

Public Document Pack

Date of meeting Tuesday, 17th August, 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** (Pages 5 - 10)
To consider the minutes of the previous meeting held on 20th July 2021.
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - JCB WORLD LOGISTICS WAREHOUSE (BLUE PLANET) UK INDUSTRIAL PROPERTIES S.A.R.L. 21/00600/FUL** (Pages 11 - 16)
- 5 **.APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF MARKET DRAYTON ROAD, LOGGERHEADS SHROPSHIRE HOMES LIMITED. 21/00601/FUL** (Pages 17 - 22)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO NORTH OF SHELTON BOULEVARD, THE SOUTH OF NEWPORT LANE AND IN BETWEEN FESTIVAL WAY AND THE A500 (QUEENSWAY), AND LAND AT GRANGE LANE, WOLSTANTON CITY OF STOKE-ON-TRENT COUNCIL. 21/00574/FUL** (Pages 23 - 28)
- 7 **APPLICATION FOR MINOR DEVELOPMENT - PEAK PURSUITS, NANTWICH ROAD, AUDLEY PEAK ACTIVITY SERVICES - MR JOHN POTTER. 20/01045/FUL** (Pages 29 - 38)
- 8 **APPLICATION FOR OTHER DEVELOPMENT - 1 BERESFORD CRESCENT, NEWCASTLE UNDER LYME DR SHAMYLLA SAMAD. 21/00569/FUL** (Pages 39 - 46)

9 APPLICATION FOR OTHER DEVELOPMENT - (Pages 47 - 54)
COMMUNICATION MAST, PEPPER STREET, NEWCASTLE
UNDER LYME CK HUTCHISON NETWORKS (UK) LTD.
21/00701/TDET

10 LAND AT DODDLEPOOL, BETLEY reference 17/00186/207C2 (Pages 55 - 56)

11 UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED (Pages 57 - 58)
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

12 MILL RISE EXTRA CARE VILLAGE, LOWER MILEHOUSE LANE (Pages 59 - 62)
ASPIRE HOUSING. 00754/DOB

13 APPEAL DECISION - APPEAL BY MR GARY BASKERVILLE (Pages 63 - 64)
AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL
PLANNING PERMISSION FOR A NEW 3 BED DETACHED
DWELLING WITH INTEGRAL GARAGE AT LAND ADJACENT
TO PARK HOUSE, DALES GREEN ROAD, MOW COP

14 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraphs 1,2 and 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

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 and
Kenneth Owen

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

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

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

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

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

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, 20th July, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

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

Officers:	Rachel Killeen	Senior Planning Officer
	Elaine Moulton	Development Management Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer

Also in attendance:

1. APOLOGIES

Apologies were received from Councillor Silvia Burgess.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 22 June, 2021 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS. TADGEDALE QUARRY RESTORATION LIMITED. 21/00536/FUL

Resolved: (A) That, 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,

The variation of conditions 20 and 21 of 15/00015/OUT be permitted, 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.

5. APPLICATION FOR MINOR DEVELOPMENT - 50 CASTLE ROAD, MOW COP. MR LEE GITTINS. 20/01039/FUL

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Electric vehicle charging provision
- (v) Prior approval of parking and turning areas
- (vi) Surfacing of access driveway
- (vii) Restriction on gates
- (viii) Construction hours
- (ix) Prior approval of proposed ground levels
- (x) Tree protection measures
- (xi) Prior approval of semi-mature replacement tree planting
- (xii) Prior approval of soft landscaping scheme
- (xiii) Removal of permitted development rights for extensions and outbuildings (To protect the appearance of the building and the character and openness of the Green Belt given scale of replacement dwelling and to protect the setting of Mow Cop Castle)
- (xiv) The landscaping scheme secured by condition 12 to

- include tree planting between the development and Mow Cop Castle
- (xv) The materials to be agreed in accordance with condition 3 to be dark/recessive in colour.
 - (xvi) The use of non-reflective glass (to minimise glare and reduce impact on the setting of Mow Cop Castle and the wider area)

Note to applicant stating that Planning Committee indicated that consideration should be given to the re-use of the material from the existing dwelling within the development.

6. **APPLICATION FOR MINOR DEVELOPMENT - PEAK PURSUITS, NANTWICH ROAD, AUDLEY. PEAK ACTIVITY SERVICES - MR JOHN POTTER. 20/01045/FUL**

Proposed by the Chair, Councillor Fear and seconded by Councillor John Williams.

Resolved: That the application be deferred to allow consultation with the Highway Authority to take place.

7. **APPLICATION FOR OTHER DEVELOPMENT - OAKLEY HALL, OAKLEY, MARKET DRAYTON. MR AND MRS GHANI. 21/00503/LBC**

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

- (ii) Time limit.
- (ii) Approved plans.
- (iii) Approval is sought, prior to installation, for the details of fixings for new partition walls.
- (iv) Approval of details for the proposed interior panelled door design and architraves with appropriate mouldings
- (v) In all other respects the permitted repairs and alterations shall be carried out in accordance with the submitted details.

8. **APPLICATION FOR OTHER DEVELOPMENT - BATHPOOL PARK, LAND WEST OF PUBLIC CAR PARK, PEACOCK HAY ROAD. EE LIMITED. 21/00592/TDET**

Resolved: (i) That prior approval is required, and
(ii) That such prior approval is granted

9. **APPLICATION FOR OTHER DEVELOPMENT - KIDSGROVE SKI CENTRE, WESTMORLAND AVENUE, KIDSGROVE. EE LIMITED. 21/00596/TDET**

Resolved: (i) That prior approval is required, and
(ii) That such prior approval be granted.

Note to applicant asking that consideration be given to a different, more sensitive design

10. **APPLICATION FOR OTHER DEVELOPMENT - LAND TO EAST OF CONEYGREAVE LANE, WHITMORE. HIGH SPEED TWO (HS2) LIMITED. 21/00634/SCH17**

Members were advised that this application had been withdrawn.

11. **ANNUAL DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2020/2021**

Consideration was given to a report on the annual Development Management Performance figures for 2020/21.

Councillor Northcott thanked the officers that had performed well throughout the various stages of lockdown and had kept the figures in a really healthy state to how they were a few years ago. The performance management procedures were working very well.

Councillor Reddish agreed that there was lots of good news and lots of targets had been achieved, but notably one that had not been achieved – enforcement/complaints issues. Councillor Reddish asked if that could be looked at urgently again. A sub-group had been set up, of which Councillor Reddish was a member, but wearing her Planning Committee hat, would want to urge the group to progress it to see what could be done to achieve that target.

The Chair stated that he shared Councillor Reddish's concerns stating that it was very serious and something that the public took note of. Councillor Fear was also a member of the sub-group.

Councillor Northcott, who was also a member of the sub-group stated that he had had a good conversation with the Head of Planning, Shawn Fleet in terms of how the enforcement issues would be addressed and looking at ways to bring the performance figures into a better state.

The Chair stated that Councillor Reddish was right to highlight this issue and also agreed with Councillor Northcott in thanking officers for their hard work during what had been a tough time

- Resolved:**
- (i) That the report be received.
 - (ii) That the Head of Planning and Development seeks to maintain and improve performance of the Development Management team (including the technical support team) to meet the targets.
 - (iii) 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.

12. **5 BOGGS COTTAGE, KEELE. 14/00036/207C3**

Elaine Moulton stated that the report was incorrect in that a response had been received in respect of a letter sent by the Chief Executive to the Inspectorate. The response received was that delays served to undermine natural justice and continued uncertainty was liable to cause frustration and distress to the parties (neighbours who were concerned about the time that this process was taking). The Inspectorate

considered that the inspector was right in that, holding a virtual hearing would cause a greater loss of natural justice. The conclusion was that the Inspectorate would continue along the course that they were continuing along.

There had been some news relating to the Inspectorate's general approach to hearings following the relaxation of restrictions. Whilst the Council had not heard anything specifically in respect of this appeal, it would appear that from 13 September they would be reverting back to the pre-restriction approach to hearings. A date would be set and the authority would make the arrangements for hearings and enquiries to take place and in person events would be possible although there would need to be the ability for participants wishing to attend virtually, could do so. There was a possibility that a date could be set for this hearing because it could be held in person from 13 September onwards.

The Chair asked that, given there could be a hybrid meeting, could it be checked that that would fall within the issues of natural justice and such. Fore-warned was fore-armed and it would be good to ensure that the Council was secure on that in advance. Otherwise, the Chair could see that there could be further delay in this regard.

Elaine Moulton stated that the Inspectorate could be contacted to ask what the changing guidance meant in terms of the hearing to be held for this enforcement appeal. No information had been received from the appellant to suggest that they would not be prepared to attend in Person. It was the fact that they would not have proper representation if the hearing was held virtually that was of concern. If, however, the appellant were to object, saying that they felt it unsafe to attend in person there would be the same problem that had resulted in the previous deferrals. The Inspectorate would be contacted for clarification as to how the guidance would be applied in this case.

The Chair confirmed that the Committee would wish that a letter be sent, asking for clarification.

- Resolved:**
- (i) That the information be received.
 - (ii) That a letter to be sent to the Planning Inspectorate asking for clarification as to how the change in guidance on hearings, following the relaxation of restrictions, will affect this appeal.
 - (iii) That a further report be brought to this committee in two meetings time

13. LIST OF LOCAL VALIDATION REQUIREMENTS

Consideration was given to a report on the list of Local Validation Requirements. The Council's Development Management Team Manager, Elaine Moulton stated that the amendments that had been proposed, which had been consulted on were very minor in terms of changes to the list. The main changes related to the introduction of the Chapel and Hill Chorlton Neighbourhood Development Plan and the addition of Policies from that document to the list of Policy Drivers where applicable.

As part of the consultation process there was the opportunity for people to suggest a more radical change to the list which would be taken into consideration in the reports

which are brought back to Committee at a later date to recommend what changes should be made prior to adoption of the list.

Resolved: (i) That the revised list of Local Validation Requirements as set out in Appendix A to this Report for public consultation purposes be approved.

(ii) That a further report be brought to this Committee setting out recommendations on the outcome of the consultation before adoption of a revised list of Local Validation requirements.

14. TREE PRESERVATION ORDER - LAND AT 50 CASTLE ROAD, MOW COP - TPO213

Resolved: 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.

15. URGENT BUSINESS

There was no Urgent Business.

Chair

Meeting concluded at 8.25 pm

JCB WORLD LOGISTICS WAREHOUSE (BLUE PLANET)
UK INDUSTRIAL PROPERTIES S.A.R.L

21/00600/FUL

The application seeks full planning permission for replacement roof lights and a replacement roof covering to this existing warehouse building, previously known as Blue Planet.

The application site is located on Lowlands Road and forms part of the Chatterley Valley strategic employment area, in the urban area, as designated on the Local Development Framework Proposals Map.

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

RECOMMENDATIONS

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

- 1. Standard time limit for commencement of development;**
- 2. Approved plans;**
- 3. Materials**

Reason for Recommendation

The proposed development would not harm the appearance of the building or the visual amenity of the area. Therefore, the proposed development is acceptable and complies with the guidance and requirements of the NPPF and the principles of Policy CSP1 of the CSS.

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

Pre-application planning advice was given and the proposed development is a sustainable form of development in accordance with the National Planning Policy Framework. Therefore, no amendments or additional information has been sought.

Key Issues

The application seeks full planning permission for replacement roof lights and a replacement roof covering to this existing warehouse building, previously known as Blue Planet.

The application site is located on Lowlands Road and forms part of the Chatterley Valley strategic employment area, in the urban area, as designated on the Local Development Framework Proposals Map.

The proposed works would only affect the external appearance of the building and on this basis the sole issue for consideration in the determination of the application is the impact on the design of the building and the visual amenity of the area.

The building is located within the Chatterley Valley strategic employment area and saved Policy E2 of the local plan sets out, amongst other things, that the design of development in this prominent location should be of high quality.

Paragraph 126 of the recently revised NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

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.

The application sets out that the proposed roof lights would replace the existing roof lights due to defaults and water egress.

The proposed roof lights would be of a similar configuration to the existing but would protrude slightly higher, approximately 190mm. A membrane roof covering would also be applied in a light grey colour. This would be in contrast to the original pale green colour which has weathered over time.

Due to the size of the building and expanse of the roof the proposed alterations would change the external appearance of the building. However, it is accepted that the proposed alterations would not harm the appearance of the building or the visual amenity of the area. Therefore, the proposed development is acceptable and complies with the guidance and requirements of the NPPF and the principles of Policy CSP1 of the CSS.

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

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

Policy E2: Chatterley Valley

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework](#) (July 2021)

[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

04/00456/OUT – Employment area comprising B1 offices and workspaces, B2 industrial units, B8 warehousing, C1 hotel including restaurant and café (A3), drinking establishments (A4) and leisure use D2, leisure facilities, open space and associated footpaths and landscaping Permitted

05/01079/FUL - Lowlands Road Site Preparation Works Planning Permission Permitted

07/00995/OUT - Employment area comprising B1 offices and workspaces, B2 industrial units, B8 warehousing, C1 hotel including restaurant and cafe (A3), drinking establishment (A4) and leisure use (D2) , leisure facilities, open space and associated footpaths and landscaping (subject to variation of conditions attached to planning permission 04/00546/OUT dated 5th February 2007) Permitted

07/01144/REM - Details of a B8 storage and distribution warehouse Permitted

Views of Consultees

In the absence of any comments from the **Environmental Health Division** by the due date it must be assumed that they have no observations to make upon the application.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by a Planning Statement and a Design and Access Statement, along with photomontages of the existing building and proposed works.

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/21/00600/FUL>

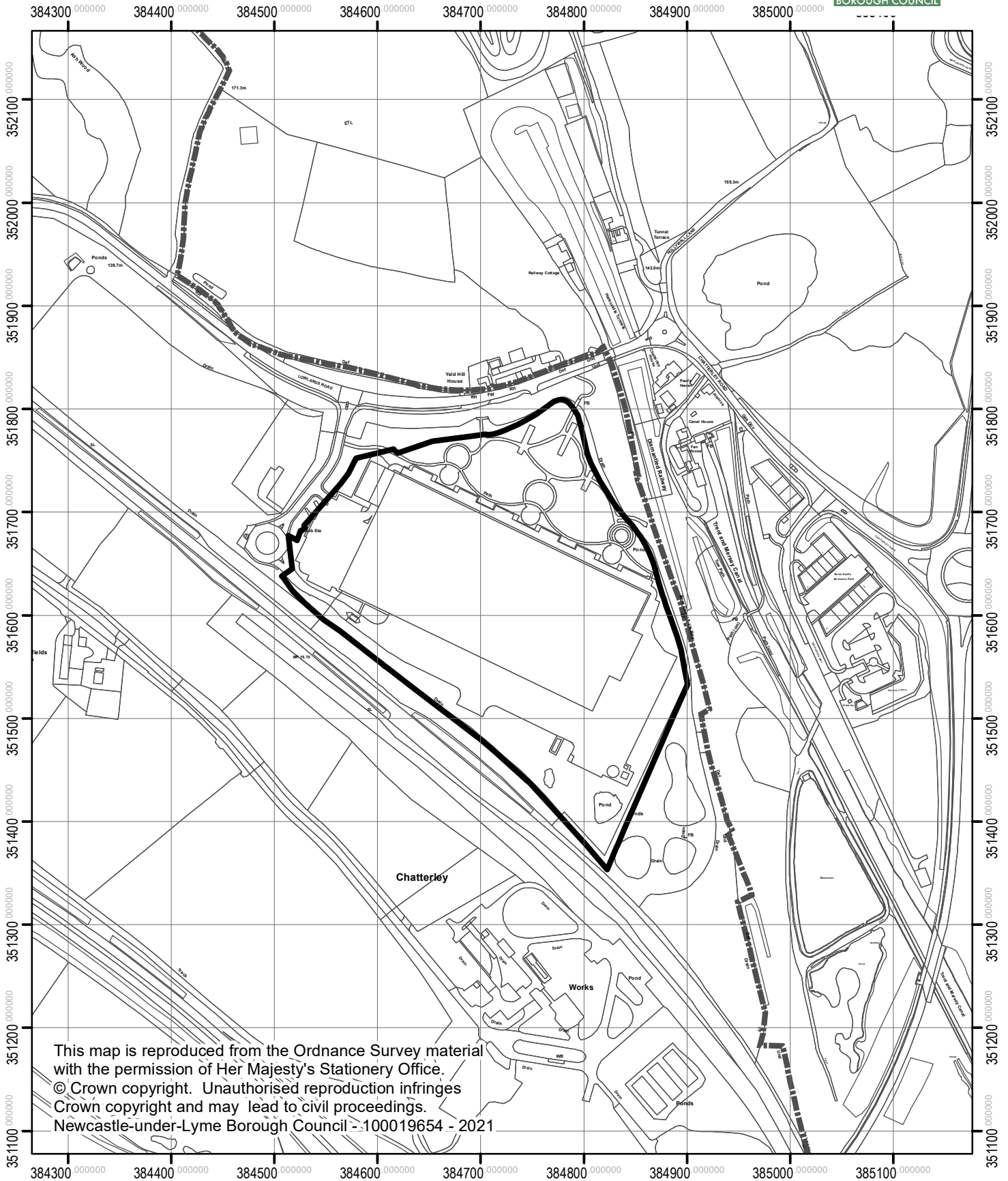
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

30th July 2021

JCB World Logistics Warehouse (Blue Planet) Plot B Of Land At Lowlands Road



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LAND SOUT OF MARKET DRAYTON ROAD, LOGGERHEADS
SHROPSHIRE HOMES LIMITED

21/00601/FUL

This application seeks to vary condition 16 of planning permission 17/00067/DEEM4, which granted consent for residential development for up to 65 dwellings with associated open space and landscaping.

Condition 16 is worded as follows:

No development shall commence until full details of the site access as illustrated on drawing no. A091780-P001 rev D have been submitted to and approved in writing by the Local Planning Authority which shall include the following:

- *A Stage 2 Road Safety Audit:*
- *Amendment to the 30mph speed limit*
- *Details of construction, surface water drainage, and surfacing materials of all internal roads and accesses/turning areas.*
- *A 2m wide footpath from the development along the A53 across the frontage of the adjoining Fire Station and connecting to the existing footpath to the village envelope.*
- *A 2m wide footpath connecting the south-west part of the site to Kestrel Drive.*

The works shall thereafter be implemented in accordance with the approved details and completed prior to the commencement of the construction of any dwelling.

The variation sought is the removal of the final bullet point which specifies that a 2m wide footpath connecting the south-west part of the site to Kestrel Drive.

The application site lies outside the village envelope of Loggerheads and within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. The site area is approximately 3.65 hectares. The site fronts onto the A53.

The 13 week period for the determination of this application expires on 4th October 2021.

RECOMMENDATION

PERMIT the variation of conditions 16 of 17/00067/DEEM4 by omission of the final bullet point requiring a 2m wide footpath connecting the south-west part of the site to Kestrel Drive and subject to any other conditions attached to planning permission 17/00067/DEEM4 that remain relevant at this time.

Reason for Recommendation

Given the application site does not extend to Kestrel Drive the provision of the required footpath would involve third party land creating difficulties in its formation. A footpath will be provided from the site to the village centre and that is considered to be sufficient to ensure that the occupants of this development can safely and conveniently access the village centre services and facilities on foot.

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 condition 16 of planning permission 17/00067/DEEM4, which granted consent for residential development for up to 65 dwellings with associated open space and landscaping.

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 wording of condition 16 is set out above. The reason given for condition 16 is in the interests of highway safety and to meet sustainable development objectives in accordance with the aims and objectives of the National Planning Policy Framework.

The applicant has requested that the wording of condition 16 is varied through the removal of the requirement to provide a 2m wide footpath connecting the south-west part of the site to Kestrel Drive.

The wording of the condition contains an error and should refer to the footpath connecting the south-east part of the site to Kestrel Drive. Therefore even if this requirement of the condition was to be retained this error should be corrected.

It is noted that this footpath was not requested by any consultee. Upon reflection, it is considered that the provision of such a footpath would be problematic as the application site does not extend up to Kestrel Drive and as such the provision of the footpath would require third party land. The condition will still require the provision of a footpath along the A53 frontage to the village centre and that is considered to be sufficient to ensure that the occupants of this development can safely and conveniently access the village centre services and facilities on foot.

The variation of condition 16 as proposed is therefore 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 (17/00067/DEEM4 in this case). That previous permission was granted following the completion of a Section 106 agreement which secured provisions relating to affordable housing; the management of open space provided on site or a financial contribution to provision off site; education; and sustainable transport.

The Section 106 agreement includes a clause which ensures that should an application under Section 73 of the Act in respect of conditions attached to the outline planning permission be granted it will be subject to the terms of that agreement. As such a deed of variation is not required in this case as the Council's position with regard to the obligations set out in the agreement is secured.

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 SP3 Spatial Principles of Movement and Access
Policy CSP10: Planning Obligations

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

Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

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

Policy LNPT1: Sustainable Transport

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2021\)](#)

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

Relevant Planning History

17/00067/DEEM4	for residential development for up to 65 dwellings with associated open space and landscaping - PERMITTED
21/00365/REM	Reserved matters application for the erection of Erection of 60 No. 2, 3, 4 and 5 bedroom, detached, semi-detached and terraced houses with all necessary associated infrastructure – PENDING CONSIDERATION
21/00730/LBC	Listed building consent to reposition existing Mile Post to the rear kerb line of the proposed adopted footpath – PENDING CONSIDERATION

Views of Consultees

The views of the **Highway Authority** and **Loggerheads Parish Council** have been sought. Any comments received will be reported.

Representations

None received to date

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/21/00601/FUL>

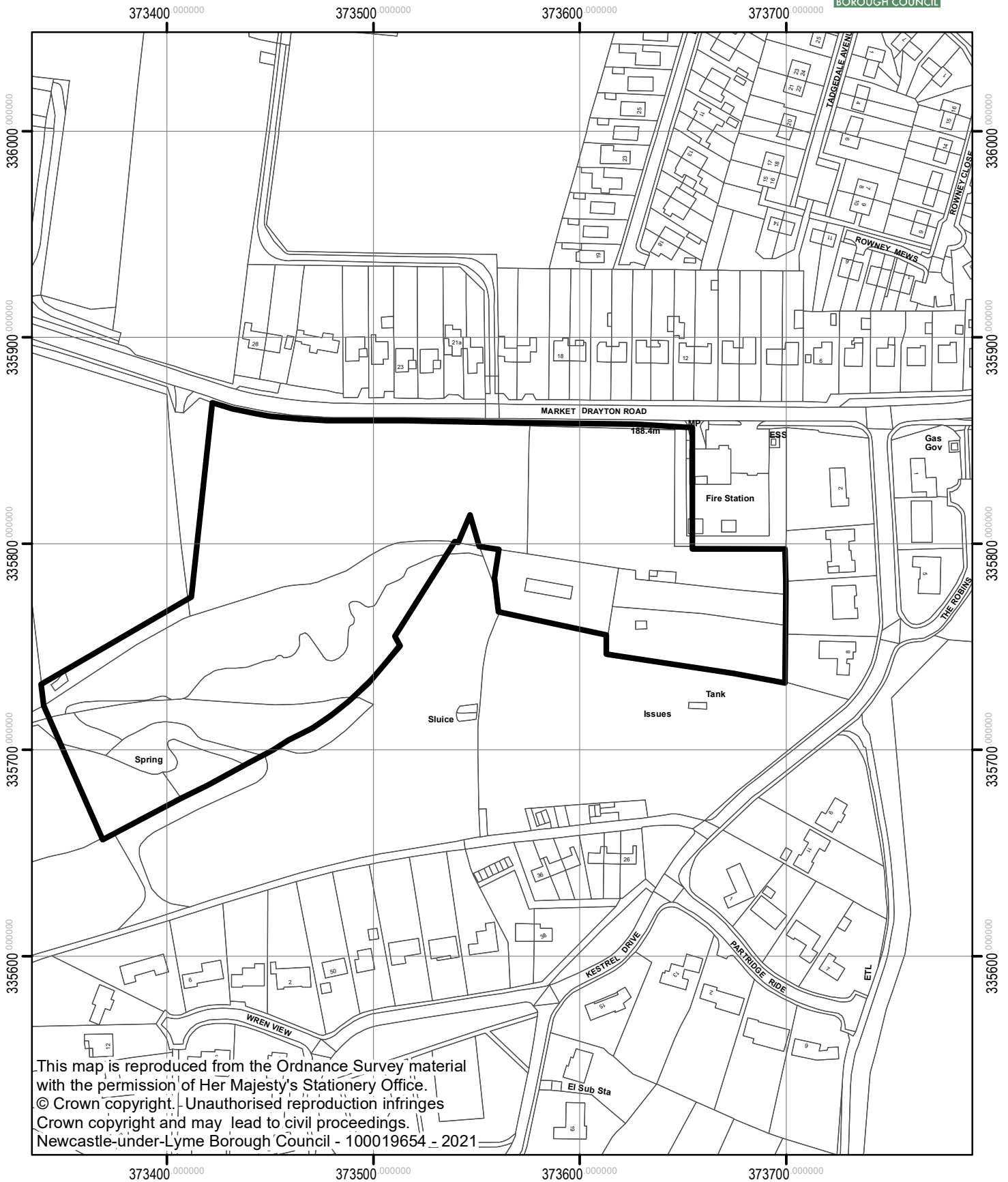
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

29th July 2021

21/00601/FUL
Land South Of Market Drayton Road,
Market Drayton Road, Loggerheads.



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

CITY OF STOKE-ON-TRENT COUNCIL

21/00574/FUL

The application seeks to vary condition 2 of planning permission 20/00630/FUL. Planning permission 20/00630/FUL varied condition 2 of the original planning permission 17/00834/FUL for a link road, known as the Etruria Valley Link Road, between Shelton Boulevard, Festival Park across the Fowlea Brook and the West Coast Main Line railway connecting to the Wolstanton/A500 roundabout junction. It is a cross-border development involving works within the City and the Borough and each Authority is the Local Planning Authority (decision maker) for the extent of the overall development that falls within its administrative area.

Condition 2 lists the plans approved under planning permission 20/00630/FUL and this application seeks to substitute approved plans with revised plans that include amendments to Fowlea Brook naturalisation works. Such works are entirely in Stoke's administrative area.

The City Council, as a Local Planning Authority, have received an identical application relating to the part of the development within their area (SOTCC reference [66719/VAR](#)). A number of amendments are proposed to the development within their area.

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

The 13 week period for the determination of this application expires on the 14th June 2021.

RECOMMENDATION

PERMIT the variation of Condition 2 of 20/00630/FUL subject to the imposition of all other conditions attached to planning permission 20/00630/FUL that remain relevant at this time, amended as necessary.

Reason for Recommendation

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

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

Additional time has been given to enable the issues identified by consultees to be addressed and an amendments to the application have been accepted. The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The application, under section 73 of the Town and Country Planning Act 1990, seeks to vary condition 2 of planning permission 20/00630/FUL which itself varied condition 2 of planning permission 17/00834/FUL. The permitted development is a link road, known as the Etruria Valley Link Road, between Shelton Boulevard, Festival Park across the Fowlea Brook and the West Coast Main Line railway connecting to the Wolstanton/A500 roundabout junction. It is a cross-border development involving works within the City and the Borough and each Authority is the Local Planning Authority (decision maker) for the extent of the overall development that falls within its administrative area.

The application seeks variation of condition 2, which sets out the approved plans, to reflect revised plans that include amendments to Fowlea Brook naturalisation works. Such works are entirely in Stoke's administrative area.

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

Given that no changes are proposed to the development, as already permitted by Newcastle Borough Council, there is no basis to refuse the current application.

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](#)

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

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

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

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

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

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

[Other Relevant Documents](#)

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

[Relevant Planning History](#)

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

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

Views of Consultees

The **Highway Authority** and **Highways England** have no objections.

The **Lead Local Flood Authority** (LLF) advise that the application is for works on the Fowlea Brook at a point where it is classed as main river and is therefore outside of their remit. They state that it should be noted that the impacts of the new surface water drainage and flood risk lie within the Stoke LLFA area, and as such they will be best placed to comment on the overall scheme.

The **Environment Agency** have no objections to the proposed variation of condition

Representations

None

Applicant's/Agent's submission

The application form, plans and supporting information are available for inspection on the website and can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00574/FUL>

Background papers

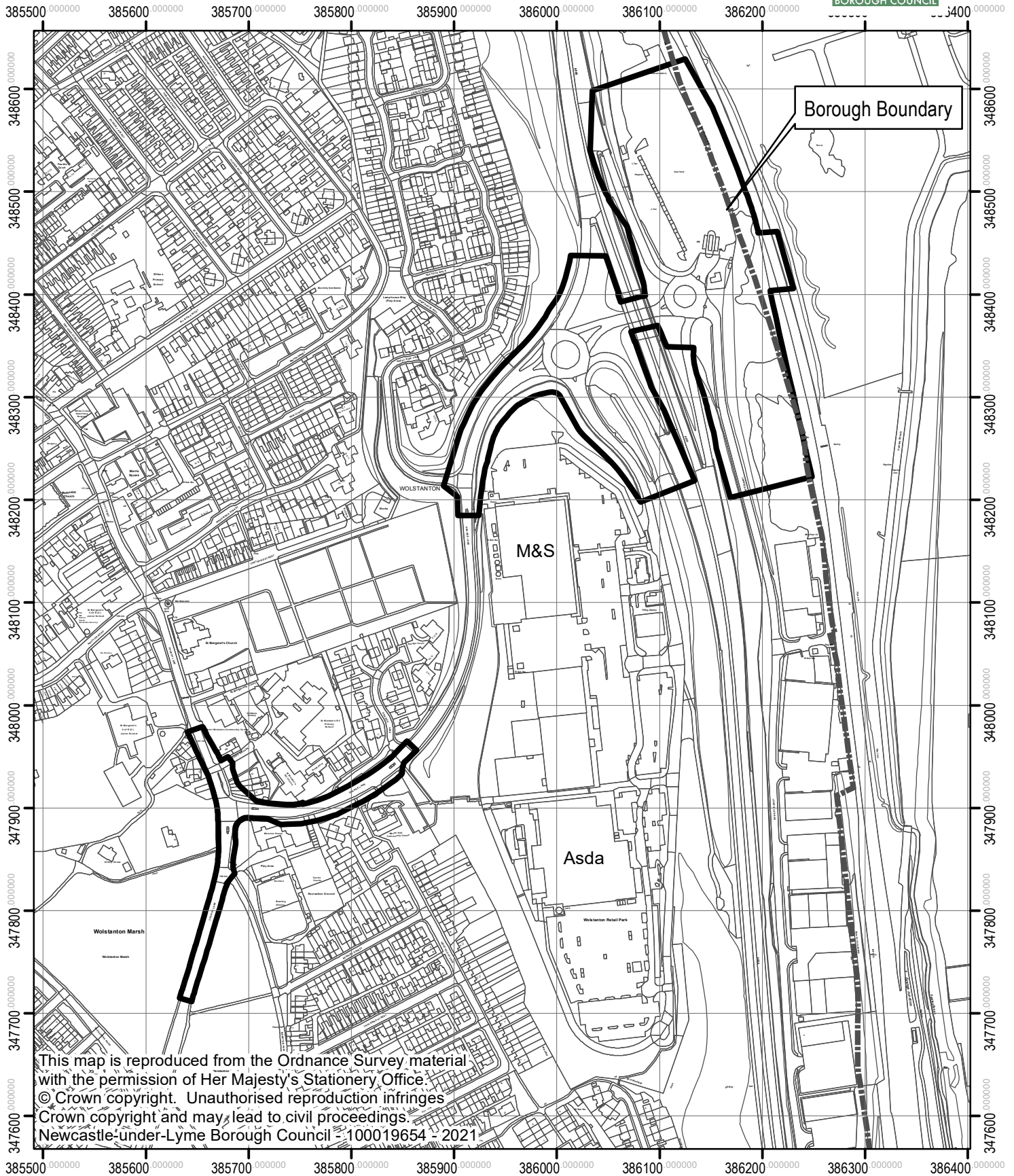
Planning files referred to
Planning Documents referred to

Date report prepared

27th July 2021

21/00574/FUL

Land To The North Of Shelton Boulevard,
The South Of Newport Lane And In-between
Festival Way And The A500 (Queensway),



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Classification: NULBC UNCLASSIFIED

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 6m by 2.4m 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 application was deferred at the 20th July 2021 planning committee meeting to enable the views of the Highways Authority to be sought in relation to the impact on parking.

The 8 week period for the determination of this application expired on 9th February 2021. The applicant has agreed an extension of time to the 20th August 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

Whilst the development represents inappropriate development within the Green Belt, it is accepted that there are very special circumstances which would outweigh any limited harm to the openness of the Green Belt from this development. It is considered that given the small scale nature of the containers and their location, they would have a limited impact upon the character and appearance of the landscape. It is therefore considered that very special circumstances exist that justify approval of planning permission for a temporary period of two years. In all other respects the development accords with local and national planning policy.

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

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 shipping/ storage containers within the enclosed yard to the side of the building at Peak Pursuits. The containers measure 6m by 2.4m and are of a 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, an Area of Landscape Enhancement and the rural area, 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 that 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 138 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. Paragraph 147 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 149 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 150 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, shipping/ storage containers do not constitute any of the limited exceptions and therefore 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 development 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 199 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 126 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 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 shipping/ 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 shipping/ 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 development does not necessarily contribute to the aim of maintaining a high quality landscape, they do not erode the character or result in harm.

The applicant highlights the previous planning consents 15/01022/FUL and 17/00260/FUL for similar storage containers at Audley Community Centre adjacent to the site. He considers the main difference between the current application being considered and the previous planning permissions is that this scheme is located within the private car park/yard and out of view of the general public. The approved shipping/ storage containers are located in the public car park adjacent to the Community Centre and are more visible.

Officers concur that the shipping/ storage containers subject of the current application are less prominent than previous approvals referred to in the applicant's comments, and as demonstrated in site visit photos. However, officers have also had regard to the impact of the development in relation to the Green Belt designation and the setting of the Locally Important Building and Audley Conservation Area. A balanced view must be taken as to the suitability of the development in this location.

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 110 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 111 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 spaces available within the site (approximately 3 spaces), which has the potential to displace vehicles onto the adjoining car park. However, the use of the main building is not being changed and there is no evidence to suggest that the shipping containers are exacerbating an on street car parking problem.

The objections received suggest that 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. They believe that this is causing parking problems and the Parish Council share similar concerns also.

The indicative plan submitted by the applicant demonstrates that the application site comprises 10 parking spaces following the siting of the containers, 4 spaces at the front of the building and 6 spaces in the yard adjacent to the storage containers. A further 8 spaces are available at the rear of the site within the Community Centre car park.

The objector to the application believes that the shipping/ storage containers are exacerbating car parking problems and your officers have now formally sought the views of the Highways Authority and their comments are awaited.

It is also clear that there are disputes between the operation of Peak Pursuits and Audley Community Centre. However, these are primarily civil matters between the two parties and they both acknowledge that the management of parking arrangements needs to be discussed outside of the planning application process.

Your officers acknowledge that the shipping/ 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 development is not considered to lead to an unacceptable impact on highway safety and it therefore accords with the guidance and requirements 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 only a very minor impact on the perceived openness of the Green Belt. In addition it is considered that the temporary storage containers do 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 development is 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 \(NPPF\) \(2021\)](#)

[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** has been formally consulted on the application. Their comments will be provided in an update to Members.

Representations

Two letters of objection have 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

Further comments have been received from the Community Centre with the following points:

- Significant increase in registered pupils at Peak education since beginning of the year, resulting in increase in staff, and vehicles using the Community Centre car park
- More than 20 vehicles of Peak Pursuits using Community Centre car park
- Other groups using the Community Centre (such as Slimming World), have been unable to park on site
- Peak Pursuits' car park at the front of the property is restricted to certain members and largely unused
- Area covered by containers, climbing walls and a motorhome for staff attending functions takes up a significantly larger area, (in excess of 1013sq.ft) compared with the Community Centre's containers (c.56sq.ft)

- Community Centre is attempting to resolve matters involving parking problems in cooperation with Peak Pursuits

Applicant's/Agent's submission

The submitted plans and justification for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/01045/FUL>

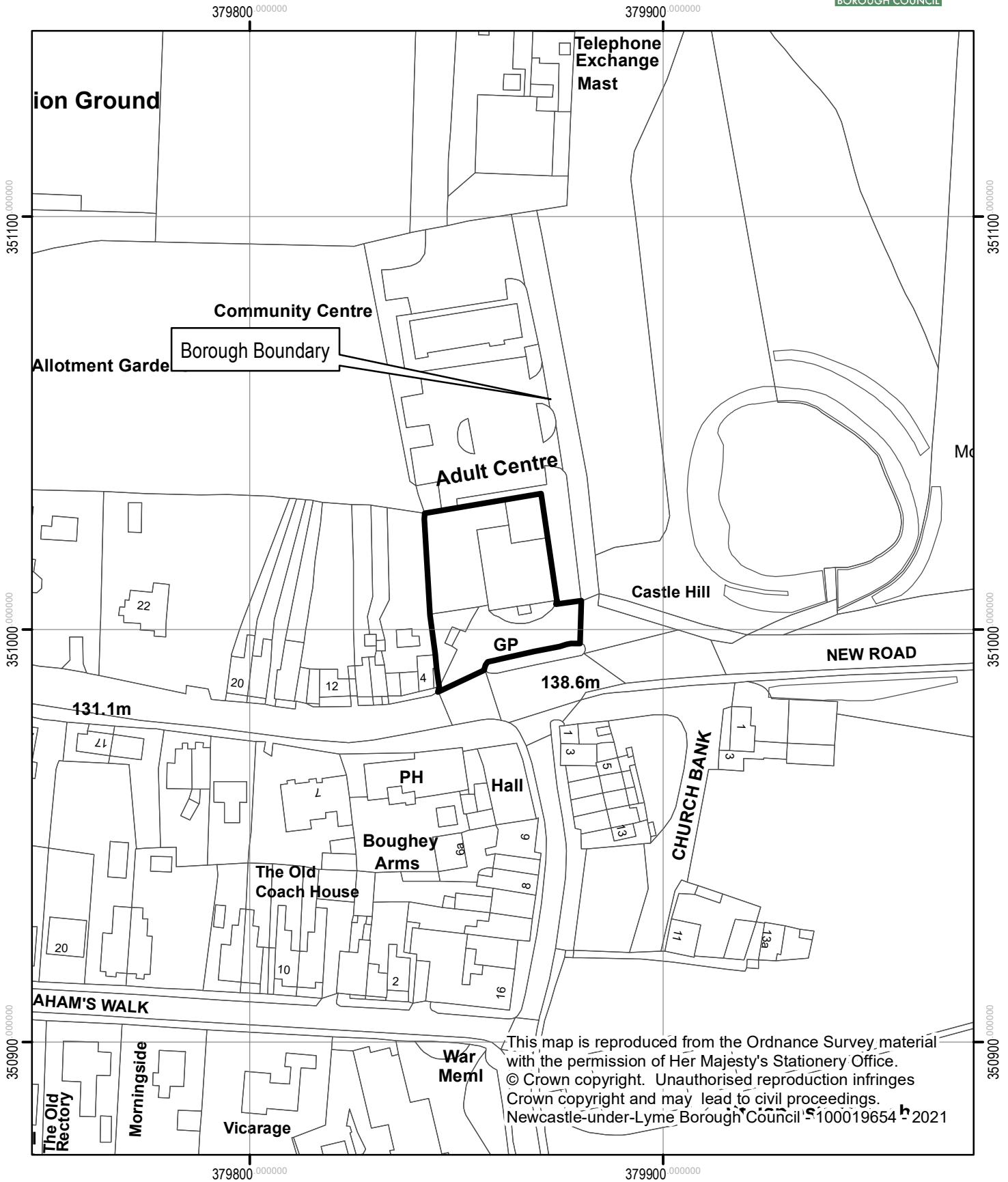
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

05 August 2021

Peak Pursuits, Nantwich Road
Audley, ST7 8DH



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1 BERESFORD CRESCENT, NEWCASTLE UNDER LYME
DR SHAMYLLA SAMAD

21/00569/FUL

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

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

The application has been called in to Committee by two Councillors due to residents' concerns about the proposed development.

The 8 week period for the determination of this application expires on 8th August.

RECOMMENDATION

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

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Retention of garage for parking**
- 5. Provision of access and parking area in accordance with the approved plan**
- 6. Surfacing of the access drive in a bound material**
- 7. Implementation of the recommendations of the tree report**
- 8. Restriction on parking of construction vehicles and placing of materials within tree root protection areas on the highway verge**

Reason for Recommendation

The revised scheme is considered to be subordinate to the design of the main dwelling and in keeping with the character and appearance of the streetscene in accordance with Policy H18 of the Local Plan. The proposal would no longer have any adverse impact on highway safety or on trees and therefore it is considered that the concerns regarding the previous scheme have been overcome.

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

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

Key Issues

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

An application for a similar development (Ref. 21/00054/FUL) was refused earlier this year on the following grounds:

1. The proposed development, by virtue of its unacceptable design and massing would be out of keeping and harmful to the character and appearance of the area. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework (2019), Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2006-2026) and Policy H18 of the Newcastle-under-Lyme Local Plan (2011).
2. The proposed development and the unacceptable level of off-road parking spaces would exacerbate on-street parking issues and have an adverse impact on highway safety contrary

to the aims and objectives of the National Planning Policy Framework (2019) and Policy T16 of the Newcastle-under-Lyme Local Plan (2011).

3. The proposed development would result in the harmful impact on the root protection area of the street trees along Beresford Crescent. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework (2019) and Policy N12 of the Newcastle-under-Lyme Local Plan (2011).

This application consists of a revised design, along with the submission of further information. Matters raised in representations including party wall matters, building control issues, flooding and the use of the property as an HMO were considered in relation to the previous scheme and it is not felt necessary to revisit those issues now. Given the previous reasons for refusal, the key issues for consideration in the determination of this application are as follows:

- The design of the proposal;
- The impact on parking and highways;
- The impact on trees; and

The design of the proposal

Paragraph 126 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the NPPF lists six criterion, a) – f), with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

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

In relation to the previous scheme, it was considered that because of its unacceptable design and massing, it would be out of keeping and harmful to the character and appearance of the area. The applicant has sought to address the previous concerns through the submission of amended plans and additional information regarding the context of the proposed development and the character of the surrounding area.

There are three main changes within the revised proposal which include:

- A further step down in the ridge height of the proposed extension from 300mm to 450mm;
- A further set back in the front elevation from 300mm to 500mm; and
- A reduction in the width of the extension from 4.04m to 3.85m.

Objections have been received from neighbours regarding the design of the scheme, specifically the scale of the extension, suggesting that the proposals would be overbearing and out of character with the existing dwelling and the surrounding area. The objectors consider that the revised proposal does not address the previous reasons for refusal.

Whilst there is only a small reduction in the width of the extension, the further set back to the front elevation and set down in the ridge height would result in a more subservient extension than that previously proposed. The applicant has referred to a number of examples of similar sized and larger extensions and has provided information which compares the overall percentage increase of the proposed extension to some recent approvals in the vicinity. Whilst each application must be

assessed on its individual merits, it is the case that the size of the extension would be similar to other extensions in the vicinity and is not considered to be out of keeping with the character of the area.

Concerns have also been raised on the grounds that the extension projects past the existing building line. The applicant has provided a plan which demonstrates that the proposed extension would sit within the existing building line along Beresford Crescent. In any event, it is noted that the corner plots, Nos. 2 and 41 Beresford Crescent, both sit in front of the existing building line. Additionally the recently approved application at No. 50 Beresford Crescent would also sit in front of the existing building line if implemented.

Whilst it is acknowledged that the extension is relatively large, the changes made within the revised proposal ensure that overall the extension would be viewed as subordinate to, and in keeping with, the design of the original dwelling and the character and appearance of the streetscene. Overall the proposal accords with the policies of the Development Plan and the guidance and requirements of the Framework.

The impact on parking and highways

The previous scheme was refused partly on the grounds that only 2 parking spaces were to be provided and it was considered that this was an unacceptable level of parking that would exacerbate on-street parking issues and have an adverse impact on highway safety. Changes have been made to the application, which now includes one parking space within the existing garage, and two parking spaces on the existing driveway.

The most up to date position with respect to highway safety matters indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified parking levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The car parking standards set out in the Appendix to the Local Plan state that for dwellings with 4 or more bedrooms, a maximum of 3 off road parking spaces should be provided.

Whilst objections have been received from residents regarding parking and pedestrian safety, 3 parking spaces would be provided within the curtilage of the dwelling which meets the maximum standards required in the Local Plan. The Highway Authority is satisfied that the dimensions and layout of the parking spaces would be acceptable and have no objections to the proposal subject to the imposition of conditions.

Overall it is considered that the revised proposal would not cause an unacceptable impact on highway safety, or that any residual cumulative impacts on the road network would be severe, and as such accords with Policy T16 of the Newcastle-under-Lyme Local Plan and the NPPF.

The impact on trees

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

One of the reasons for refusal of the previous scheme was that it was considered that it would have a harmful impact on the root protection area of the street trees along Beresford Crescent. Additional information has been submitted as part of this application including a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan.

The Landscape Development Section (LDS) has reviewed the details submitted and confirmed that they have no objections to the proposals subject to conditions.

Whilst representations have been received raising concerns regarding the comments of the LDS and the potential impact on some of the street trees outside of the site boundary, there is no basis upon which to consider that the proposal would have any adverse impact on the trees subject to conditions requiring appropriate protection. As such it is considered that the proposed complies with Policy N12 of the Local Plan and 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

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

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

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(July 2021\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

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

[Relevant Planning History](#)

21/00054/FUL - Two storey extension to side - Refused

[Views of Consultees](#)

The **Highway Authority** has no objection subject to conditions regarding retention of the garage for the parking of motor vehicles and cycles, provision and retention of the access and parking area in accordance with the approved drawing and surfacing and maintenance of the access drive in a bound material for at least 5m rear of the public highway.

The **Landscape Development Section** sets out that they have no objections subject to all the recommendations of the tree report being implemented. In addition measures should be included to restrict parking of construction vehicles and placing materials within Tree Root Protection Areas to BS5837:2012 on the highway verge.

No comments have been received from the **Housing Strategy Section** by the due date and therefore it must be assumed that they have no comments to make.

[Representations](#)

Twenty-three letters of representation have been received, objecting to the proposals on the following grounds:

- Plans do not address previous reasons for refusal
- Request application be heard at planning committee
- Concerns regarding the scale, design, internal configuration and that it is out of character for the area
- Adequacy of parking

- The layout of the proposed plans could still be used as an HMO
- Access, highway safety and traffic generation
- Concern regarding the Landscape Officer comments
- Reference to other extensions in the area not being relevant
- Internal works already carried out
- Concern with HMO use and noise and disturbance relative to HMO use
- Reference to no changes being made as part of the re-submission
- Concern regarding work carried out to facilitate loft conversion
- Concern that the previous application form had been used
- Concern with accuracy of plans
- Discrepancies within the submitted documentation
- Local, strategic, national and regional planning policies
- Flood Risk/surface water/drainage issues
- Concerns that the property will be extended over the building line of the street
- Applicant using Beresford Crescent as their address.
- Impact on trees
- Concerns relating to the party wall
- Noting that objections still stand following amended plans

Applicant's/Agent's submission

The submitted plans for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00569/FUL>

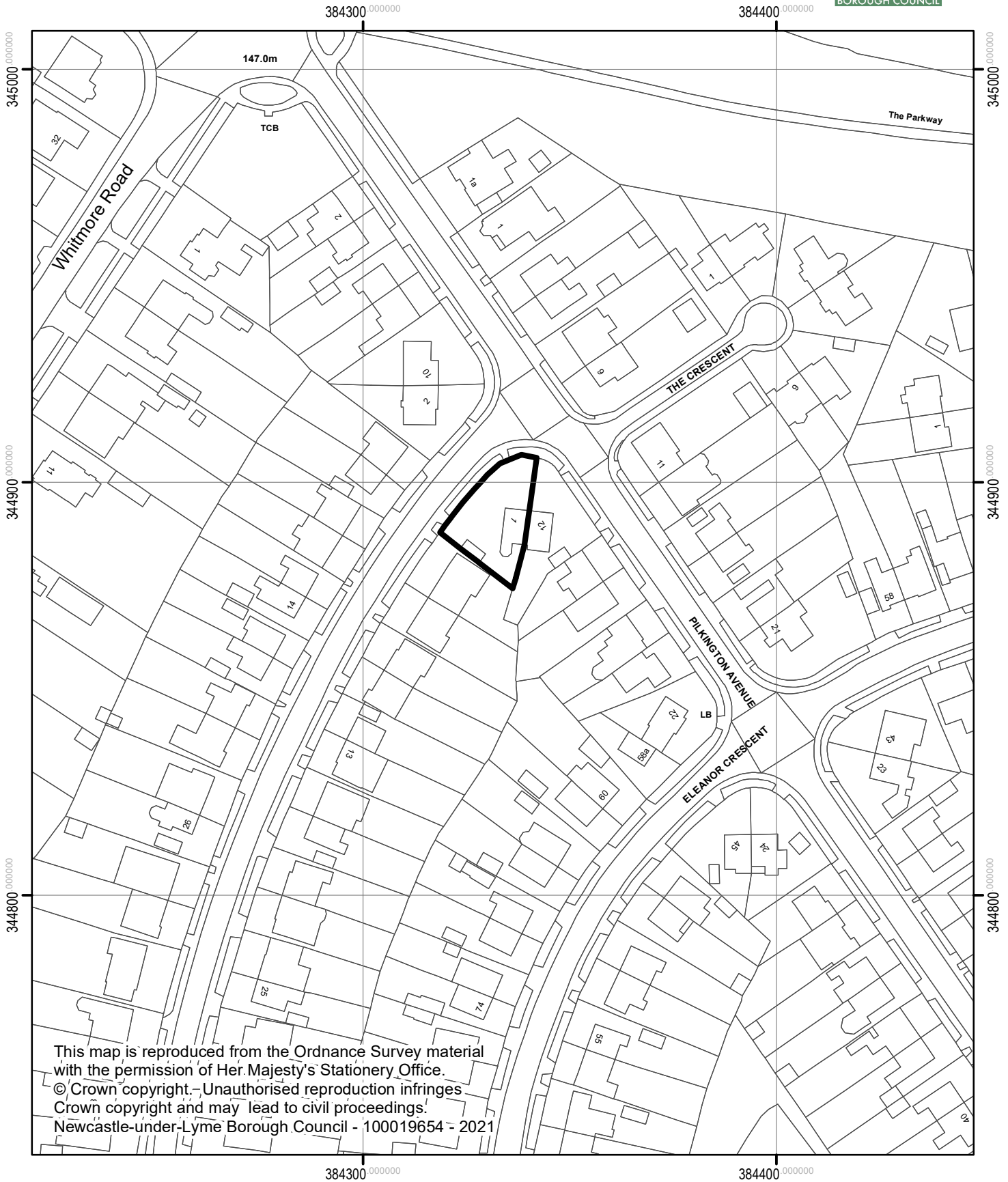
Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

30th July 2021



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COMMUNICATION MAST, PEPPER STREET, NEWCASTLE UNDER LYME
CK HUTCHISON NETWORKS (UK) LTD

21/00701/TDET

The proposal is for the installation of a 20m phase 8 monopole, with a wraparound cabinet, along with 2no. freestanding cabinets at the base and ancillary works, within the highway verge on Pepper Street, Silverdale.

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

Unless a decision on this application is communicated to the developer by the 2nd September 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 amount of equipment proposed and the height of the structure, which would be clearly visible within the street scene, prior approval is required. Whilst the proposed phase monopole would be 20 metres in height, it would benefit from a back drop of mature tree coverage and it is considered that it would not have a significant adverse impact on the visual amenity of the area. In the absence of any visual harm and also 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 20m phase 8 monopole, with a wraparound cabinet, along with 2no. freestanding cabinets at the base and ancillary works, within the highway verge on Pepper Street, Silverdale.. The purpose of this site is to provide improved coverage and capacity, most notably in relation to 5G services.

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

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

The National Planning Policy Framework identifies at paragraph 118 that local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

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 mast, with a height of 20 metres and a substantial amount of new ground based equipment within the highway verge, which would be clearly visible within the street scene. Therefore, it is considered that prior approval is required.

Should prior approval be granted?

Paragraph 114 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 115 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 design of the monopole has been carefully considered. It is a simple, functional slim-line monopole. The lower section is wider than the upper section in order to safely support the monopole.

The proposed site location has been influenced by the numerous vertical elements of street furniture distributed around the vicinity of the site, including street lighting columns. There are existing trees and vegetation located in close proximity to the south of the site that would provide a degree of natural backdrop against which the proposal would be viewed against. This ensures that the proposed development would not be viewed as being visually incongruous within the streetscape setting to any significant degree.

The size and design has been chosen in order to minimise the visual impact of the proposal. The height of the pole has been kept down to the absolute minimum capable of providing the required coverage.

It is accepted that the height of the proposed installation is taller than other pieces of surrounding linear structures, but this in itself is not a valid reason to conclude that it is not appropriate at a specific location. Indeed, Inspectors at appeal have noted that by their very nature to be effective masts are required to be taller than surrounding structures.

The proposed equipment cabinets and meter cabinet do not require planning permission, as they can be installed under the operators permitted development rights. The operator's equipment cabinets are similar to those of other statutory undertakers which are common place in urban areas including BT Openreach. Their limited height and scale will ensure that these cabinets will not be detrimental to the visual amenity of the area.

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, and the applicant sets out that due to the nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, there is a separation required from other items of associated equipment and as such it cannot utilise some existing structures.

In conclusion, it is considered 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.

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods 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

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework](#) (2021)

[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

Silverdale Parish Council have advised that they will provide comments on the application on the 13th August 2021 following the next Parish Council Meeting. Any comments will be reported when they are received.

Comments were invited from **Keele Parish Council**, the **Highways Authority** 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 Site Specific Supplementary Information 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/21/00701/TDET>

Background Papers

Planning File referred to

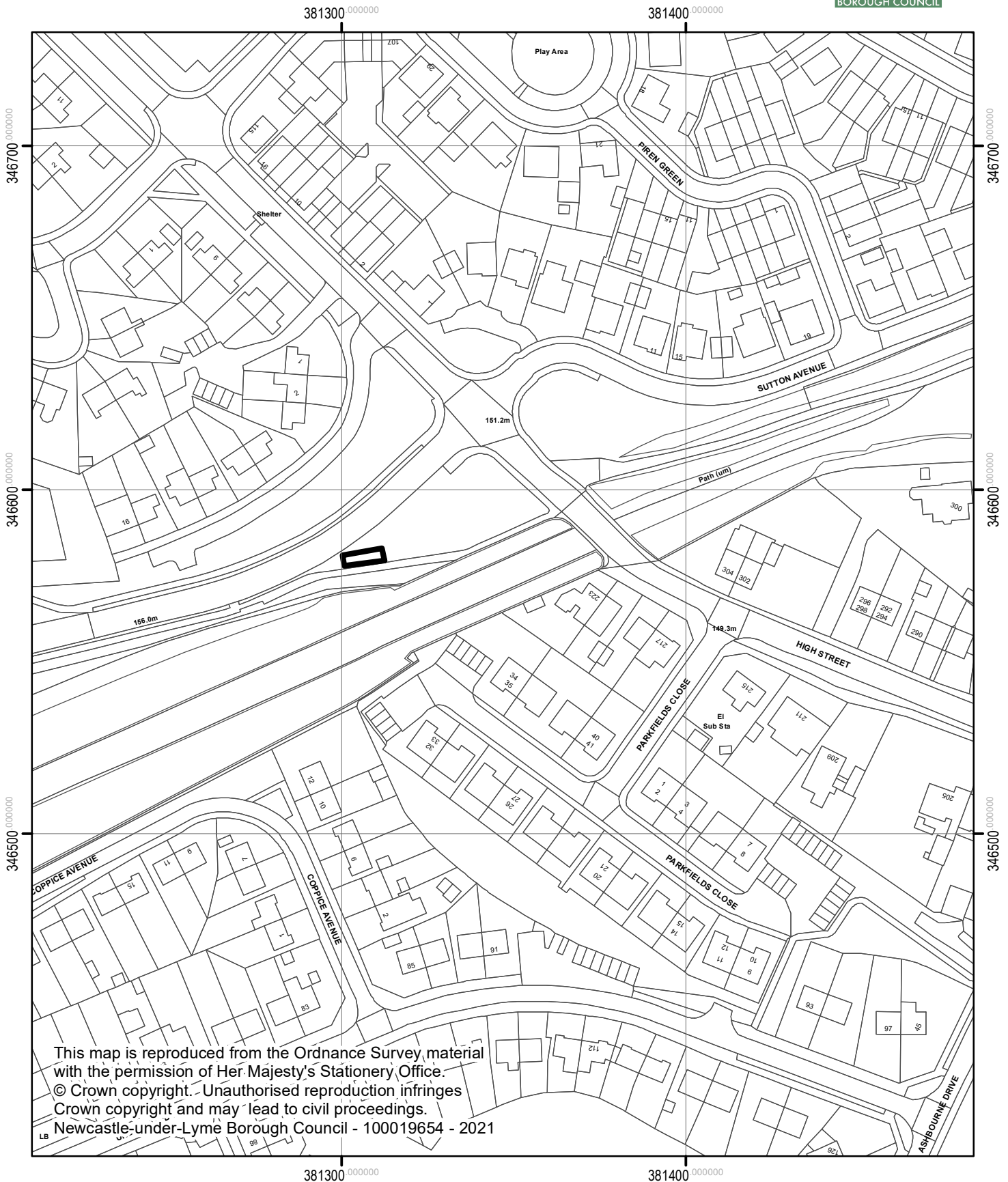
Planning Documents referred to

Date report prepared

05 August 2021

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Communications Mast, Pepper Street
Newcastle, ST5 6RJ.



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LB Newcastle-under-Lyme Borough Council - 100019654 - 2021

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

The purpose of this report is to provide Members with an update on the progress of the works being undertaken at this site following the planning application for the retention and completion of a partially constructed agricultural track.

RECOMMENDATION

That the information be received.

Latest Information

Members will recall that a S73 variation of condition application, to vary condition 6 of the original planning permission, came before the planning committee at its meeting on the 27th April. Members resolved to permit the application to allow the applicant until the 1st November 2021 to complete the works. The application was subsequently permitted by decision notice on the 10th May 2021, reference 21/00286/FUL. The decision also varied condition 5 of the original permission so that no more than a further 6000 tonnes of appropriate and relevant inert material could be imported onto the site from 10th May 2021.

Your officers have recently carried out a site visit to check the progress of the track and compliance with the conditions.

Information has also been obtained from the applicant and further discussions and advice is being sought from the Environment Agency to ensure that all material that is being imported to complete the track is acceptable.

A further update will be provided prior to the committee meeting if one is available.

Date Report Prepared – 5th August 2021

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

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

RECOMMENDATION

That the information be received.

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

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

Additional legal advice has now been obtained with reference to exploring the Councils powers to pursue parties in respect of the breach. Based on this advice, officers are pursuing these routes with an intention to address the breach that has occurred.

As this case may proceed further, officers are also mindful of the need for the Council to protect its position should the case proceed to Court. Accordingly, precise details of what action may be taken are not provided at this time,

Date report prepared: 6th August

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MILL RISE EXTRA CARE VILLAGE, LOWER MILEHOUSE LANE
ASPIRE HOUSING

21/00754/DOB

The application is for the modification of a planning obligation made under Section 106 relating to the hybrid planning permission 07/00127/OUT which gave:

- (i) Full planning permission for a single, two and three storey building accommodating:-
- a) Primary Care Centre providing three GP surgeries, community nursing services, dental services, physiotherapy services, chiropody and podiatry services, pharmacy and accommodation for training and education.
 - b) Extra Care Centre providing 60 units for the frail elderly with ancillary therapy suite, craft /hobbies area, coffee bar, hairdressers and garden area
 - c) Associated access, roadway, car parking and landscaping
- (ii) Outline planning permission for residential development for approximately 160 units including affordable units

The completed S106 agreement secured, amongst other things, 22 extra care shared ownership units in perpetuity (save after final staircasing of the occupier's interest in a shared ownership lease to 100% of the relevant unit). The modification sought is an amendment to the definition of Extra Care Shared Ownership Units and Extra Care Rented Residential Units to enable flexibility to change tenures.

The 8 week determination period for this application expires on 10th September 2021.

RECOMMENDATION

That the application to modify the S106 agreement, by amending the definition of Extra Care Shared Ownership Units and Extra Care Rented Residential Units to enable flexibility to change tenures, be approved.

Reason for Recommendation

The obligation continues to serve a useful purpose, but would serve that purpose equally well subject to the modifications specified in the application.

Key Issues

The application under Section 106A of the 1990 Town and Country Planning Act seeks to modify the planning obligations entered into on the 6th November 2007 prior to the grant of hybrid planning permission 07/00127/OUT which included full planning permission for a building containing a primary care and extra care centre.

The completed S106 agreement secured, amongst other things, 22 extra care shared ownership units in perpetuity (save after final staircasing of the occupier's interest in a shared ownership lease to 100% of the relevant unit). Staircasing enables the purchasing of further shares in the property to the point where outright ownership is achieved and the payment of rent is no longer required.

Residents of share ownership units have passed away and liability for such units have passed to the immediate families. It is understood that such families have attempted to market and sell properties for a period in excess of 18 months and even with assistance from Aspire, the Registered Social Landlord who partially own the properties, have been unsuccessful. This is distressful to those families. As a solution Aspire are proposing to buy the units in question and convert them to a rented unit in line with other units.

This would reduce the availability of share ownership units across this development and the Borough as a whole. However, such units would not necessarily always be in shared ownership as, given the ability to staircase to 100%, they could become privately owned at some point in the future. The proposed variation would mean that such units would become socially rented units and as such would remain affordable housing in a different guise.

Section 106A of the 1990 Town and Country Planning Act indicates that where an “obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to these modifications”. The proposed modification to amend to the definition of Extra Care Shared Ownership Units and Extra Care Rented Residential Units to enable flexibility to change tenures is such a case and as such the proposed modification should be supported.

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

Other Material Considerations

[National Planning Policy Framework](#) (July 2021)

[Planning Practice Guidance](#) (PPG) (March 2019)

[Supplementary Planning Documents/Guidance](#)

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

[Representations](#)

None to date

[Applicant/agent's submission](#)

The application documents are available for inspection via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00754/DOB>

Background Papers

Planning File.

Planning Documents referred to.

Date Report Prepared

28th July 2021

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APPEAL BY MR GARY BASKERVILLE AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR A NEW 3 BED DETACHED DWELLING WITH INTEGRAL GARAGE AT LAND ADJACENT TO PARK HOUSE, DALES GREEN ROAD, MOW COP

<u>Application Number</u>	20/00728/FUL
<u>LPA's Decision</u>	Refused on 2 November 2020
<u>Appeal Decision</u>	Dismissed
<u>Date of Decision</u>	19 July 2021

Appeal Decision

The Inspector identified the main issues to be whether or not the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; the effect of the proposal on highway safety; whether this location would offer a genuine choice of sustainable modes of transport to the future occupiers of the development; and if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

The Inspector concluded that because the proposed development did not meet any of the exceptions listed in paragraphs 145 and 146 of the National Planning Policy Framework it represents inappropriate development within the Green Belt. It was also concluded to be significantly harmful to the openness of the Green Belt, to which substantial weight should be given.

Regarding highway safety, the Inspector concluded that the lack of a sufficient visibility splay means cars exiting the site, even in forward gear, would not have sufficient visibility of traffic coming down the hill from the north and vice versa. This would be to the detriment of highway safety. The development therefore would conflict with paragraph 108 of the Framework which says that safe access to sites should be achieved.

In terms of location, the Inspector concluded that although not within a defined village envelope, the site would have reasonable access to services by sustainable modes. It was acknowledged that this conclusion was different to that reached by the Inspector of an appeal for a detached house on the opposite side of Dales Green Road. However that decision pre-dates the current iteration of the Framework and related to a site which seems to be slightly further from Mow Cop than this site, so is not directly comparable.

The appellant sought to demonstrate that there were very special circumstances but these were personal circumstances that were afforded limited weight and it was concluded that the very special circumstances necessary to justify the development do not exist.

It was concluded that the development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal was dismissed.

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00728/FUL>

Recommendation

That the appeal decision be noted.

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