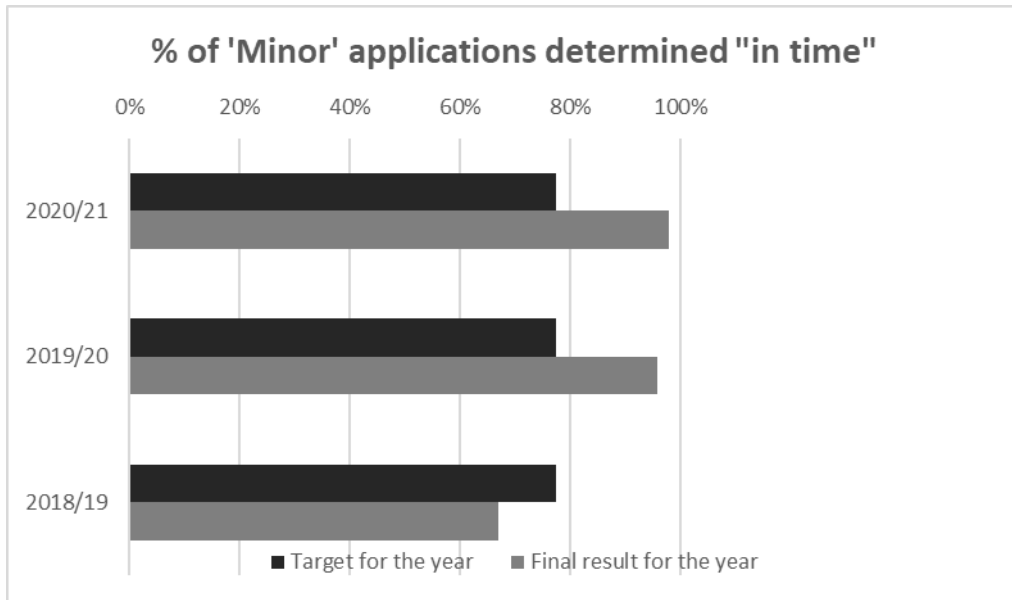
(1) In dealing with 'Major' applications the LPI is 72.5%. The end of year performance 2020/21 was 100%.



This is an improvement on the already commendable 2019/20 performance of 86.2%. 100% of decisions have been issued 'in time' for an 18 month period.

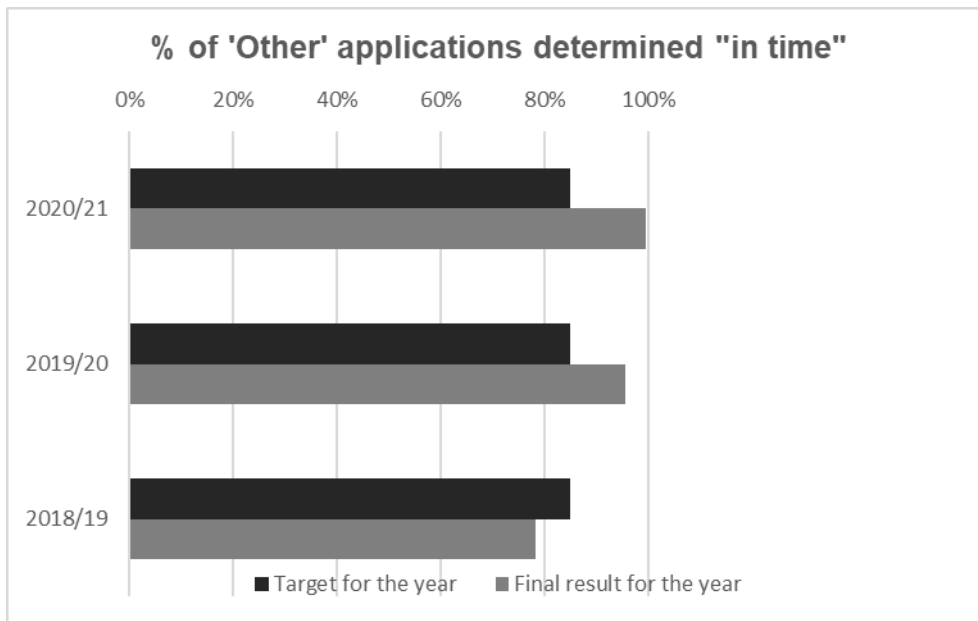
TARGET FOR 2020/21 ACHIEVED

(2) In dealing with 'Minor' applications the LPI for minor is 77.5%. The figures for 2020/21 is 98.1%.



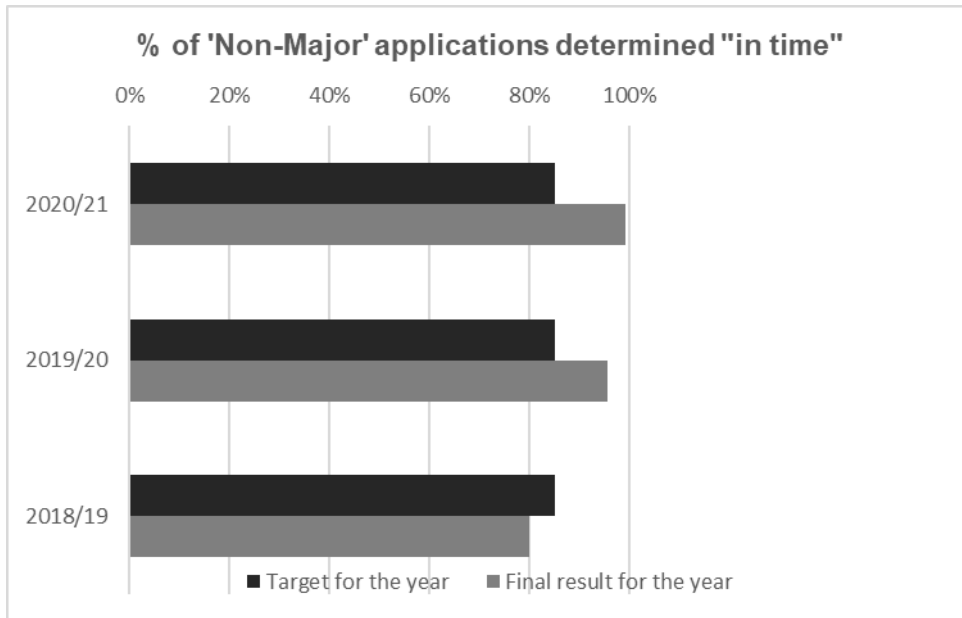
TARGET FOR 2020/21 ACHIEVED

(3) In dealing with 'Other' applications the 'LPI for minor is 85%. The figures for 2020/21 is 99.5%.



TARGET FOR 2020/21 ACHIEVED

(4) In dealing with 'Non-major' applications the 'LPI for minor is 85%. The figures for 2020/21 is 99.2%.

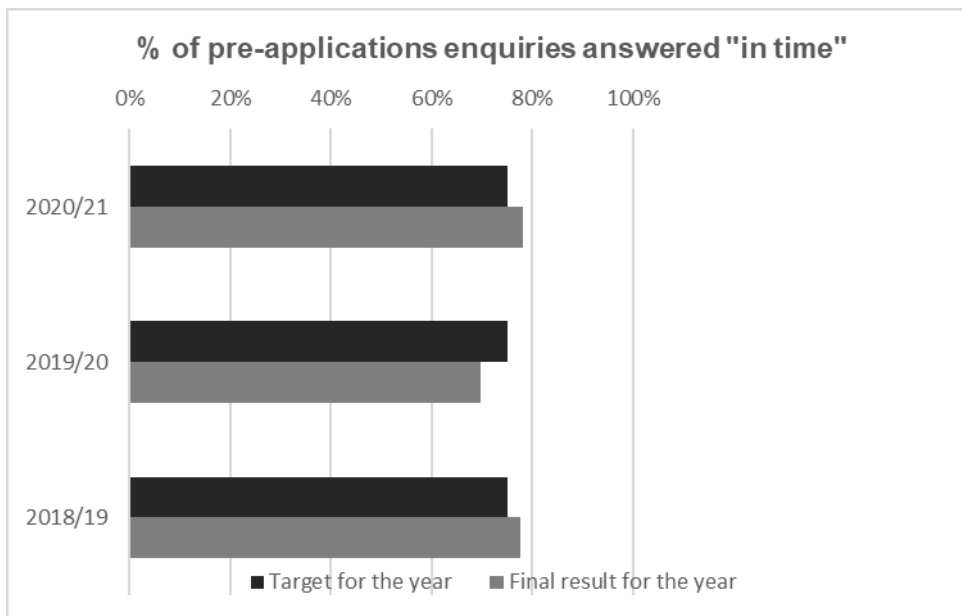


TARGET FOR 2020/21 ACHIEVED

In conclusion, all 4 four targets relating to the speed of determination of planning applications have been exceeded.

INDICATOR - Percentage of pre-application enquiries answered in time

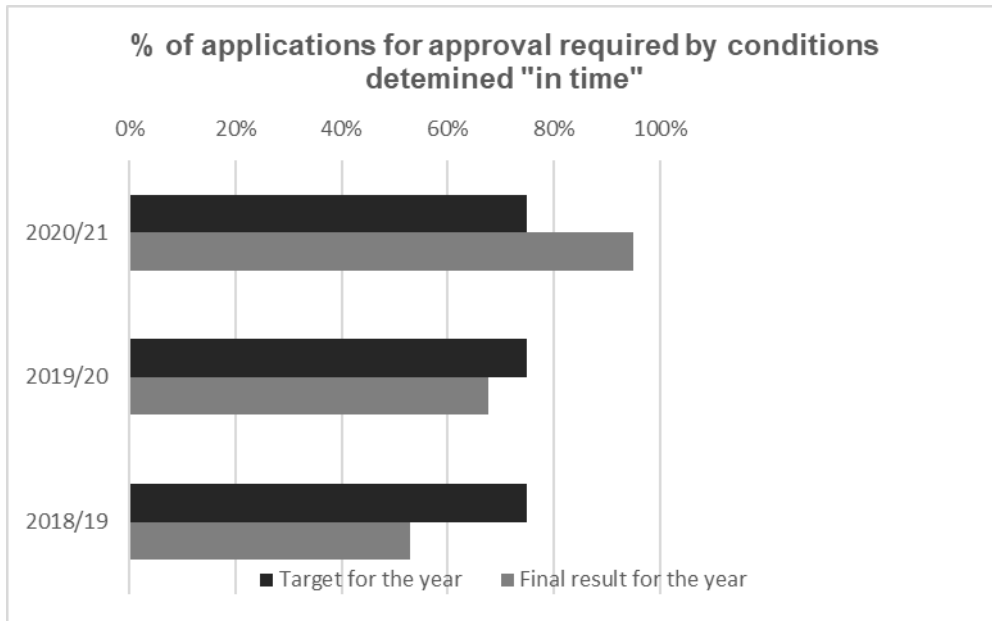
In dealing with **Pre-application enquiries** the 'LPI for minor is 75%. The figures for 2020/21 is 78% which is above target.



TARGET FOR 2020/21 ACHIEVED

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

In dealing with **Discharge of Condition applications** the LPI for minor is 75%. The figures for 20120/21 is 94.4%.

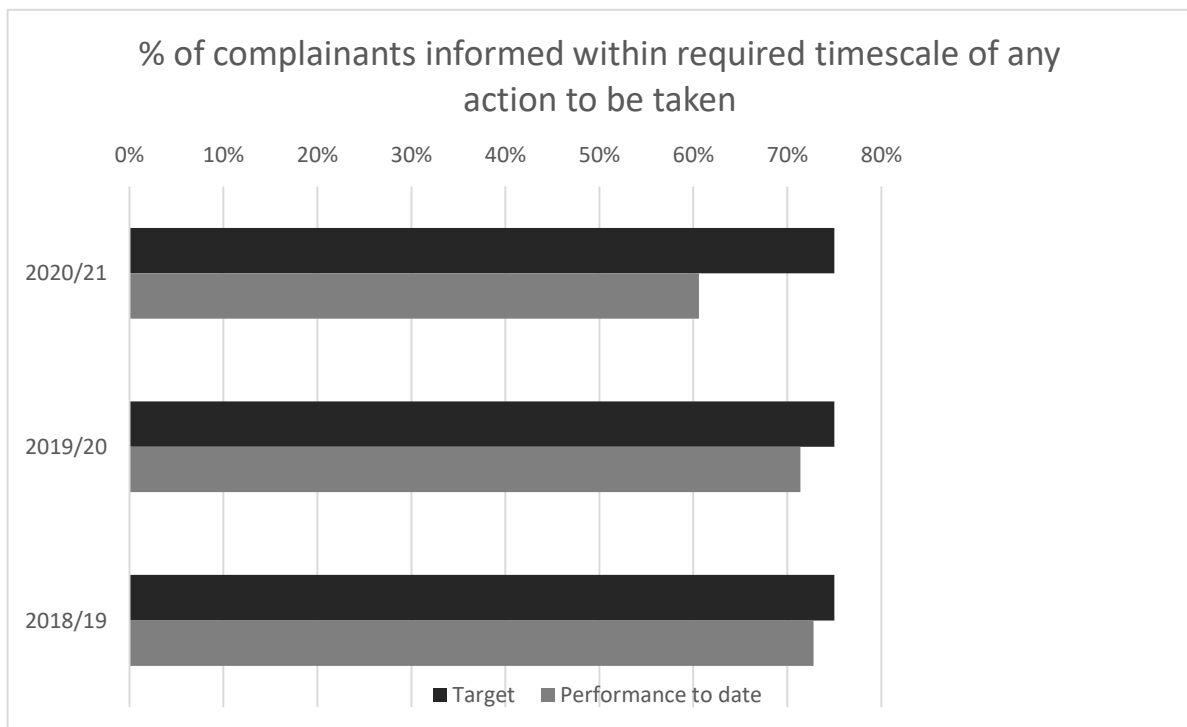


The introduction of performance management tools and this, together with additional staff and a very clear steer that they are to be dealt with the same priority as any other planning application, has led to the improved performance that is being reported.

TARGET FOR 2020/21 ACHIEVED

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

In dealing with '**Enforcement complaints**' the 'LPI for this service is 75%. The figures for 2020 is 60.6%, slightly lower than was reported in the mid-year performance report 62%.



It will be noted from Appendix 1 that performance information for the entire 2020/21 year has not been included. The Local Planning Enforcement Policy (LPEP) was rolled out at the start of this year following adoption in 2020. The information that has been provided therefore relates to performance in the context of the previous Enforcement Policy. Performance under the LPEP will be reported at a later date.

TARGET FOR 2020/21 NOT ACHIEVED

Footnotes

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

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

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

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

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

Date report prepared:

6th July 2021

Source of information/background papers

- **General Development Control Returns PS1 and PS2 for 2018 – 2021**
- **Planning Services own internal records, produced manually and from its UniForm modules.**
- [Improving Planning Performance: Criteria for designation \(updated 2020\)](#)
- [MCHLG Live Planning Tables](#)
- **MHCLG Live Planning Tables.**

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

Indicator	Year	Target for year	←-----Actuals-----→				Final result for the year
			April - June	July - Sept	Oct - Dec	Jan - Mar	
% of 'Major' applications determined "in time" Replaced in 2014/15 former indicator of percentage of applications determined within 13 weeks	2020/21	72.5%	100%	100%	100%	100%	100%
	2019/20	72.5%	80.0%	66.7%	100%	100%	86.2%
	2018/19	72.5%	44.4%	70%	100%	88.9%	70.0%
% of 'Minor' applications determined "in time" of applications determined within 8 weeks	2020/21	77.5%	100%	100%	97.5%	94.9%	98.1%
	2019/20	77.5%	94.7%	94.3%	97.7%	97.9%	96.0%
	2018/19	77.5%	58.7%	77.3%	70.6%	63.8%	67.1%
% of 'other' applications determined "in time" <i>15.01.2020 - Replaced former indicator of % of 'other' applications determined within 8 weeks</i>	2020/21	85%	100%	100%	99.1%	98.9%	99.5%
	2019/20	85%	91.8%	95.1%	98.8%	97.5%	95.5%
	2018/19	85%	80.2%	73.7%	76.2%	84.5%	78.3%
% of "Non-Major" applications determined "in time" <i>New target for 2016/17</i>	2020/21	85%	100%	100%	98.6%	98.4%	99.2%
	2019/20	85%	93.1%	94.7%	99.1%	97.6%	95.6%
	2018/19	85%	77.9%	82.1%	82%	77.6%	79.9%
% of pre-application enquiries answered in time	2020/21	75%	84.4%	84.2%	72.2%	72.2%	78.0%
	2019/20	75%	67.1%	77.3%	71.8%	63.7%	69.6%
	2018/19	75%	76.5%	88.5%	72.7%	71.3%	77.6%
% of applications for approval required by conditions determined "in time" <i>15.01.2020 - Replaced former indicator of % of conditions determined within 8 weeks</i>	2020/21	75%	99.0%	94.1%	98.9%	98.9%	94.9%
	2019/20	75%	49.1%	57.3%	80.6%	96.9%	67.6%
	2018/19	75%	36.9%	49.1%	70.9%	46.0%	52.9%
% of complainants informed within required timescale of any action to be taken	2020/21	75%	62.5%	61.6%	53.7%		60.6%
	2019/20	75%	67.2%	79.2%	63.0%	73.0%	71.4%
	2018/19	75%	76.4%	75.6%	71.1%	68.6%	72.8%

Target achieved for complete year

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

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

RECOMMENDATION

That the information be received.

No further correspondence has been received from the Planning Inspectorate and a response to a letter sent by the Chief Executive to the Inspectorate, requesting a review of the decision to defer, is still awaited.

Monitoring of the site continues and no activity or occupation of the site has been observed recently.

Date report prepared: 9th July 2021

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Review of the List of Local Validation Requirements

Purpose of the Report

The purpose of this report is to:

- Identify amendments that are considered necessary to the List of Local Validation Requirements taking into account any changes to statutory requirements, policies in the National Planning Policy Framework and the current Development Plan, or published guidance following the publication of the existing List in 2019.
- Seek approval to undertake consultation on the revised list

Recommendation

- 1. That the Committee agrees to approve the revised list of Local Validation Requirements as set out in Appendix A to this Report for public consultation purposes**
- 2. That the Committee agree to receive a further report setting out recommendations on the outcome of the consultation before adoption of a revised list of Local Validation requirements.**

1.0 BACKGROUND

- 1.1 Since 1st October 2010 the validity of planning applications received by this Council as a Local Planning Authority (LPA) has been informed by its List of Local Validation Requirements (LLVR). The LLVR sets out what information, over and above the national requirements, is necessary to accompany planning applications. The latest LLVR (attached at Appendix A) was published, following a review and consultation exercise, on 1st October 2019.
- 1.2 As set out at paragraph 44 of the National Planning Policy Framework (NPPF), unless the Council before 1st October 2021 reviews and publishes a new List or announces on its website that no changes are necessary, the information requirements set out in the current list will have no bearing on whether a planning application is valid after that date. Paragraph 44 goes on to indicate that the Local Planning Authority (LPA) should only request supporting information that is relevant, necessary and material to the application in question. The Development Management Procedure Order 2015 (as amended) states that in addition to being specified on an up-to-date List of LVRs information requested by the LPA for a particular planning application must be
 - Reasonable, having regard, in particular, to the nature and scale of the proposed development
 - About a matter which it is reasonable to think will be a material consideration in the determination of the application
- 1.2 As set out in the PPG it is expected that both the applicant and LPA should make every effort to resolve disagreements about the information needed to support a planning application to avoid disputes over the information necessary to validate an application and reduce associated delays. There is, however, a procedure in the Development Management Procedure Order to resolve any disputes that do arise. Where the LPA maintains its position that information is required in order to validate the application, and that information is not received, or the LPA doesn't respond or register the application, an

applicant may appeal to the Planning Inspectorate against non-determination of the application after the relevant time period has passed.

2.0 THE REVIEW PROCESS

2.1 Guidance on the review process for LPAs is set out in the PPG. It sets out 3 steps

Step 1 – Reviewing the existing list by identifying the drivers for each item on their existing Lists of LVRs. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Step 2 – Consulting on any proposed changes.

Step 3 – Finalising and publishing the revised local list – consultation responses should be taken into account when preparing the final revised list.

2.2 The review that has now been undertaken has only identified a small number of changes as being necessary. There have been no identified changes to statutory requirements, policies in the NPPF or published guidance that explains how adopted policy should be implemented. There has, however, been a change to the Development Plan as the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan (CHMAWNDP) has been Made since the adoption of the current LLVR.

2.3 The main changes are therefore the introduction of CHMAWNDP policies where they are additional drivers for Information Items. Other changes are the updating of links in the 'where to look for further assistance' column where such links no longer work and documents have been removed where such documents have been withdrawn or are out of date.

2.4 The proposed changes are identified on the draft revised LLVR are attached at Appendix A. To assist in the identification of the changes, the parts of the current LLVR that are considered should be removed are struck through by a line and amendments are highlighted in grey.

2.5 The PPG indicates that where a LPA considers that changes are necessary, the proposals should be issued to the local community including applicants and agents, for consultation. No further advice is given in the PPG. A consultation period of 3 weeks is considered appropriate. The following organisations and individuals will be contacted directly by letter or e-mail.

- Statutory, key non-statutory consultees and Parish Councils
- Agents who have submitted a planning application relating to Major development since the 2019 LLVR was published

In addition a notice will be placed in the Sentinel inviting the local community to review and comment on the identified changes.

2.7 At the end of the consultation, the responses received to it, if any, will be assessed and a report then submitted to the Planning Committee, who will make the final decision on whether to adopt the new List.

Date Report Prepared 6th July 2021

APPENDIX A - Draft List of Local Validation Requirements

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
1. Affordable Housing Statement	<p>NPPF – paragraphs 61-64, 77, and 145 and Annex 2: Glossary</p> <p>CSS Policy CSP6.</p> <p>CHMAWNP Policy HG1</p>	<p>Urban area - developments of 15 or more dwellings as designated in the CSS.</p> <p>Rural area – developments for 10 dwellings or more and which have a combined gross floorspace of more than 1,000m³</p> <p>Local Development Framework Proposals Map to identify urban and rural area.</p> <p>Where the proposal is for affordable housing on a “rural exceptions site.”</p>	<ul style="list-style-type: none"> • Details of the numbers of residential units; • the mix of units with nos. of habitable rooms and/or bedrooms; • floor space of habitable areas; • if different levels or types of affordability or tenure are proposed for different units this should be fully explained; • details of any RSL acting as partners in the development 	<p>Affordable Housing SPD</p>
2. Agricultural Land Quality Assessment	<p>NPPF – paragraph 170 and Annex 2: Glossary</p> <p>CHMAWNP Policy HG1</p>	<p>Development involving agricultural land of Grades 1, 2 or 3a.</p>	<p>The Assessment should consider the following issues:-</p> <ul style="list-style-type: none"> • The degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved. This may require a detailed survey if one is not already available. For existing agricultural land classification information see www.magic.gov.uk. • Natural England Technical Information Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land also 	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Agricultural Land Quality Assessment (continued)			<p>contains useful background information.</p> <ul style="list-style-type: none"> If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 	
3. Air Quality Assessment	<p>NPPF – paragraphs 8, 103, 170, 180, and 181 and Annex 2:</p> <p>Glossary</p> <p>CSS Policy SP1, SP3 and CSP1.</p>	<p>All major developments involving Dwellings and general Industry/Storage/Warehousing;</p> <p>Any development in excess 10,000m² new floor space (usually largescale major: offices industry and retail/distribution; Where >300 new car parking spaces are proposed (e.g. retail, visitor attraction, multi-story car park), excluding residential development car parking space provision;</p>	<p>Please see useful links and guidance for information requirements/guidance</p> <p>Where there is an increase in emissions associated with a development proposal, a Damage Cost Assessment is also required.</p>	<p>PPG – Air Quality and Natural Environment</p> <p>The EU Air Quality Directive 2008</p> <p>Air Quality Management Areas explained by Defra</p> <p>The Newcastle Under Lyme Air Quality webpage including Air Quality Management Areas,</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Air Quality Assessment (continued)		<p>A standby emergency generator associated with a centralised energy centre (if likely to be tested/used >18 hours a year), or new Short Term Operating Reserve facilities (STOR) ; Any combustion plant with single or combined thermal input >1MW</p> <p>Within Air Quality Management Area (AQMA) including a 1 km buffer</p> <p>Small-scale Major Dwellings of 50 or more dwellings ; 50 or more new car parking spaces;</p> <p>Lorry park with more than 25 spaces; Bus station;</p> <p>Have one or more substantial combustion processes, where any combustion plant has single or combined thermal input >300kWh</p>		<p>Action Plans and Air Quality Reports</p> <p>IAQM construction dust guidance (and mitigation guidance)</p> <p>IAQM Guidance on Monitoring in the Vicinity of Demolition and Construction Sites</p> <p>IAQM A guide to the assessment of air quality impacts on designated nature conservation sites</p> <p>IAQM/EPUK Guidance on land use planning and development control: Planning for Air quality</p> <p>Newcastle under Lyme Borough Council – Air Quality website</p> <p>Chimney Height Approval Form</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p> <p>Highways England</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Air Quality Assessment (continued)				Strategic road network and the delivery of sustainable development Further Advice Where this is likely to be an issue, applicants are advised to contact the Environmental Protection Team. Environmental_health@newcastle-staffs.gov.uk
4. Biodiversity survey and report	NPPF – paragraphs 8, 43, 118, 141, 149, 170-172, and 174-177 and Annex 2: Glossary CSS Policy CSP4. LP Policies N2, N3 and N4. View click CHMAWNP Policy NE1	If the application includes the modification, conversion, demolition of buildings and structures (especially roof voids) involving the following: <ul style="list-style-type: none"> All agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick and stone construction; All buildings with weather boarding, hanging tiles or soffit boxes that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space. Pre-1960 detached buildings and structures within 200m of woodland and/or water; Pre-1914 buildings within 400m of 	Where survey information is required, the application should be accompanied by: <ul style="list-style-type: none"> A Preliminary Ecological Appraisal of the site. Impact on the ecological condition of water courses and bodies. Full ecological report including likely impact of the proposal and mitigation measures, if required as a result of the initial assessment. Reports should include reference to international statutory sites subject to The Habitats Regulations (i.e. Special Protection Areas (SPAs), Special Area of Conservation (SACs) and Ramsar sites; Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); Local Nature Reserves (LNRs) and local	Defra/Natural England standing advice for protected species and sites The Wildlife and Countryside Act 1981 (as amended) Protection of Badgers Act The Conservation of Habitats and Species Regulations 2017 Natural Environment and Rural Communities Act 2010 UK Post-2010 Biodiversity Framework The EU Water Framework Directive 2000

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Biodiversity survey and report (continued)		<p>woodland and/or water;</p> <ul style="list-style-type: none"> • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • All caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; • All bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p> <p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p> <p>Proposals affecting:</p> <ul style="list-style-type: none"> • mature and veteran trees that are older than 100 years; • trees with obvious holes, cracks or cavities, • trees with a girth greater than 1m at chest height; <p>Proposals affecting former quarries and natural cliff faces and rock outcrops with</p>	<p>wildlife sites; and Regionally Important Geological Sites (RIGS); legally protected species; biodiversity habitats and species;</p> <p>geological and geomorphological features.</p> <p>If a development is likely to have an impact on an internationally or nationally designated area (Natura 2000 site, Site of Special Scientific Interest) the application should be supported by a report identifying the interest features of the site that may be affected. A full assessment of the likely effects of the development, and avoidance and or mitigation measures if applicable should be included. It is advisable for applicants to seek advice on the scope of the assessment from Natural England prior to the submission of the application in these circumstances.</p> <p>Assessment/survey information will normally be required on developments that are likely to affect protected species, locally designated sites and priority habitats and species.</p> <p>All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced and suitably licensed ecological consultant.</p>	<p>Joint Nature Conservation Committee advice re the Water Framework Directive</p> <p>The UK Biodiversity Action Plan</p> <p>The Staffordshire Biodiversity Action Plan</p> <p>Circular 06/2005 The Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.</p> <p>PPG – Natural Environment.</p> <p>Bat Surveys Good Practice Guidelines. Bat Conservation Trust 3rd Edition 2016.</p> <p>Natural England and Defra's - Bats: Surveys and mitigation for development projects</p> <p>Institute of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting</p> <p>Natural England's Great Crested Newts: Surveys and mitigation for development projects</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Biodiversity survey and report (continued)		<p>crevices, caves or other fissures.</p> <p>Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be present</p> <p>Where there are no existing great crested newt records: ponds within 500 m of Major development¹ proposals; ponds within 250 m of or Minor proposals². Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites.</p> <p>Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.</p> <p>Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.</p> <p>Proposals affecting arable, pasture, semi-natural habitats and uncultivated land.</p> <p>Proposals for wind turbines and farms.</p>	<p>Surveys should aim to identify the following information:</p> <ul style="list-style-type: none"> • Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules; • Surveys – thorough and robust survey of the development site and any other areas likely to be affected by the proposals; • Impact assessment – clear assessment of the likely impacts of the proposal; • Mitigation strategy – to clarify how the likely impact will be addressed. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable. <p>It should be demonstrated that adverse impacts on important habitats and species have been avoided where possible and that unavoidable impacts have been fully mitigated or that, where mitigation is not possible, compensation is proposed that results in no net loss of biodiversity or to achieve net gain if/when this becomes mandatory. Enhancements should be included in scheme where possible.</p>	<p>Natural England's publications on renewable energy</p> <p>BS42020:2013 Biodiversity "Code of practice for planning and development". To purchase click here</p> <p>Defra's The natural choice: securing the value of nature</p> <p>Staffordshire County Council criteria and indicative thresholds as set out in Staffordshire Requirements for Biodiversity and Geological Conservation</p>

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Biodiversity survey and report (continued)		<p>Proposals involving previously undeveloped, or long abandoned sites of over ¼ hectares and sites within designated areas (such as Sites of Biological Importance).</p> <p>Planning applications that may affect protected sites or species, habitats or species of principal importance, or significant geological/ geomorphological features require submission of survey and assessment information to show how the proposed development may affect these environmental assets.</p>	<p>A Water Framework Directive (WFD) risk assessment may be required where development directly affects the banks of a river or stream. If that is the case the submission must demonstrate that the waterbodies meets Good Status. (Further information on how to complete a WFD risk assessment is provided by the Environment Agency).</p> <p>Biodiversity Opportunity Mapping is encouraged to inform landscape-scale assessment and planning for ecological connectivity.</p> <p>Staffordshire Ecological Record</p>	
5. Coal Mining Risk Assessment	NPPF paragraph 178	All applications for planning permission which fall within Coal Mining Referral Areas as defined by The Coal Authority and held by the Local Planning Authority other than the exemptions set out in the Coal Authority's Exemptions List	<p>A Coal Mining Risk Assessment (CMRA) should be prepared by a suitably qualified and competent person. It should follow the Guidance for Developments provided by the Coal Authority and in particular:</p> <ul style="list-style-type: none"> • Present a desk-based review of all information on coal mining issues which are relevant to the application site • Use that information to identify and assess the risks to the proposed development from coal mining legacy, including the cumulative impact of issues • Set out appropriate mitigation measures 	<p>Coal Authority guidance</p> <p>The Coal Authority's Building on or within the influencing distance of mine entries</p> <p>The Coal Authority Planning and Local Authority Liaison Department can be contacted by:</p> <p>Telephone: 01623 637119 (direct)</p>

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Coal Mining Risk Assessment (continued)			<p>to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influence the proposed development</p> <ul style="list-style-type: none"> • Demonstrate to the Local Planning Authority that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land. 	<p>Email: planningconsultation@coal.gov.uk</p> <p>PPG – Land Stability</p>
6. Community Infrastructure Statement	LNP Policy LNPS1	Developments for 10 dwellings or more or the site area exceeds 0.5 hectares within the LNP area	A Statement should be provided which demonstrates that existing infrastructure (meeting and activity space, medical facilities, open space, highway infrastructure including footways) is adequate to accommodate the new development or the development, subject to viability considerations, will provide or support new community infrastructure	
7. Design Review	NPPE paragraphs 28, 71, 72, 83, 95, 102, 110, 118, 122, 124-132, 150, and 153, and Annex 2: Glossary	<p>All major development¹ applications</p> <p>Development significantly affecting Newcastle Town Centre</p> <p>Development in a historically or environmentally sensitive area</p> <p>Development with special architectural or environmental qualities.</p>	Full response of an independent design review panel and any further review that has been undertaken. A written statement setting out how the comments received during the design review process have been addressed within the submitted planning application.	<p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Design Council Document, Design Review –Principles and Practice (2013)</p> <p>PPG – Design</p>

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Design Review (continued)	<p>CSS Strategic Aim 16, Policy ASP4, ASP6 and CSP1.</p> <p>LNP Policy LNPG1, LNPP1 LNPE1</p> <p>CHMAWNP Policies DC1, DC2 and DC3</p>			
8. Flood Risk Assessment	<p>NPPF paragraphs 34, 43, 118, and 148-165 and Annex 2: Glossary</p> <p>CSS Policy CSP3.</p>	<p>A site-specific Flood Risk Assessment (FRA) is required for:</p> <ul style="list-style-type: none"> • All proposals of 1 hectare or greater in Flood Zone 1; • All proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and • Where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding. 	<p>A Flood Risk Assessment (FRA) must demonstrate:</p> <ul style="list-style-type: none"> • whether any proposed development is likely to be affected by current or future flooding from any source; • that the development is safe and where possible reduces flood risk overall; • whether it will increase flood risk elsewhere; and • the measures proposed to deal with these effects and risks. • designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and 	<p>PPG – Flood Risk and Coastal Change</p> <p>The Environment Agency's Flood Maps</p> <p>The Environment Agency's new development and flood risk standing advice</p> <p>The Environment Agency's Preparing a flood risk assessment - standing advice</p> <p>RSPB and WWT Sustainable Drainage Systems – Maximising the Potential for People and Wildlife</p>

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Flood Risk Assessment (continued)			<p>seek collective solutions to managing flood risk.</p> <ul style="list-style-type: none"> Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than changes of use. Liaison with the Council should take place prior to undertaking such a test. Please note that such a test should be undertaken prior to a detailed FRA. <p>Where adjacent to an operational railway consideration should be given, within the FRA, to the potential to increase the risk of flooding, pollution and soil slippage on the railway.</p> <p>The eleven minimum requirements for the content of a FRA are set out in PPG.</p>	<p>The Environment Agency's Sustainable Drainage Systems (SuDS) – A Guide for Developers</p> <p>DEFRA's Guidance on Flood Risk Assessment for Planning Applications</p> <p>The Floods and Water Management Act 2010 – established the Sustainable Drainage Systems Approving Bodies.</p> <p>Staffordshire County Council's Flood Risk Management Team (the Lead Local Flood Authority (LLFA) – Information for Planners including the SuDS Handbook and Appendices (including Appendix A – SurfaceWater Drainage Proforma and Appendix C – Hydraulic Model Parameters).</p> <p>The Lead Local Flood Authority LLFA's Local Flood Risk Management Strategy</p> <p>Staffordshire County Council's Sustainable Drainage Systems (SuDS) Handbook</p>

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<p>9. Foul and Surface Water Drainage Scheme and Sustainable Drainage</p>	<p>NPPF paragraphs 8, 34, and 170</p> <p>CSS Policy CSP3.</p> <p>CHMAWNP Policy NE2</p>	<p>Major developments (except a change of use where no increase in permeable area is proposed)</p> <p>Residential development of 5 or more properties (except a change of use where no increase in permeable area is proposed)</p> <p>Development on land of 0.5ha or more in critical drainage areas</p> <p>Developments in flood risk locations</p> <p>A Sustainable Drainage Scheme/ Strategy or a Drainage Scheme/Strategy where a sustainable drainage system is not proposed, is required for all major development¹.</p>	<p>Details must also accompany all major development¹ planning applications setting out how Sustainable Urban Drainage Systems (SUDS) are proposed to be incorporated in the scheme and should clearly demonstrate that the scheme is consistent with the relevant planning policies; in addition to details of how the SUDS will be maintained and protected in the long term.</p> <p>SUDS must not be used as a means of surface water mitigation within 30m of the railway boundary (due to the potential of infiltration methods of surface water mitigation impacting cutting slopes, support zones for embankments. Surface water drainage within 30m of the railway boundary should be removed from site via a closed sealed pipe system. Developers are advised that attenuation ponds and basins are to be sited as far away from the railway boundary as is possible and must not be sited where a development is adjacent to a slope / cutting.</p> <p>Where adjacent to an operational railway it must be demonstrated that and SUDS carry surface water/foul waters away from the railway. Attenuation ponds and basins will require Network Rail review and agreement.</p>	<p>The EU Water Framework Directive 2000</p> <p>The National Policy Statement for Waste Water (2012)</p> <p>PPG – Water Supply, Wastewater and water quality</p> <p>The Environment Agencies Sustainable Drainage Systems (SUDS) – A Guide for Developers</p> <p>Staffordshire County Council's Sustainable Drainage Systems (SuDS) Handbook</p> <p>Highways England Strategic road network and the delivery of sustainable development</p>

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Foul and Surface Water Drainage Scheme and Sustainable Drainage (continued)			<p>The Sustainable Drainage Strategy shall set out how surface water from a development site will be managed sustainably under both current and future conditions, and to support the proposed approach with appropriate evidence, such as infiltration results and drainage calculations with relevant plans and drawings. The Sustainable Drainage Strategy must also set out how sustainable drainage components are intended to be constructed, managed and maintained to ensure that the sustainable drainage system will continue to perform throughout the lifetime of the development. A sustainable drainage strategy should identify:</p> <ul style="list-style-type: none"> • Current Drainage system, capacity and discharge rate • Infiltration Tests carried out to BRE 365 • New surface water system, capacity, storage and discharge rate • Proposed outfalls for surface water • Existing drainage arrangements showing existing operational surface water connections on previously-developed sites • Details of adoption • Maintenance and management information for un-adopted sections • Topographical changes to the landscape • Other mitigation measures e.g. Finished Floor Levels 	

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Foul and Surface Water Drainage Scheme and Sustainable Drainage (continued)			<ul style="list-style-type: none"> • Demonstrate compliance with the requirements of any applicable SuDS guidance • If the proposal is part of a number of phases, the strategy should demonstrate access to/from interconnecting phases <p>A surface water strategy would seek to demonstrate a full investigation of the surface water hierarchy and highlight options that are preferred to the public combined sewer for the discharge of surface water. Applicants should provide clear evidence when demonstrating why more preferable options within the hierarchy have been discounted.</p>	
10. Foul Sewage Statement	NPPE paragraphs 8, 170, and 178-183	<p>Where it is proposed that a development will be connected to the existing drainage system.</p> <p>Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer</p>	<p>Details of the existing system shown on the application drawing(s).</p> <p>Where connection to the public sewer is not proposed a full assessment of the site, its location and suitability for storing, transporting and treating sewage is required. Where connection to the mains sewer is not practical the assessment will be required to demonstrate why the development cannot connect to the public mains sewer and show that alternative means of disposal are satisfactory.</p>	<p>The EU Water Framework Directive 2000</p> <p>The National Policy Statement for Waste Water (2012)</p> <p>PPG – Water Supply, Wastewater and water quality</p>

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Foul Sewage Statement (continued)			<p>It should be demonstrated that surface water will not be discharged into a foul or combined sewer.</p> <p>Liaison with the relevant Utility Company is encouraged when designing a drainage system.</p>	
11. Hedgerow Assessment	<p>NPPF paragraphs 170 and 175</p> <p>LP Policies N12, N14 & B15.</p>	<p>Developments that involve the removal of rural hedgerows where permission for removal is required under the terms of the Hedgerow Regulations 1997</p>	<p>Assessment as to whether the affected hedgerow/s meets the 'Important Hedgerow' criteria as defined by the Hedgerow Regulations 1997</p>	<p>Natural England and DEFRA Countryside hedgerows: protection and management</p> <p>Hedgerow Regulations FAQ's - CPRE</p>
12. Heritage Asset Statement	<p>NPPF paragraphs 184-202</p> <p>CSS Strategic Aim 13 & Policy CSP2.</p> <p>LNP Policy LNPP2</p> <p>LP Policies B2, B3, B4, B5, B6,</p>	<p>All developments that have the potential to impact on a designated heritage asset (or the setting) which includes;</p> <ul style="list-style-type: none"> proposals in or adjacent to a designated Conservation Area (which can be identified by clicking here). proposals directly or indirectly affecting a statutory Listed Building (Grade I, II* or II) (which can be identified by clicking here). directly or indirectly affecting an archaeological asset or scheduled ancient monument (which can be 	<p>The statement should provide/evaluate the following:-</p> <ul style="list-style-type: none"> A description of the significance of the heritage asset/s affected and the contribution of its setting to the significance. The statutory list description or historic environment record. How the proposal contributes positively to the special interest, character and appearance of the heritage asset. Impact of the loss or alteration of property or feature e.g. wall, which 	<p>PPG – Conserving and Enhancing the Historic Environment</p> <p>Completed Conservation Area Appraisals and Management Plans</p> <p>Keele Registered Park and Garden site description</p> <p>Maer Hall Registered Park and garden site description</p>

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Heritage Asset Statement (continued)	B7, B9, B10, B11, B12, B13 & B14 CHMAWNP Policy DC1	<p>identified by clicking here.</p> <ul style="list-style-type: none"> proposals affecting registered parks and gardens at Keele and Maer Hall Estate proposals affecting buildings/structures identified on the Register of Locally Important Buildings and Structures in Newcastle-under-Lyme If located within Historic Urban Character Areas 1, 2, 5, 6, 8, 11, 18 and 25 as identified in Newcastle-under-Lyme Extensive Urban Survey 2009 If located in Historic Urban Character Areas 2, 4, 6, 7, 9 and 10 of Betley as identified in the Betley Historic Character Assessment 2012 	<p>makes a positive contribution to the special interest, character and appearance of the heritage asset.</p> <ul style="list-style-type: none"> Impact of any proposed new buildings on the special interest, character and appearance of the heritage asset. Justification for demolition of all or part of the heritage asset. Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the heritage asset. Justification for the proposed use and impact on the special interest, character and appearance of the heritage asset in terms of anticipated levels of traffic, parking and other activity that would result. A schedule of works for new or restored features of architectural and historic importance. Mitigation for loss of all or part of a heritage asset such as preservation by record or relocation elsewhere. <ul style="list-style-type: none"> Where applications are within or adjacent to a conservation area an assessment of the impact of the development on the character and appearance of the area and an assessment of the views into and out of the conservation area. 	<p>Historic England's website</p> <p>Staffordshire's Historic Environment Record</p> <p>Ancient Monuments and Archaeological Areas Act 1979</p> <p>The Hedgerow Regulations 1997</p> <p>The Hedgerow Regulations 1997: A Guide to the Law and Good Practice</p> <p>Staffordshire County Council's advice on Historic buildings, landscape and archaeology</p> <p>Staffordshire County Council's survey, assessment and guidance on Staffordshire's Historic Farmsteads</p> <p>The Heritage Gateway</p> <p>Historic England's Guide to the range of information required by them</p> <p>Historic England's Making Changes to Heritage Assets (2016)</p>

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Heritage Asset Statement (continued)			<p>Where the development has the potential to impact archaeological remains as a minimum a desk based assessment should be provided summarising the following;</p> <ul style="list-style-type: none"> • Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance. • The historic development of the site and surrounding area. • The nature and extent of the above- and below-ground remains known/ likely to be present. • The impact that the proposed development is likely to have on surviving assets. <p>Where archaeological assessments are required it may be necessary to undertake field evaluation and trench surveys, which should be carried out by a qualified professional.</p> <p>In some cases the developer may need to submit a proposed written scheme of investigation. Early consultation with Staffordshire County Council Historic Archaeologist, Historic England as well as the Borough Council's Conservation Officer is advised to determine the need for and scope of any such archaeological works. As a minimum the Historic Environment Record (HER) which is maintained by</p>	<p>Historic England's Conservation Principles, Policies and Guidance</p> <p>Historic England's Good Practice Advice in Planning Note 2 - Managing Significance in Decision-taking in the Historic Environment (2015)</p> <p>Historic England's Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (2015)</p> <p>Historic England's Heritage at Risk Register</p> <p>The Chartered Institute for Archaeologists (CIfA) regulations, standards and guidelines including the standards and guidance for Historic Environment Desk-Based Assessment Historic Environment Desk-based Assessment (December 2014 - updated January 2017)</p>

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Heritage Asset Statement (continued)			<p>Staffordshire Council should be consulted. The County Council can produce a Historic Environment Appraisal Certificate which provides a summary of the historic environment interests, following a review of the HER and sets out recommendations.</p> <p>Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area.</p> <p>The above information can be included within the design and access statement when this is required.</p> <p>Early consultation with Historic England is required where an applicants' scheme has the potential to directly impact upon a</p> <p>Grade I and II* Listed Buildings, Scheduled Monuments or their settings; Grade I and II* Registered Parks and Gardens and Registered Battlefields. In the case of Grade I and II* Registered Parks and Gardens the applicant should also consult with the Garden History Society at the earliest opportunity.</p>	

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<p>13. Land Contamination Assessment – Preliminary Risk Assessment</p>	<p>NPPF paragraphs 178 and 179 and Annex 2: Glossary</p> <p>LP Policies E4, E5, E11, and H9.</p>	<p>All applications (excluding householder developments) where land contamination can reasonably be expected to be found on or adjacent to the development site (e.g. activities for which DOE industry profiles have been developed, active or closed landfill sites within 250 metres of the development site, coal seams under the development site, areas of infilled land, petrol stations, industrial land, waste sites, transport depots and yards, cleared sites, agricultural to residential conversions).</p>	<p>Where contamination is known or suspected to be present, or the proposed development is particularly sensitive, the applicant should provide sufficient information to determine whether the proposed development can proceed.</p> <p>The minimum requirement to enable validation of a planning application is a land contamination assessment that includes:</p> <ul style="list-style-type: none"> ➤ A desk study ➤ A site reconnaissance (walk over) ➤ A preliminary risk assessment that identifies the sources, pathways and receptors, including a conceptual site model. <p>Where the land contamination assessment identifies the potential for contamination to be present, a site investigation may be required to confirm the site conditions.</p> <p>Where contamination poses an unacceptable risk, developers will need to demonstrate that those risks will be successfully addressed via remediation.</p> <p>Remediation works will require verification to confirm their success.</p>	<p>The Environment Agency's Guidance on Land Contamination</p> <p>BS 10175:2011 Investigation of potentially contaminated sites. Code of practice. To purchase click here</p> <p>A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire</p> <p>Newcastle Borough Council's Contaminated Land Strategy</p> <p>Newcastle Borough Council's contaminated land web pages</p> <p>PPG – Land affected by contamination</p> <p>The EU Water Framework Directive 2000</p> <p>Environment Protection Act 1990:Part 2A contaminated Land Statutory Guidance</p> <p>Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>

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14. Landscape/ Visual Impact Assessment	<p>NPPF paragraphs 127, 141, 149, 151, 170-172 and 180</p> <p>CSS Strategic</p> <p>Aim 13 and Policies ASP6, CSP1 and CSP4.</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21 and N22.</p> <p>CHMAWNP Policies NE1 and HG1</p>	<p>Applications involving major development¹ in the rural area.</p> <p>Local Development Framework Proposals Map to identify urban and rural area.</p>	<p>Having regard to the 'Planning for Landscape Change', the following should be provided:</p> <ul style="list-style-type: none"> • an analysis of the existing landscape form and features, including the wider setting as appropriate. • a description of how the proposal will pay due regard to and integrate with the existing landscape. • A description of landscape improvement measures associated with the development. • drawings showing as appropriate, contours, spot heights and sections, vegetation cover and other features. • photos together with a plan showing locations and directions taken from. <p>Assessments should be based on good practice guidelines</p>	<p>Planning for Landscape Change. SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Landscape Institute and Institute of Environmental Management and Assessment (3rd Edition): Guidelines for Landscape and Visual Impact Assessment. To purchase click here</p> <p>Landscape Institute Advice Note</p> <p>01/11 Photography and Photomontage in Landscape Visual Assessment</p> <p>Landscape Institute's Technical Guidance Not 02/17 Visual representation of development proposals</p> <p>PPG – Natural Environment</p>
15.Landscape Master Plan	<p>NPPF paragraphs 127,</p>	<p>Applications involving major development¹</p>	<p>Development proposals meeting the criteria in the previous column will be required to</p>	<p>Planning for Landscape Change. SPG to the former</p>

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Landscape Master Plan (continued)	141, 149, 151, 170-172 and 180 CSS Strategic Aim 13 and Policies ASP6, CSP1 and CSP4. LP Policies N14, N16, N17, N18, N19, N20, N21 and N22. CHMAWNP Policies NE1 and HG1	Applications (other than for householder development) in or adjacent to the Green Heritage Network and in the rural area. Local Development Framework Proposals Map to identify Green Heritage Network and rural area.	be supported by a Landscape Masterplan which must be fully integrated with proposals for ecological enhancement. Schemes should include landscaping zones and schedule of likely species and proposals for the long term management and maintenance of such areas. Where contamination is found developers will need to demonstrate in the Land Contamination Assessment that unacceptable risk from it will be successfully addressed through remediation without undue environmental impact during and following development.	Staffordshire and Stoke-on-Trent Structure Plan Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD
16. Lighting Assessment	NPPF paragraph 180 CHMAWNP Policy CC5	Proposals for external lighting including floodlighting and lighting in connection with a publicly accessible development or proposal in the vicinity of a residential property, listed building, conservation area, a site of nature conservation value (SSSI, LNR, SINC, SLINC, PSI) or area which is currently unlit and contributes to the wider network of dark corridors for wildlife.	Details to include the following: The lighting scheme shall be designed, maintained and operated so as not to exceed the maximum values specified the appropriate Zone within table 2 of the Institute of Lighting Professionals publication Guidance Notes for the Reduction of Obtrusive Light GN01:2011 https://www.theilp.org.uk/documents/obtrusive-light/ . 1. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of	PPG – light pollution and design DCLG archived guidance Lighting in the Countryside – towards good practice www.abacuslighting.com/ for general advice about sports pitch lighting BS EN 12193:2007 “Light and Lighting. Sports Lighting”. To purchase click here

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Lighting Assessment (continued)			<p>illumination during the summer and winter.</p> <ol style="list-style-type: none"> 2. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting. 3. Details of the make and model of any luminaires/floodlights. 4. The size, type and number of lamps 5. fitted within any luminaire or floodlight. 6. The mounting height of the luminaires/floodlights specified. 7. The location and orientation of the luminaires/floodlights. 8. A technical report prepared by a qualified Lighting Engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns. 9. Details of the Upward Light Ratio of the Installation (sky glow) as a percentage of luminaire flux. 10. Details of potential light intrusion into windows described as Vertical Illuminance in Lux as measured flat on the glazing at the centre of the window. 11. Details of potential for glare, as light Intensity in Candelas 12. The ground level lux levels at the site boundary and for 25 metres outside it. 	<p>Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (201221)</p> <p>Royal Commission on Environment Pollution report Artificial light in the Environment</p> <p>Institute of Lighting Professionals Lighting against Crime</p> <p>Institute of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting</p> <p>Highways England Strategic road network and the delivery of sustainable development</p> <p>Further Advice Where this is likely to be an issue, applicants are advised to contact the Environmental Protection Team. Environmental_health@newcastle-staffs.gov.uk</p>

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Lighting Assessment (continued)			<p>13.Where appropriate, details of building luminance in Candelas per Square Metre</p> <p>Lighting schemes must take account of any possible effects on wildlife that is sensitive to light, the need for full horizontal cut-off; distraction to drivers; levels of impact on nearby dwellings.</p>	
17.Mineral Safeguarding Statement	<p>NPPF paragraph 204</p> <p>MLP Policy 3</p>	<p>Where development is proposed within Mineral Safeguarding Areas or on or near to mineral infrastructure sites where the development would constrain the existing or future mineral operations other than the exemptions set out at Appendix 6 of the MLP</p> <p>The Policies and Proposals Map to identify the minerals safeguarding areas</p>	<p>The statement, which shall be prepared by a specialist, shall demonstrate the implications of the proposals on:</p> <ul style="list-style-type: none"> a) Permitted mineral reserves of mineral site allocations; b) Mineral resources in mineral safeguarded areas; and c) Mineral infrastructure sites. 	PPG - minerals safeguarding
18. Noise and Odour Assessment	NPPF paragraph 182	Applications involving new dwellings in close proximity to an existing Waste Water Treatment Works	The assessment shall identify noise and odour arising of from the Waste Water Treatment Works and the implications of introducing new sensitive receptors within close proximity.	PPG - Noise

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<p>19. Noise and Vibration Assessment and sound insulation details/ventilation to avoid overheating where windows need to be kept shut to achieve appropriate noise levels internally</p>	<p>NPPF paragraphs 170 and 180</p> <p>CSS Policy SP3.</p>	<p>All applications involving wind turbines.</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive development(s),</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive locations.</p> <p>All applications that introduce or expose noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.</p>	<p>The Noise Impact Assessment MUST follow recognised assessment protocols (where available and appropriate to the circumstances under consideration), <u>if not available the assessment approach must be agreed in advance with Environmental Health</u>. In all circumstances, the assessment must be conducted by an appropriately qualified and experienced acoustic consultant.</p> <p>Assessments must outline the potential sources of noise generation, and how these may have a negative effect on local amenity.</p> <p>The assessment should also outline how the developer mitigates any adverse issues identified by the assessment by firstly looking to optimise the design and layout before providing mitigation</p> <p>Any recommendations to mitigate noise should be incorporated into the submitted plans for the application.</p> <p>For residential developments the assessment must be in accordance with ProPG – Planning & Noise: new residential development.</p> <p>Where windows need to be kept shut to provide for appropriate internal noise levels</p>	<p>PPG - Noise</p>

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<p>Noise and Vibration Assessment and sound insulation details/ ventilation to avoid overheating where windows need to be kept shut to achieve appropriate noise levels internally (continued)</p>			<p>(after all other strategies have been assessed and exhausted), an assessment of overheating must be conducted in accordance with CIBSE TM59 Any requirements to incorporate mechanical services to provide appropriate ventilation must be in accordance with the Acoustics, Ventilation and Overheating Guidance</p> <p>“Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.</p> <p>In these circumstances the applicant (or ‘agent of change’) will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.</p>	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
20. Open Space Assessment	<p>NPPF paragraphs 8, 83, 92, 96-101, and 121 and Annex 2: Glossary</p> <p>CSS Policy CSP5.</p> <p>LNP Policy</p> <p>LNPP3, LNPS1 and LNPS3</p> <p>LP Policy C4.</p> <p>CHMAWNP Policy HG3</p>	<p>Any development affecting existing areas of open space, sport/recreational facilities.</p> <p>Any development involving 10 or more dwellings.</p> <p>Rural area – developments for 10 dwellings or more and which have a combined gross floorspace of more than 1,000m³</p>	<p>If the development affects existing areas of open space or sport/recreational facilities and the Council has not got a robust and up-to-date assessment it must be demonstrated through an independent assessment that the land or buildings are surplus to local requirements.</p> <p>Plans must be provided showing any areas of existing or proposed open space within or adjoining the application site and any access links, equipment, facilities,</p> <p>landscaping to be provided on open space areas.</p> <p>Where the development affects playing field land the following information should be provided:</p> <ul style="list-style-type: none"> • Details of current and recent users of the playing field and the nature and extent of their use. • A statement as to how the development fits with the findings of any relevant assessment of need and/or sports related strategy and how the development will be of benefit to sport. • Specification of any ancillary facilities such as floodlights. • Specification of any artificial grass pitch and reason for the chosen surface type. • Details of how any replacement area of playing field and ancillary facilities will 	<p>Sport England's Active Places and Active Places Power</p> <p>Sport England's planning for sport</p> <p>Sport England's role in assessing and commenting on planning applications</p> <p>Sport England's playing fields policy</p> <p>Newcastle-under-Lyme Borough Council's Open Space and Green Infrastructure Strategies</p> <p>PPG – Open space, sports and recreation facilities, public rights of way and local green space</p>

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Open Space Assessment (continued)			<p>be delivered (including to what timescale).</p> <ul style="list-style-type: none"> • Where any replacement area of playing field, equivalent or better quality will be achieved and maintained including an assessment of the performance of the existing area; programme of works (including pitch construction) for the creation of the proposed replacement area; and a management and monitoring plan for the replacement area. <p>Where open space facilities are proposed to be provided on-site or in-kind you must define them in the application and provide a statement to accompany the planning application setting out:</p> <ul style="list-style-type: none"> • A maintenance specification for the works • how the facility will be initially installed and subsequently maintained to the submitted specification for at least 10 years <p>Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, you will be expected to make a financial contribution through a Planning Obligation.</p> <p>Where open space adjoins an operational railway details of appropriate fencing should be provided to avoid trespass .</p>	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
21. Parking Provision Details	<p>NPPF paragraphs 102 and 105-107</p> <p>LP Policies H4 and T16.</p>	<p>On outline applications where layout is not reserved for subsequent approval.</p> <p>All other applications involving parking provision.</p>	<p>For outline applications when providing the mandatorily required information on use, the area or zone within the site that is to be used for parking is to be identified and the level of parking provision shall be specified.</p> <p>In all other cases the following should be provided on the scaled site/block plan;</p> <ul style="list-style-type: none"> • details of the parking layout and access clearly delineate. • Dimensions of visibility splays <p>Where the access road, turning circles and parking spaces are proposed adjacent to a railway boundary an assessment of road vehicle incursion measures will be required.</p>	<p>Car parking: What works where originally published by English Partnerships (now Homes and Communities Agency).</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Design Council's Building for Life 12 – Section 10 Car Parking</p> <p>The Chartered Institution of Highways and Transportation and Institute of Highways Engineers Guidance Note: residential parking</p> <p>University of Huddersfield – Impact of Design and Layout of Parking on Crime and Anti-social Behaviour</p>
22. Photographs/ Photomontages and/or Computer Generated Images and 3D models	<p>NPPF paragraphs 8, 28, 71, 72, 83, 95, 102, 122, 124-132, 150, 153 and 184-202 and Annex 2: Glossary</p>	<p>Photographs/photomontages are required as follows;</p> <ul style="list-style-type: none"> • for or all major development¹ • All development affecting an above ground heritage asset <p>Computer generated images and 3D models will only be required in exceptional circumstances where the</p>	<p>Sufficient detail of the wider site context to demonstrate an understanding of the place and local circumstances within which the proposed development is to be located and which can help to show how large developments, or developments in sensitive locations, can be satisfactorily integrated within the street scene and aid good design.</p>	<p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Landscape Institute Advice Note 01/11 Photography and Photomontage in Landscape Visual Assessment</p>

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Photographs/ Photomontages and/or Computer Generated Images and 3D models (continued)	CSS Strategic Aim 16 and Policies ASP4, ASP6 and CSP1.	scale of the development or the sensitivity of the site justify it.		
23. Statement of Agricultural Need	NPPF paragraphs 77- 79 and 145	All new agricultural workers dwellings.	<p>An application should be accompanied by a statement demonstrating the need for the dwelling. The statement should include the following information:-</p> <ul style="list-style-type: none"> • Size of agricultural holding on which the building is to be erected. • Details of any additional rented land, these details should include the basis on which the land is rented (i.e. how long it has been rented for, including start and end contract dates and what type of contract there is for each piece of land). • Details of other buildings used, including those on the rented land (details should include the floor space of the building and what each part of the building is currently used for). • Details of the number of animals kept at the site (where relevant). 	

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Statement of Agricultural Need (continued)			<ul style="list-style-type: none"> • Details of those employed at the site, and whether this is on a full or part time basis and their only source of income. • Details of how long the unit and agricultural activity have been established for. • Demonstration of the length of time that the agricultural business has been established, that it is currently financially sound and has been profit for at least ` year. • The need cannot be meant by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. 	
24. Statement of Community Involvement	NPPE paragraphs 39 and 40 LPA's Statement of Community Involvement	All major development ¹ , major change of use application	A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.	PPG – Before submitting a planning application
25. Structural Survey	NPPE paragraphs 146, and 193 -199 CSS Strategic	Development involving the reuse of rural buildings All applications for the demolition of listed buildings and unlisted buildings	The statement should include full details of the structural integrity of all elements of the building to be converted or demolished and outline any repairs or demolition works necessary to facilitate the conversion.	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
Structural Survey (continued)	Aim 13 and Policy CSP2. LP Policies H9, E12, B4, B8 and B11.	within the Conservation Area	Where the application will lead to substantial harm to or total loss of significance the statement should seek to demonstrate; <ul style="list-style-type: none"> • The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. • The nature of the heritage asset prevents all reasonable use of the site; and • No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and • Conservation through grant-funding or some form of charitable or public ownership is not possible; and <ul style="list-style-type: none"> • The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. A marketing report where the demolition of a designated asset is proposed on economic grounds.	
26. Tele-communications Developments – supplementary Information	NPPE paragraphs 112-116 LP Policy T20.	All applications involving telecommunications developments	Statement including: <ul style="list-style-type: none"> • The area of search, • details of any consultation undertaken, • details of the proposed structure, and 	Code of Best Practice on Mobile Network Development in England (2016)

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Tele-communications Developments – supplementary information (continued)			<ul style="list-style-type: none"> • technical justification and information about the proposed development. • Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. <p>Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) taking into account existing masts or base stations and the cumulative exposure arising when operational.</p>	
27. Town Centre Uses – Evidence to accompany applications	<p>NPPF paragraphs 85-90 and Annex 2: Glossary</p> <p>CSS Policy ASP5.</p> <p>LNP Policy LNPE2</p> <p>LP Policy R12.</p>	Main town centre uses that are not in an existing centre and not in accordance with the Development Plan other than small scale rural offices or other small scale rural development.	<p>A sequential assessment for all applications for main town centre uses.</p> <p>An impact assessment for any application for retail, leisure and office development which is over 2,500sqm of floorspace or any threshold that is set in the Development Plan.</p>	PPG – Ensuring the vitality of town centres

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28. Transport Assessment	NPPF paragraph 111	All applications likely to generate significant traffic movements.	<p>The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for Major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. In addition consideration should be given to the impact of increased footfall on Railway Stations.</p> <p>Applicants should seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.</p>	<p>DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development</p> <p>Staffordshire County Council's guidance on Transport Assessments and Travel Plans Manual for Streets</p> <p>Manual for Streets 2</p> <p>PPG – Travel plans, transport assessments in decision- taking</p> <p>PPG – Transport evidence bases in plan making and decision-taking.</p>
29. Travel Plan	NPPF paragraph 111	All applications likely to generate significant traffic movements.	Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all	DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development

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Travel Plan (continued)			other roads) at an early stage in the design process.	Staffordshire County Council's guidance on Transport Assessments and Travel Plans PPG – Travel plans, transport assessments in decision- taking
30. Tree Survey/Arboricultural Impact Assessment/Retained Trees and Root Protection Areas (BS5837:2012)	NPPE paragraphs 170 and 175, and Annex 2: Glossary LP Policies N12, N14 & B15.	<p>Any site where there are trees which are the subject of a Tree Preservation Order either on or overhanging the application site</p> <p>Any site within a Conservation Area where there are trees either on or overhanging the application site</p> <p>Any site where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees).</p>	<p>1) Tree Survey All trees to be numbered on the site plan, with details of their species, age, condition, works proposed and need for works set out on an accompanying schedule.</p> <p>A schedule to the survey must include:</p> <ul style="list-style-type: none"> • List of all trees or groups along with • A reference number • Species • Height in metres • Stem diameter in millimetres at 1.5m above ground level. • Branch spread of the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan) • Height in metres of crown clearance above ground level • Age class • Physiological condition 	<p>BS5837:2012 Trees in Relation to Design, Demolition and Construction. Recommendations. To purchase click here</p> <p>Town and Country Planning (Tree Preservation) (England) Regulations 2012</p> <p>Town and Country Planning (Trees) Regulations 1999</p>

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Tree Survey/Arboricultural Impact Assessment/Retained Trees and Root Protection Areas (BS5837:2012) (continued)			<ul style="list-style-type: none"> • Preliminary management recommendations, estimated remaining contribution in years • Category Rating. <p>2) Arboricultural Impact Assessment in accordance with BS5837:2012 paragraph 5.4 used to evaluate the direct and indirect effects of the proposed design and where necessary recommends mitigation.</p> <p>3) Retained Trees and RPAs shown on the proposed layout using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.</p>	
31. Ventilation/Extraction and Flues	NPPF paragraphs 8, 170 and 180	Where ventilation or extraction equipment is to be installed, including proposals for the sale or preparation of cooked food, and commercial premises requiring dust and/or odour extraction, cooling or air handing.	The submitted plans should include details of the external appearance and written details outlining the technical specification of the proposed plant. The technical specifications shall include: <ul style="list-style-type: none"> • A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc.) and the position on the building. • The noise levels generated by the fan in decibels (dB) at the specified distance (i.e. 1.0m/3.0m/ etc.) • Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed. 	Defra guidance on Nuisance smells: how councils deal with complaints Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

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Ventilation/ Extraction and Flues (continued)			<ul style="list-style-type: none"> • Locations, design and appearance of external flues. • Arrangements to reduce odours to an acceptable level to safeguard existing amenity. 	
32. Waste Management Facilities Safeguarding Statement	NPPW	<p>Where development is likely to unduly restrict or constrain the activities permitted at an existing waste management facility or restrict the future expansion and environmental improvement to the facility.</p> <p>The location and extent of permitted waste management facilities can be identified on Staffordshire County Council's Map Search web page</p>	<p>The statement, which shall be prepared by a specialist, shall demonstrate the implications of the proposals on:</p> <p>a) The current operations being carried out at the waste management facility (eg in terms of the impacts from noise, vibration, artificial light, dust, odour and traffic.</p> <p>b) The future expansion/environmental improvement to the waste management facility; and</p> <p>c) The capacity of the waste management facility.</p>	<p>PPG – Waste</p> <p>Defra Waste Management Plan for England December 2013</p>
33. Waste and Recycling Management	NPPW	All development involving the construction/formation of new dwellings	<p>Details of the arrangements for recyclable materials and refuse storage including the following:</p> <ul style="list-style-type: none"> • Designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the development. • Collection arrangements • Vehicle tracking information to demonstrate that the collection vehicle can collect. 	PPG – Waste

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

² 'Minor' development proposals are those for developments which do not meet the criteria for 'Major' development nor involve a Change of Use or Householder Development

List of Abbreviations

AQMA – Air Quality Management Areas

BRE – Building Research Establishment

CHCMAWNP – Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan

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

Defra - Department for Environment, Food and Rural Affairs EIA – Environmental Impact Assessment

DfT – Department for Transport

LLFA – Lead Local Flood Authority

LNP – Loggerheads Neighbourhood Plan 2013-2033

LP - Newcastle-under-Lyme Local Plan 2011

MLP – Minerals Local Plan for Staffordshire 2015 to 2030

NPPF – National Planning Policy Framework (2019)

NPPW – National Planning Policy for Waste (2014)

PPG – Planning Practice Guidance

RSPB – Royal Society for the Protection of Birds

PWMP – Project Waste Management Plan

SPD – Supplementary Planning Document

SSJWP – Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026

SWMP – Site Waste Management Plan

TA – Transport Assessment

WHO – World Health Organisation

WWT – World Wildlife Trust

Confirmation of Tree Preservation Order

LAND AT 50 CASTLE ROAD, MOW COP

Tree Preservation Order No.213 (2021)

Town & Country Planning Act 1990

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

The Order protects trees within the grounds of 50 castle Road, Mow Cop.

The Order was made to safeguard the longer term visual amenity that the trees provide after development works were commenced on the site, leading to concern that trees could be lost.

The Order was made using delegated powers on 9th February 2021. Approval is sought for the Order to be confirmed as modified.

The 6 month period for this Order expires on 9th August 2021

RECOMMENDATION

That Tree Preservation Order No 213 (2021), Land at 50 Castle Road, Mow Cop be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

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

Representations

One representation have been received from a neighbour objecting to the TPO on the following grounds:

- The trees are a recent addition to Mow Cop and we have evidence they did not exist at all in the 1980/90s.
- The trees are there as a result of the landowners neglect and have in fact led to the destruction of heathland and moorland with which Mow cop is associated. Around 85% of heathland has been lost over the past 150 years through agricultural development and the planting of conifers. The small, fragmented patches that remained fell out of use and

natural succession led to the development of secondary woodland, resulting in the loss of many specialist heathland species.

- The land should be restored back to heathland/moorland, the trees should be removed and replanting taken place with moorland species such as heather and bilberries.
- The site next to the land, belonging to the National Trust is a site of special interest within the Cheshire East development plan and part of the greenbelt. The trees at 50 Mow Cop are slowly invading the site of special interest and destroying the specialist habitat and leading to the loss of plant and animal species.
- We dispute the fact that they are Mow Cops prominent feature. The prominent feature is Mow Cop Castle and these trees block distant views of the castle from the north, north east and east.
- The trees do not provide any positive contribution to the area. Their effect has had a negative impact on the moorland which will only accelerate as the invasive species spread, particularly the silver birch.
- The loss of the trees would be beneficial to Mow Cop and the preservation of the area.
- The geology of Mow Cop is not suitable for trees of any sort. Below the shallow top soil there is solid rock and nowhere for a tree root system to go. This may not be a problem in some areas around the castle but on the crest of a hill with accelerated wind speeds to could be a safety risk.
- The trees may form a feature but they are neither desirable or important to the area.

Your officers consider that the trees that have established are not inappropriate for the property and that restoration to heathland would be impractical for such a residential property. There are no apparent domestic properties in the area that have gardens of heathland and several properties have trees growing within them. Maintenance of adjacent heathland is subject to separate management. It is considered that the trees form a positive visual feature to the Mow Cop skyline.

Issues

The trees are a collection of individuals, groups of trees and woodland growing throughout the property, consisting mainly of birch but with other species including sycamore, pine, rowan, willow, cypress and holly. They form prominent feature on the ridge of Mow Cop and screen the current dwelling. They are mainly mature and early mature although many have not achieved their full stature due to the exposed nature of the site. They are clearly visible from the many footpaths in the vicinity, including public footpath Kidsgrove 115, Mow Cop Castle Lane, and Mow Cop Castle, with narrow views from the surrounding roads. They are also prominent as a visual feature next to the landmark Mow Cop Castle from lower parts of Mow Cop and distant viewpoints to the south and east. The trees are a significant feature and provide an important contribution to the area and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

The dwelling on the property is currently uninhabitable and a planning application was received in December 2020 for a replacement dwelling, application number 20/01039/FUL. Subsequent to the application being submitted, clearance work was commenced on site by the developer leading to concern that trees might be removed as an obstacle to development and a Provisional Tree Preservation Order was made to protect the long term well-being of the trees. The TPO was made and served on 9th February 2021. Tree issues relating to planning application 20/01039/FUL remain unresolved.

Amendments

Due to the large number and distribution of the trees on the site and the time available for making the Provisional Order, the trees were categorised in the form of an area covering the entire site so as to temporarily protect all of the trees.

Following the making of the Provisional Order your officers have carried out a review and itemised individual trees, groups of trees and a small area of woodland worthy of an Order. The Order to be confirmed has been modified from the Provisional Order to show only the worthy trees. The trees are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years.

Date report prepared

7 July 2021

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Tree Preservation Order No 213 (2021)

**SCHEDULE 1
SPECIFICATION OF TREES
As Modified**

Trees specified individually
(encircled in black on the map)
None

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
T1	Sycamore	West of buildings
T2	Rowan	North-east of buildings
T3	Birch	Central area of site
T4	Cypress	Central area of site
T5	Birch	Central area of site
T6	Oak	Central area of site
T7	Oak	Adjacent 54 Wood Street
T8	Rowan	Adjacent 54 Wood Street
T9	Pine	Adjacent access drive
T10	Birch	To west of entrance
T11	Sycamore	North-eastern part of site
T12	Willow	East of access drive
T13	Willow	East of access drive
T14	Sycamore	On eastern boundary adjacent public footpath

Trees specified by reference to an area
(within a dotted black line on the map)
None

Groups of trees
(within a broken black line on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
G1	2 pine, 1 oak and 1 sycamore	West of buildings
G2	3 sycamore	North of buildings
G3	3 sycamore, 2 birch and 2 rowan	Adjacent Castle Road
G4	7 birch	On eastern boundary adjacent public footpath

Woodlands
(within a continuous black line on the map)

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
W1	Mixed species, predominantly birch with other trees including rowan, oak, holly, sycamore, hawthorn and cypress.	On the southern and south-eastern parts of the site

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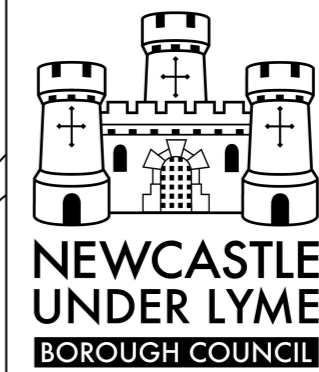


Signed

Date 9 February 2021

Confirmed

Date



DAVE ADAMS,
EXECUTIVE DIRECTOR
OPERATIONAL SERVICES
CIVIC OFFICES,
MERRIAL STREET,
NEWCASTLE,
STAFFORDSHIRE. ST5 2AG

TITLE:
50 Castle Road, Mow Cop

DESCRIPTION:
Tree Preservation Order Number 213
Plan as modified

DRAWN BY:
P.S.

SCALE:
1:1000 @ A3

DATE:
February 2021

DRAWING NO.
TPO 213

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