

Public Document Pack

Date of meeting Tuesday, 12th October, 2021
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 14)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MINOR DEVELOPMENT - LANCASTER BUILDINGS, HIGH STREET, NEWCASTLE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00613/DEEM3 & 21/00614/LBC** (Pages 15 - 22)
- 5 **APPLICATION FOR OTHER DEVELOPMENT - POSH WASH, LIVERPOOL ROAD, CROSS HEATH, NEWCASTLE. POSH CAR WASH. 21/00729/FUL** (Pages 23 - 30)
- 6 **APPLICATION FOR OTHER DEVELOPMENT - ADJACENT 68 WESTMORLAND AVENUE. CLOUGH HALL ROAD, KIDSGROVE. CK HUTCHISON NETWORKS (UK) LTD. 21/00824/TDET** (Pages 31 - 38)
- 7 **APPLICATION FOR OTHER DEVELOPMENT - FORMER CIVIC OFFICES, MERRIAL STREET, NEWCASTLE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00908/DEM** (Pages 39 - 44)
- 8 **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 GOODS SHED, STATION ROAD, SILVERDALE** (Pages 45 - 46)

9 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2

(Pages 47 - 48)

10 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.

PLANNING COMMITTEE

Tuesday, 31st August, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:

Marion Reddish	Gillian Williams	Kenneth Owen
Silvia Burgess	John Williams	Stephen Sweeney
Dave Jones	Paul Northcott	
Sue Moffat	Mark Holland	

Officers:

Geoff Durham	Mayor's Secretary / Member Support Officer
Shawn Fleet	Head of Planning and Development
Jemma March	Planning Policy Manager

Also in attendance:

1. APOLOGIES

Apologies were received from Councillor Helena Maxfield.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. LOCAL PLAN ISSUES AND STRATEGIC OPTIONS

Consideration was given to a report informing Members of the consultation on the draft Issues and Strategic Options Paper which would be starting shortly. The Committee was asked to provide comments for the consideration of Cabinet.

The Council's Head of Planning and Development Shawn Fleet gave a presentation to Members which outlines the headings in the document. It was emphasised that the document was not a site allocation one but a process of engagement with the public, local communities, developers and stakeholders. A copy of the presentation was sent to Members of the Committee.

The Chair thanked officers for their work on the document.

Councillor Dave Jones referred to the scoping report stating that there were a large number of figures which made it difficult to interpret the locations of, for example ancient woodlands and areas of biodiversity and asked that when it went out to consultation, the public could be sure of the exact location of the sites. This could be through the use of additional maps or a list of locations.

Councillor Jones referred to options appraisals and housing need. He enquired whether the measures had accounted for the changing nature of work in response to the Covid pandemic with more people working from home.

Councillor Jones referred to the benefit of having a railway station in one of the towns, stating that this was a good idea. He would like to know more about the UK BAP Priority Habitats contained within the scoping report to see the locations of those. Biodiversity was also important and the report gave a proposal to take a large piece that was an exceptionally biodiverse plot of land within Keele Golf Course.

Councillor Jones proposed that, in addition to sending the documents to Cabinet for discussion, that it be recommended to Cabinet that the item be sent to Full Council for consideration.

The Council's Planning Policy Manager, Jemma March stated that the figures could be looked at in order to make them easier to interpret as could the UK BAP information. With regard to the link with Covid, some of the evidence contained within the document was looked at last year and as the document evolved, the increase in working from home was discussed. The evidence would be updated between now and the next stage to cover this matter. Regarding comments on specific sites, these would be welcomed.

Councillor Paul Northcott stated that the aim was to get the Plan together in its draft form, submitted by 2023 and was a tight schedule. Members had been given the opportunity to feed into the process and to make comments. Brownfield sites were running out and therefore the Council needed to know what alternatives were available. The Local Plan would incorporate Town Deal investments and HS2.

Councillor Mark Holland felt that it would be helpful for the public to be exposed to more detailed information where possible and asked that Cabinet agree to more information being given when the document goes out to consultation which would in return, provide better responses from the public.

Jemma March referred to the request for visually enhancing documents and maps of sites. These had not been shown for legal reasons because at this stage, numbers and sites were not definitive. The next stage would contain maps online where the sites could be looked at in more detail.

Shawn Fleet confirmed that this was the first of the three stages, the next being the draft plan which would contain more detail.

Councillor John Williams stated that he would like the officers to talk to the Groups at the Council to give Members a better understanding of the document when approached by their ward residents. Councillor Williams stated that the document did not mention contaminated land and asked if there was a possibility of decontaminating some of that land for industrial development as brownfield sites were in short supply.

Shawn Fleet advised that contaminated land sites were mentioned within the document at page 81 (small number /large page number 92), Section 14 of the Issues and Options document which looked at air quality, water pollution and environmental quality.

The Chair stated that officers were planning to go out to do consultations with community groups and therefore, meeting with the Council's political groups could be built into the consultation process.

Councillor Sue Moffatt seconded Councillor Jones' proposal to recommend sending the document to Full Council. It would enable Members to give a strong message

out to the community of the importance of the document and their involvement in the process. A more detailed consultation was suggested, with 3D maps for example.

Councillor Northcott suggested that a more interactive way of how the website could be developed, allowing activity to engage with the public could be looked into. Also, to re-invigorate Neighbourhood Plans and to underline their importance.

Councillor Marion Reddish had considered the merits of taking the item to Council and felt that it would be a good way of bringing all Members on board and prompting them to read the document.

Councillor Gill Williams felt that, prior to the document going to Council all political groups should have a meeting with officers to give them a better understanding.

Councillor Jones stated that when the document went out to consultation, Councillors would be one of the first people that the public would contact for information and felt that taking it to Council for debate beforehand would give it more credence.

The Chair made a further proposal that the Planning Committee suggests to the Cabinet that an officer-led presentation be given to all political groups of the Council as part of the consultation process. This would enable all Councillors to be in the ball with regard to what was going on and to give their own feedback. This was seconded by Councillor Northcott

Votes were taken on both proposals. The Chair's proposal was passed.

- Resolved:**
- (i) That the report be noted
 - (ii) That it be recommended to Cabinet that an officer-led presentation be given to all political groups of the Council as part of the consultation process and to receive feedback.

4. URGENT BUSINESS

There was no Urgent Business.

CLLR ANDREW FEAR
Chair

Meeting concluded at 8.21 pm

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PLANNING COMMITTEE

Tuesday, 14th September, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

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

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

1. **APOLOGIES**

Apologies were received from Councillor Jenny Cooper.

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 17 August, 2021 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MR CHRIS ANDREWS. 21/00593/REM**

Councillor Gary White spoke on this application.

The Council's Senior Planning Officer, Nick Bromley referred Members to Section 6 of the report which covered the planning obligations and financial viability. Section 6.3 set out information received from an independent financial advisor and Butters John Bee had confirmed that the scheme could only financially support the £83,110. The distribution of that amount was for debating by this Committee. Officers had recommended that the money go to secondary education places to mitigate the impact of the development.

Councillor Holland stated that, at Outline stage the Committee had determined that in order for the development to be acceptable, it should include the £5,579 per dwelling

towards the maintenance of open land facilities. He did not see that that had changed as the Council was not allowed to secure S.106 agreements where they were not necessary. Councillor Holland stated that, if the lack of that made the scheme unviable, it should not be approved.

Councillor Northcott suggested that the developer go back and review the figures and submit a scheme that was viable and met with the contribution requirements that were in place.

The Chair stated that the debate had focussed on the reduction in the S.106 Contribution and nothing had been discussed regarding recommendation C relating to the actual development. The Committee had shown a dislike to recommendations A and B. The Chair asked, if recommendations A and B were rejected, where would recommendation C stand. The Council's Head of Planning and Development, Shawn Fleet advised that all three recommendations were linked, so if Members were unhappy with the amount of the contribution and its being targeted towards the school, the whole scheme would fall.

The Chair stated there were two debates. One was that the Committee felt that the independent valuer had not done the work sufficiently well and were looking at a revision of the figure. However, if it was felt that the independent valuer had correctly assessed the situation, it was within the power of this Committee to divide the money up in different ways.

A motion was put forward by Councillor John Williams to defer the application to allow the developer to come back with a more acceptable proposal in respect of the S.106 contribution. This was seconded by Councillor Reddish.

Councillor Mark Holland put forward a motion of refusal stating that the developer needed to come back with a viable scheme. This was seconded by Councillor Northcott.

Summing up, the Chair, stated that a vote would be taken on deferral and then the formulation of Councillor Holland's motion for refusal on the grounds that the monies proposed were not sufficient to mitigate the impact of the development on the local community.

Shawn Fleet stated that if the application was deferred, officers would go back to the applicant to discuss the S.106.

Votes were taken on both proposals but the vote for deferral fell.

- Resolved:**
- (i) That the discharge of S106 be not agreed
 - (ii) That the variation of S106 agreement as set out in the supplementary report be not approved.
 - (iii) That the Reserved Matters application be refused for the following reason:

The level of Section 106 Obligations is not policy compliant and therefore not sufficient to mitigate the impact of the proposed development, as set out in the reserved matters application, on the local community. The proposed development would therefore be contrary to Policies CSP5 and

CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy of the Newcastle-under-Lyme Local Plan 2011, the Council's Open Space Strategy, Staffordshire Education Infrastructure Contributions Policy and the aims and objectives of the National Planning Policy Framework 2021.

5. APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 21/00570/FUL

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

- (i) Time limit
- (ii) Implementation in accordance with the approved plans
- (iii) No development to commence until a Sustainable Drainage Strategy has been submitted and agreed, which is to be fully implemented.
- (iv) No development to commence until intrusive site investigation works, if required by the Coal Authority, and remedial works have been undertaken in accordance with approved details (the final wording of the condition to be agreed with the Coal Authority prior to the issuing of the planning permission).
- (v) Detailed structural landscaping scheme to be submitted and approved within 12 months of the commencement of the earthworks on any phase which shall include the retention of Category B trees if possible, or their replacement if not. The scheme is to accord with the Green Infrastructure Strategy and should include the planting of a verge adjoining the footpaths. The structural landscaping scheme shall be implemented prior to the commencement the construction of buildings within that phase.
- (vi) Approval of tree and hedgerow protection measures.
- (vii) Approval and implementation of woodland and landscape management plans.
- (viii) No development shall take place on any part of the site until the development has secured the implementation of a programme of archaeological works
- (ix) Limit on the number of daily HGV movements for the duration of the earthworks to a maximum of 400 HGV two-way movements per day and not more than 20 HGV two-way movements in either the AM peak hour (08:00 to 09:00) or the PM (17:00 to 18:00).
- (x) Approval and implementation of a Construction Traffic Management Plan
- (xi) The reporting of unexpected contamination and preventing the importation of soil or soil forming material without approval.

6. APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH GROUP PLC. 21/00595/FUL

Resolved: **That the removal of condition B25 and variation of conditions A2, A8, B1, B6, B7, B9, B10, B11, B13, and B31 of 19/00846/OUT (but not B23) be permitted, as follows:**

(i) Vary condition A2 to reflect the revised plans.

(ii) Vary condition A8 as follows:

Within 12 months of the commencement of the development referred to in item (A), a detailed structural landscaping scheme to the perimeter, including the site frontage to Peacock Hay Road; and to the slope between plots C and B, shall be submitted to and approved by the Local Planning Authority. The scheme shall accord with the principles of the Green Infrastructure Strategy (Drawing no. 3227-L-01 Rev C) and shall include details of the species of plants, hedgerow shrubs and trees along with their size, numbers and density of planting...

(iii) Vary condition B1 as follows:

The development referred to in item (B) hereby permitted was approved in consideration of the following;

- *Drawing no. 18004.GA.04 Revision B Proposed Highway Improvement Works at A500/A34 Grade Separated Junction*
- *Drawing no. 3227-L-01 Rev C– Green Infrastructure Strategy*

(iv) Vary condition B6 as follows:

Prior to the commencement of development of any plot referred to in item (B) the following shall have taken place:

- *The submission of a scheme of remedial works for the mine entries and the shallow workings relating to that plot for the approval of the Local Planning Authority; and*
- *The implementation of those remedial works.*

(v) Vary condition B7 as follows:

Prior to the commencement of the installation of the Talke Roundabout improvement works as shown on 18004.GA.04 Revision B, a suitable assessment of the needs of walkers, cyclists and horse riders shall have been carried out and appropriate amendments to the off-site highway works at the A500 Talke roundabout, as identified in the assessment shall be agreed and implemented.

(vi) Vary condition B9 as follows:

A reserved matters application of the development referred to in item (B) shall include full design details, in accordance with DWG number – NWK 170107-BED-EX-00-DR-C-0258 Rev P04, for the new roundabout access, footways and improvement to the existing site access. This is to include a full scheme of proposals to secure the delivery of the speed reduction which should include gateway features, street lighting, conspicuous speed limit and warning signs, road markings and surfacing with an appropriate PSV – high friction surfacing. The approved details shall be implemented before the occupation of buildings within the site unless otherwise agreed by the Local Planning Authority.

- (vii) Vary condition B10 as follows:

A reserved matters application of the development referred to in item (B) shall include detailed structural landscaping scheme for the verges of the main internal spine road and footpaths. The scheme shall accord with the principles of the Green Infrastructure Strategy (Drawing no. 3227-L-01 Rev C).

All planting, seeding or turfing comprised in the approved scheme shall be carried out prior to the occupation of any building referred to in item (b) unless a phased approved is agreed as part of a reserved matters application. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

- (viii) Vary condition B11 as follows:

A reserved matters application shall include details of the main internal spine road which shall be designed to enable a bus to access the site and turn safely.

- (ix) Vary condition B13 as follows:

Any reserved matters application regarding landscaping of the development referred to in item (B) shall include landscaping within the parking areas and other hardsurfaced areas.

All planting, seeding or turfing comprised in the approved scheme in as far as it relates to each plot shall be carried out prior to the occupation of any building on that plot. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

- (x) Vary condition B31 as follows:

No development shall be occupied that will generate more than 464 two way vehicular trips in the AM peak hour (0800-0900) and/or more than 411 two-way vehicular trips in the PM peak hour (17-1800), until the mitigation scheme for the A500/A34 junction as shown in principle on drawing no. 18004.GA.04 Revision B has been implemented in full and is open to traffic...

- (xi) All other conditions of 19/00846/OUT as they continue to apply to the development

7. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD AND NORTH WEST OF LOWER ROAD, HOOK GATE. VERVE SHREWSBURY LTD. 21/00834/FUL & 21/00835/FUL

Resolved: 21/00834/FUL

That the Head of Planning be given the delegated authority to determine the application after 17th September subject to any comments that are received from Loggerheads Parish Council, the Highway Authority and interested parties not raising any matters that have not been addressed within the report or that cannot be overcome through the imposition of conditions, the variation of condition 7 of 21/00327/FUL be permitted so that it reads as follows:

The development shall not be occupied until visibility splays have been provided at the site accesses in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

And subject to any other conditions attached to planning permission 21/00327/FUL that remain relevant at this time.

21/00835/FUL

That the Head of Planning be given the delegated authority to determine the application after 17th September subject to any comments that are received from Loggerheads Parish Council, the Highway Authority and interested parties not raising any matters that have not been addressed within the report or that cannot be overcome through the imposition of conditions, the variation of condition 20 of 21/00327/FUL be permitted so that it reads as follows:

No above ground works shall commence until a detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Flood Risk Assessment (ELLUC Project Number LE022 Revision F2 dated 13th June 2018). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

And subject to any other conditions attached to planning permission 21/00327/FUL that remain relevant at this time.

8. **APPLICATION FOR MINOR DEVELOPMENT - PLUM TREE PARK FARM, CHURCH LANE, BETLEY. MR H KENNERLEY. 21/00499/FUL**

Amended recommendation, to remove the word 'forestry' from Condition (vii) proposed by Councillor Jones and seconded by Councillor Holland.

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

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Provision of parking and turning areas
- (iv) Electric vehicle charging provision
- (v) Landscaping
- (vi) Materials
- (vii) Occupation of dwelling limited to a person working in agriculture.

9. **APPLICATION FOR MINOR DEVELOPMENT - THE CHALET, BUNGALOW FARM, RYE HILLS. MR CARL BEESTON. 21/00702/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) Construction hours
- (vi) Drainage

10. **APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT WATERHAYS FARM TELEPHONE EXCHANGE CEDAR, ROAD. CK HUTCHISON NETWORKS (UK) LTD. 21/00757/TDET**

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

11. **LAND NORTH OF PEPPER STREET, KEELE. KEELE HOMES LIMITED. 21/00780/DOB**

Resolved: That the application to modify the S106 agreement, by extending the period of time within which the developer must substantially commence development before the need for a revised viability report is triggered to 25 June 2022, be approved.

The decision would have a note attached, advising that this Committee would be very unlikely to agree to any further extensions of time.

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

Elaine Moulton advised that the position remained the same. No hearing date had been received. However, at a site visit carried out today there was activity happening on the site.

- Resolved:**
- (i) That the information be received.
 - (ii) That an update report be brought to Committee in two months' time

13. LIST OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING AND LISTED BUILDING CONSENT APPLICATIONS

Resolved: That the revisions to the list arising from the consultation process as set out in Appendix 1 be approved, so that the revisions can be made and the revised list published on the website, and thereafter used in the validation process.

14. HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Resolved: That the report be noted

15. URGENT BUSINESS

There was no Urgent Business.

CLLR ANDREW FEAR
Chair

Meeting concluded at 8.46 pm

LANCASTER BUILDINGS, HIGH STREET, NEWCASTLE
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL **21/00613/DEEM3 & 21/00614/LBC**

Both full planning permission and listed building consent are sought for external gates on the ground floor corner units of Lancaster Buildings.

The property lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area. Lancaster Buildings is a Grade II Listed Building.

The 8 week period for the determination of these applications expired on the 27th April but an extension of time has been agreed until 15th October.

RECOMMENDATION

A) Application 21/00613/DEEM3

Approve subject to conditions relating to the following:

- Time limit
- Approved plans
- Submission of details of shutter housing

B) Application 21/00614/LBC

Grant consent subject to conditions relating to the following:-

- Time limit
- Approved plans
- Submission of details of shutter housing

Reason for Recommendations

The proposals would not adversely affect the architectural or historic features of the Grade II Listed Building, nor would the proposals have an adverse impact on the appearance or character of the Newcastle Town Centre Conservation Area. The proposals accord with provisions of the development plan and there are no other material considerations which would justify a refusal of either planning permission or listed building consent.

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

Amended plans have been submitted in support of the application, and the proposal is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The proposals involve the installation of new external gates to the ground floor corner units of Lancaster Buildings.

The property lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area. Lancaster Buildings is a Grade II Listed Building.

The Listed Building Consent application (21/00614/LBC)

The sole issue for consideration is whether the physical works to the Listed Building are acceptable.

In considering applications for alterations to a listed building, the Local Planning Authority is required to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features.

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

Permission is sought for the installation of external gates to the four corner units of Lancaster Buildings. The intention of the proposal is to deter anti-social behaviour within the town centre and to provide further security for the building. Officers expressed concerns regarding the design of the scheme as originally proposed and therefore amended plans have been submitted.

The amended gates would be fabricated from metal with a design that references the art deco period. There were concerns that the original proposal would have resulted in damage to the attractive marble paving at the entrances of the property, however the amended scheme avoids this issue by having the fixing and rails that would support the shutters attached directly to the plasterboard ceiling of the lobbies.

The security shutters have an open grill style design which would allow the shopfronts behind them to still be visible when they are fully closed. In addition, the shutters are considered to be a more reversible solution than the original proposal, in that they could be removed without any significant work if at any point they are not required in the future.

The main impact of the proposal would come from the stainless steel units which would house the shutters whilst they are not closed. Whilst the stainless steel units would have a clear visual presence on the building, given their limited size, they would not be overly prominent when seen in the context of the building as a whole. The Council's Conservation Officer considers that there would still be some harm to the significance of the building as a result of the amended scheme but recommends that a condition could be used to control the details of the shutter housing units.

Given the extent of the changes proposed in this instance, it is considered that the harm would be less than substantial. Under such circumstances paragraph 202 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.

The new shutters would help to deter anti-social behaviour within the town centre and provide further security for the building, which would in turn help to safeguard the building and any associated businesses within it in the future. Whilst it is recognised that the proposal would result in some harm to the significance of the building, this harm is considered to be less than substantial and given the public benefits of the proposal, on balance, and subject to conditions, it is considered that the that the design of the proposal is acceptable and meets the requirements of saved Policy B6 of the Local Plan as well as the provisions of the NPPF.

The Planning Application (21/00613/DEEM3)

It has been concluded in the assessment above that the proposed alterations would not adversely affect the historic and architectural interest of the Grade II Listed Building. Therefore,

the main issue to consider in relation to this application for planning permission is the impact of the external gates on the character and appearance of the Conservation Area.

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Saved policies B9, B10, B13 and B14 of the Local Plan all require that development should not result in harm to the character and appearance of conservation areas.

The external alterations are relatively minor and as such it is considered that the character and appearance of the Conservation Area would be preserved. The proposal therefore represents a sustainable form of development, in accordance with 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 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 these decisions:-

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

Policy ASP4: Newcastle Town Centre Area Spatial Policy

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B6: Extension or Alteration of Listed Buildings

Policy B9: Prevention of harm to Conservation Areas

Policy B10: Requirement to preserve or enhance the character or appearance of a Conservation Area

Policy B13: Design and development in Conservation Areas

Policy B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

National Planning Policy Framework (2021)

Planning Practice Guidance (PPG) (March 2014)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

08/00701/DEEM3	Alterations forming part of refurbishment including replacement windows, and works to canopy and other works	Approved
08/00702/LBC	Alterations forming part of refurbishment including replacement windows, works to canopy and other works	Approved
09/00628/DEEM3	Internal alterations and new shopfronts	Approved
09/00629/LBC	Internal alterations and new shopfronts	Approved
12/00092/LBC	New shop fascia sign	Approved
20/00012/PLDLB	Application for certificate of lawfulness of proposed works to a listed building - Refurbishment/Internal Alterations to existing office accommodation on the first and second floors and create 12 interview rooms on the second floor	Approved

Views of Consultees

The **Council's Conservation Officer** states that the amended plans show an alternative shutter solution for the corner units and the proposed gates are less intrusive in the lobby areas and have less impact on the shop frontages given that the fixings and rails can be fixed into the plasterboard ceiling of the lobby and don't need to fix into the step. They state that the housing detail of the shutter needs to be explored in more detail and could perhaps be conditioned but the design is neater than the original and does not impact on the shop windows when in the open position. The grilles are visible when the shop is closed and will inevitably have a visual impact on the building but they are lightweight in appearance and any shop front display is still visible through the grille and therefore will have a less fortress-like appearance. Additionally the

grilles are more reversible than the previous permanent solution so if at any point they are not required they could be removed and any harm made good. It is concluded that there is still some harm to the significance of the building which is less than substantial and a clear and convincing case should be robust to justify this harm and any public benefits of the scheme should be weighed into the balance.

Regarding the plans as originally submitted, the **Conservation Advisory Working Party** object on the grounds that the proposal is harmful to the architectural features of the shop front, like the curved glass doorway, and it means the shop cannot use the display. They appreciate the attempt to have a design but either closed or open this gate will block an important part of the character of the entrance and is unacceptable.

Their comments regarding the amended scheme will be reported if received.

Representations

None received.

Applicant/agent's submission

The applications are supported by a Heritage Asset Statement.

All of the application documents can be viewed on the Council's website using the following links:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00613/DEEM4>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00614/LBC>

Background Papers

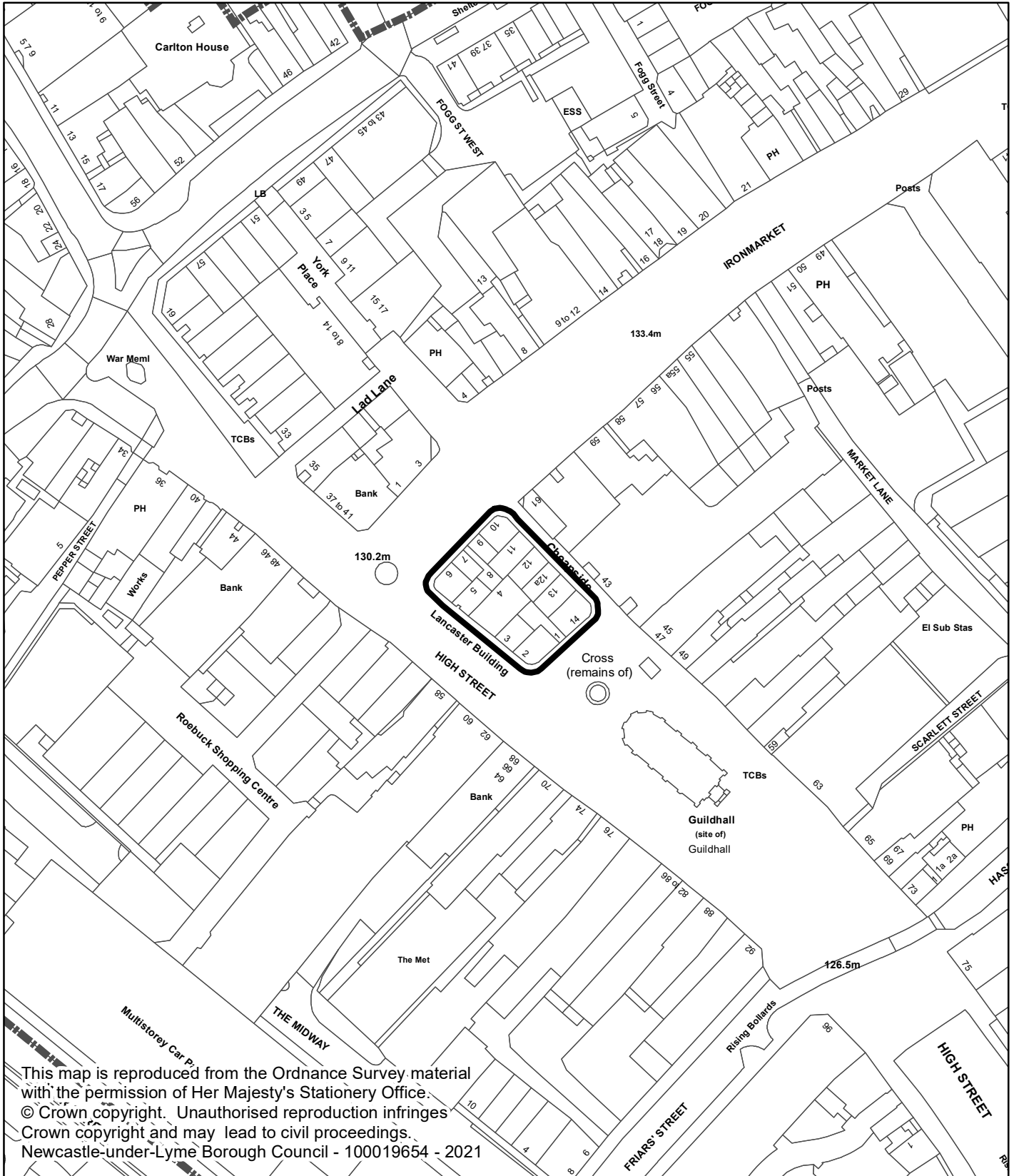
Planning File
Planning Documents referred to

Date Report Prepared

23rd September 2021

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Lancaster Buildings
High Street
Newcastle under Lyme



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Classification: NULBC UNCLASSIFIED

POSH WASH, LIVERPOOL ROAD, CROSS HEATH
POSH CAR WASH (TALIB ALI)

21/00729/FUL

The application seeks retrospective planning permission for the retention of a shipping container, the restoration of a timber fence and a canopy over the car washing area at Posh Wash, Liverpool Road.

The site lies within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The application has been brought to the committee at the request of 2 Councillors due to concerns regarding residential amenity, visual impact and highway safety.

The 8 week determination period for this application ended on 22nd September but an extension of time to 22nd October has been agreed.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Approved plans**

Reason for Recommendation

The design of the proposal is considered acceptable and to be in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. The proposed development fully complies with planning policy guidance in terms of the impact on highway safety and residential amenity levels of neighbouring occupiers.

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

The proposed development is considered to be a sustainable form of development in accordance with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks retrospective planning permission for the retention of a shipping container, a canopy over an existing car wash area and for works relating to the restoration of a timber fence. The application site falls within the urban area of the Borough as identified on the Local Development Framework Proposals Map. The application site is an established car wash, which was granted permission under planning application 09/00434/COU. The main issues for consideration are;

- The design of the proposal
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Matters

The design of the proposals

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

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The application site forms part of a row of commercial plots which start at Wilton Street to the south, with access to the site being from Liverpool Road located to the west.

The application seeks retrospective permission for the retention of a shipping container which is sited in the north-western corner of the application site. The container has a length of 6m, a width of 2.5m and a height of 2.5m. It has a typical functional appearance but while it is visible from Liverpool Road, its placement to the rear of the site limits its impact on the wider street scene. While it is recognised that the container is visible from the rear gardens of nearby properties, given that the boundary fence which surrounds the site is 2m in height, it is only the top 0.5m section of the container which is visible above the boundary treatment. The container is seen in context with the commercial appearance of the site and is not overly dominant in its setting.

The canopy structure which covers the main car washing area of the site measures 10m x 10m and has an overall height of 4m, supported by 6 metal posts. An objection letter has raised concerns regarding the visual impact of the canopy but given its limited height and the context of the application site which is part of a row of commercial properties, it is not considered that there would be any significant adverse impact on the surrounding area.

There are no concerns relating to the restoration of the timber fence which runs along the western boundary of the application site, as this will help to screen the site from view.

The development is therefore considered to be in accordance with the guidance and requirements of the NPPF and Policy CSP1 of the CSS.

Impact upon residential amenity

Criterion f) within Paragraph 130 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

One objection letter has been received from the occupant of no.165 Liverpool Road raising a number of concerns relating to the impact of the development on their residential amenity. The objection letter notes that the car wash use has resulted in chemicals and water spray coming over the shared boundary and onto their property, and also notes that there is ongoing noise nuisance, and vibration coming from the site.

This application seeks permission for the retention of a shipping container and canopy structure only. The use of the site as a car wash is authorised under planning permission Ref. 09/00434/COU. That permission is subject to a number of conditions so any issues with the existing use of the site and any potential breaches of conditions can be addressed separately. It is only the development set out within the application which can be considered now and it is not considered that this proposal would exacerbate any existing issues relating to residential amenity to such an extent to warrant a refusal.

Given the above, and in the absence of any objections of the Environmental Health Division, it is considered that the retrospective works will not result in any adverse impact to neighbouring properties.

The impact to highway safety

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The one objection letter received raises concerns that the proposal has resulted in an adverse impact to the local highway network, which is resulting in issues relating to highway safety. However the Highway Authority has raised no objections to the proposal, and there is no evidence that the retention of the canopy and shipping container would create or aggravate parking or traffic problems.

Other Matters

The concerns raised in the objection letter relating to surface water are noted, however as the application seeks permission for the retention of a canopy structure and shipping container only, it is not considered that surface water runoff will change as a result of this proposal.

The objection letter notes that there are several errors in the application form relating to ownership details of the application site's shared boundary. The boundary dispute is considered to be a civil matter which goes beyond the scope of this 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 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

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

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

09/00434/COU - Change of use from car sales to hand car wash - permitted

[Views of Consultees](#)

The **Environmental Health Division** raise no objections to the proposal.

The **Highways Authority** raise no objections to the proposal.

[Representations](#)

One objection letter has been received from a Planning Consultant on behalf of the occupier of No.165 Liverpool Road. The following concerns are raised:

- The proposal has led to an increase in noise, disturbance and odour
- Loss of privacy to the detriment of surrounding residential properties
- The proposed development has an adverse impact on the character and appearance of the area
- Impact on highway safety
- Poor surface water and waste water arrangements
- Errors within the application form and submitted information
- The car wash is an unlawful use

[Applicant's/Agent's submission](#)

The application is accompanied by a Supporting Statement.

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00729/FUL>

Classification: NULBC **UNCLASSIFIED**

Background papers

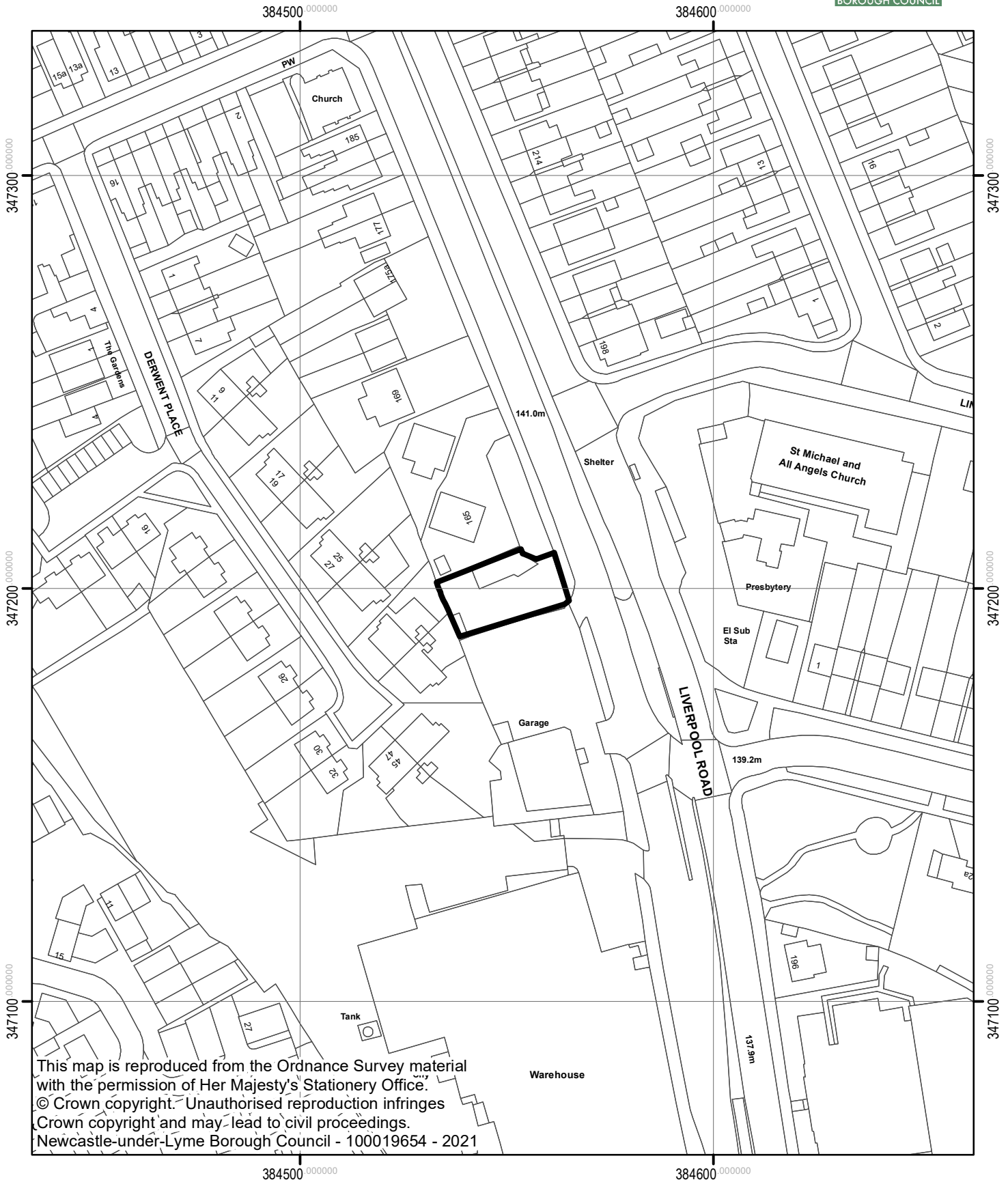
Planning files referred to
Planning Documents referred to

Date report prepared

28th September 2021

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Posh Car Wash
Liverpool Road
Cross Heath



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LAND ADJACENT TO 68 WESTMORLAND AVENUE CLOUGH HALL ROAD KIDSGROVE
CK HUTCHISON NETWORKS (UK) LTD

21/00824/TDET

The proposal is for the installation of a new 18 metre high monopole and 4no. ancillary equipment cabinets at its base, on a verge adjacent to 68 Westmorland Avenue, Kidsgrove.

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 17th October 2021 the development will be able to proceed as proposed.

RECOMMENDATIONS

(a) That prior approval is required, and

(b) That such prior approval is refused for the following reason:

- 1. The siting, scale and external appearance of the proposed development would be harmful to the visual appearance of the area and is contrary to policy CSP1 of the Core Spatial Strategy 2006-2026, policy T19 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of National Planning Policy Framework 2021.**

Reason for Recommendation

The proposed mast at 18m tall would be incongruous in its residential setting and whilst there are some trees close to the application site these would only provide a limited amount of screening. The height of the mast would be emphasised not only by the local topography but also by the layout and arrangement of nearby houses and roads, and it is considered that the mast would have a dominant and harmful appearance in the locality which would also impact upon the wider street scene. Whilst the benefits of the proposal are recognised, the proposal is considered to conflict with the requirements of policy CSP1 of the Core Spatial Strategy 2006-2026, policy T19 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of National Planning Policy Framework 2021.

KEY ISSUES

The proposal is for the installation of a new 18 metre high monopole with 4no. equipment cabinets at the base, on a verge adjacent to 68 Westmoreland Avenue, Kidsgrove.

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 or not.

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 is required?

The proposal comprises a new monopole and ancillary equipment cabinets which would be clearly visible within the street scene of a residential area. It is considered that prior approval is therefore 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 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 area surrounding the application site is predominantly residential in nature, comprising mainly of two storey semi-detached houses, with some terracing and detached bungalows. The area has a post war appearance, with large parcels of amenity land separating groups of housing, with all properties being set back from the highway. Clough Hall Road itself has a relatively verdant appearance although the majority of nearby houses have limited architectural merit.

Details of a sequential test which was used to consider other potential sites within the local area for the proposed mast has been provided with this application. The sequential test showed that four alternative sites were considered before the current application site was chosen, and that these sites were disregarded for a number of reasons, including their proximity to residential dwellings or their potential impact on highway safety. The justification for the chosen site was that it was considered to be the best compromise between extending 5G service coverage in the area whilst being the least visually intrusive option available.

The application site sits at a highway crossroads which is positioned in a central location within this residential area. The proposed mast at 18 metres in height would be much taller than nearby residential properties and whilst it is recognised that there are some trees close to the proposed position of the mast, the overall level of screening surrounding the application site is considered to be limited.

The proposed mast has a functional and stark appearance and due to the orientation of the housing layout and the layout of the road network, there are clear views onto the site where the mast would be situated which would emphasise the scale and height of the proposal. In addition, the surrounding topography is relatively flat, which again would highlight the size of the mast, which would be clearly visible from nearby streets beyond Clough Hall Road, although it is recognised that there are some large clusters of trees located to the south east and North West which would help to soften some the proposals impact on the wider landscape.

Whilst the benefits of the proposal are recognised, in that the mast would help to improve the local telecommunications network, it is considered that due its siting, scale and external appearance the proposed mast would appear as an incongruous and dominating feature within the locality which conflicts with the requirements of policy CSP1 of the Core Spatial Strategy 2006-2026, policy T19 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of National Planning Policy Framework.

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:

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- 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

The **Highways Authority** have no objections to the proposal subject to the development being completed in accordance with the submitted plans.

Comments are awaited from **Kidsgrove Town Council** and the **Environmental Health Division**.

Representations

One objection has been received by the **Clarion Housing Group** who raise concerns regarding the site and design and the significant visual impact on the street scene. It is also their opinion that there is no overriding need that outweighs the considerable visual impact associated with the development and appeal inspectors have reached this same conclusion in similar circumstances elsewhere. The development is contrary to relevant guidance set out in the National Planning Policy Framework and Policies T19 and T20 of the Local Plan. In addition, the development proposed has not been brought forward in accordance with the industry's own Code of Best Practice with the consequence that it represents an unacceptable form of development.

One Objection has also been received from a neighbouring property, who raise concerns relating to the visual impact of the proposal and the possible health effects caused by 5G towers.

Applicant/agent's submission

The applicant has submitted a government statement and a Health and Network Briefing in relation to the above proposal which is required in order to enable the maintenance and expand the existing network capacity.

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

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00824/TDET>

Background Papers
Planning File referred to
Planning Documents referred to

Date report prepared
29th September 2021

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Land Adj 68 Westmorland Avenue
Kingsgrove



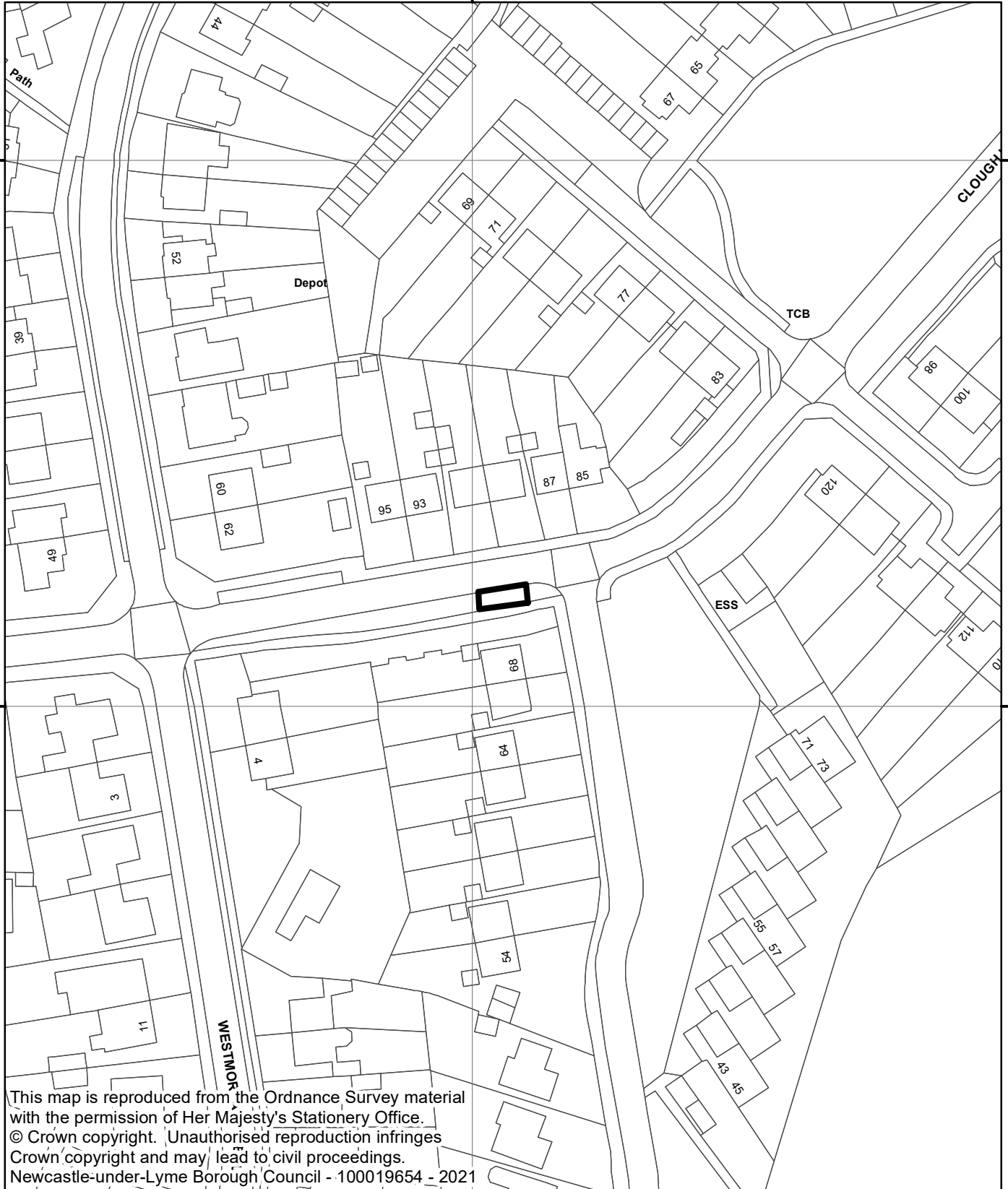
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**FORMER CIVIC OFFICES, MERRIAL STREET
NEWCASTLE BOROUGH COUNCIL**

21/00908/DEM

The application is for a determination as to whether prior approval is required for the method of demolition of the former Civic Offices and associated structures.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map, and close to the boundary of the Newcastle Town Centre Conservation Area.

The 8 week period for the determination of this application expires on the 12th October 2021.

RECOMMENDATIONS

- (a) That the Committee determine that PRIOR APPROVAL is REQUIRED**
- (b) Should the decision on (a) be that prior approval is required, the recommendation is to grant that approval, the works having to be carried out in accordance with the approved details, except to the extent that the LPA otherwise agree in writing**

Reason for Recommendation

Given the prominent location of the site in views from the Town Centre Conservation Area and the ring road it is appropriate to conclude that prior approval is required for the method of demolition of the buildings and the restoration of the site.

On the basis of the submitted information and subject to consideration of the views of the Environmental Health Division there is no basis to refuse to grant prior approval as the method of demolition and restoration will not give rise to adverse impact on the amenity of residents and businesses.

KEY ISSUES

The application is for a determination as to whether prior approval is required for the method of demolition of the former Civic Offices and associated structures, and the restoration of the site.

Is prior approval is required?

The requirement to apply for such a determination gives the Local Planning Authority the means of regulating the details of demolition in order to minimise its impact on local amenity. If prior approval is not required the development would still have to be carried out in accordance with the submitted details. National guidance indicates Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

By reason of the considerable scale of the building which can be seen from Liverpool Road, Corporation Street, Merrial Street and Ryecroft (the Ring Road), it is considered that prior approval for the method of demolition and restoration of the site is required in this case.

Should prior approval be granted?

The main issue for consideration in the determination as to whether prior approval should be granted are the amenities of local residents and businesses.

The intention is that the majority of the demolition will be undertaken mechanically from within the site, using a high reach excavator. The site is already enclosed by a hoarding which will assist in reducing the impact of the demolition works.

Whilst the site is not within the Town Centre Conservation Area, it is visible in views from the Conservation Area from Merrial Street and the High Street. The site is also prominent from the Ring

Road. Demolition material is to be crushed and re-used on site to create a stoned area for future development. Any surplus material will be taken off site for re-use/recycling. Such restoration will limit the visual impact of the restored site to an acceptable minimum, even when taking into consideration the requirement to preserve and enhance the Conservation Area where the site would be visible from. In addition the retention of the hoarding until the site is re-developed would also be visually acceptable.

Subject to consideration of the views of the Environmental Health Division, it is recommended that prior approval should be granted.

APPENDIX

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

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

CSP1: Design Quality
CSP2: Historic Environment

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

B9: Prevention of Harm to Conservation Areas
B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy

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

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

Other material considerations include:

Relevant Planning History

None

Views of Consultees

Any views received from the **Environmental Health Division** will be reported.

Representations

The applicant has displayed a site notice near the site in accordance with the prior notification procedure set out in Class A of Part 31 to Schedule 2 of the Town and Country Planning (General Permitted Development) (Order) 1995.

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00908/DEM>

Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

24th September 2021

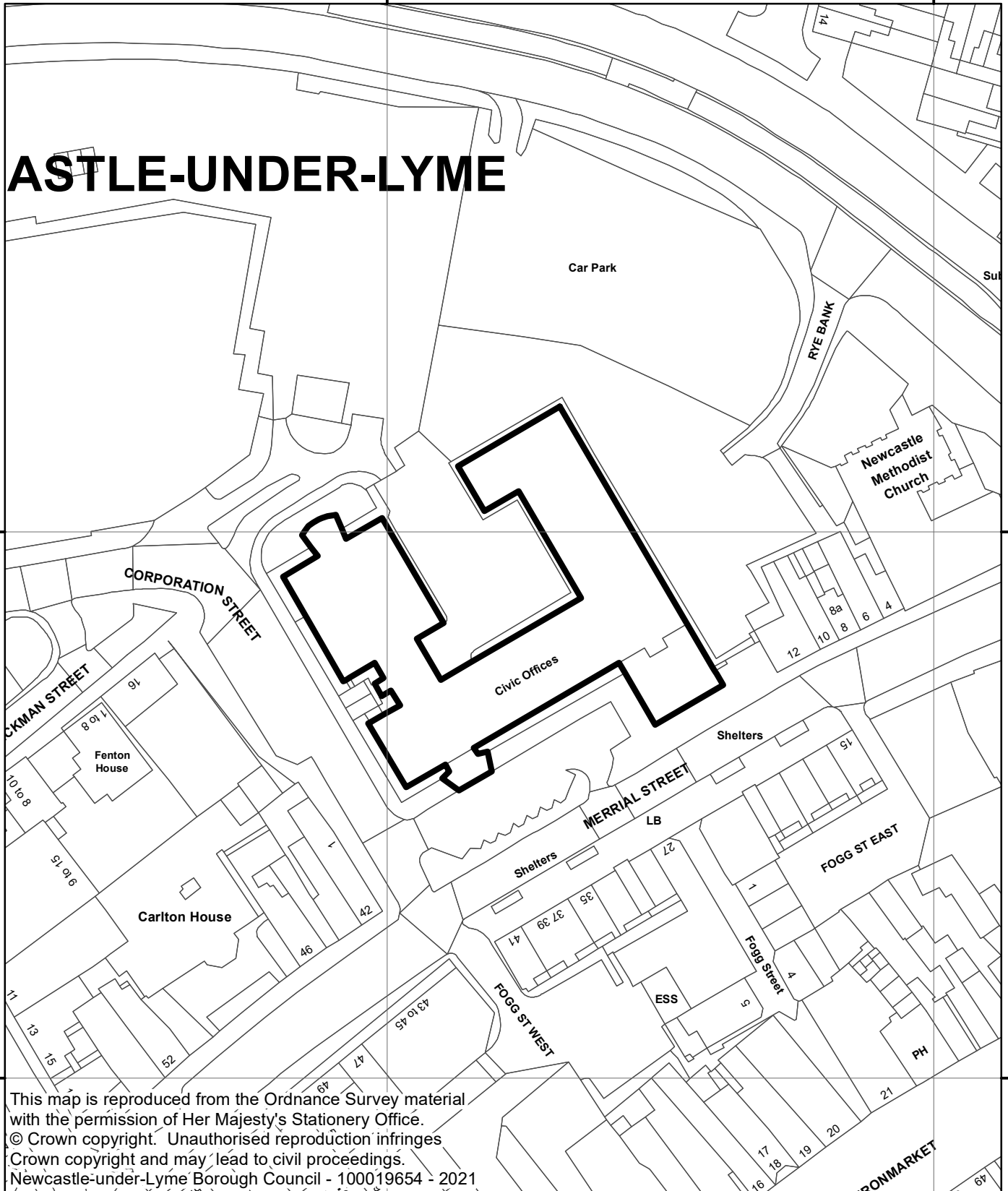
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Former Civic Offices
Merrial Street
Newcastle under Lyme



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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 17th August 2021, 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)

Further to update on 17th August, officers are now preparing the Councils case and as appropriate, officers will provide an update at the meeting.

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: 30th September

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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 arranged a further site visit to check the progress of the track and compliance with the conditions. Therefore a further update will be provided prior to the committee meeting.

Your officers have also recently attended a meeting organised by the Environment Agency (EA).

Date Report Prepared – 30th September 2021

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