

Public Document Pack

Date of meeting Tuesday, 9th November, 2021
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 8)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MR CHRIS ANDREWS. 21/00593/REM** (Pages 9 - 18)
- 5 APPLICATION FOR MINOR DEVELOPMENT - ALLEYWAY BETWEEN UNITS 81-83 HIGH STREET, NEWCASTLE-UNDER-LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00924/DEEM3** (Pages 19 - 26)
- 6 APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT LONDON ROAD, NEWCASTLE. CK HUTCHISON NETWORKS (UK) LTD. 21/00898/TDET** (Pages 27 - 32)
- 7 APPLICATION FOR OTHER DEVELOPMENT - POSH WASH, LIVERPOOL ROAD, CROSS HEATH. POSH CAR WASH (TALIB ALI). 21/00729/FUL** (Pages 33 - 40)

Please Note that only those Members who attended the site visit will be able to vote on this application.

- 8 **QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED** **(Pages 41 - 48)**
- 9 **REPORT ON OPEN ENFORCEMENT CASES** **(Pages 49 - 50)**
- 10 **5 BOGGS COTTAGE, KEELE. 14/00036/207C3** **(Pages 51 - 52)**
- 11 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** **(Pages 53 - 54)**
- 12 **LAND AT DODDLESPool, BETLEY. 17/00186/207C2** **(Pages 55 - 56)**
- 13 **LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MR CHRIS ANDREWS. 21/00972/DOB** **(Pages 57 - 60)**
- 14 **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, 12th October, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	Silvia Burgess	John Williams	Kenneth Owen
	Dave Jones	Jennifer Cooper	Stephen Sweeney
	Sue Moffat	Helena Maxfield	
	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 Councillors' Marion Reddish and Mark Holland.

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 31 August and 14 September, 2021 be agreed as a correct record.

4. APPLICATION FOR MINOR DEVELOPMENT - LANCASTER BUILDINGS, HIGH STREET, NEWCASTLE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00613/DEEM3 & 21/00614/LBC

Resolved:

A) Application 21/00613/DEEM3

That the application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Submission of details of shutter housing, materials, joining of gates and locking mechanism

B) Application 21/00614/LBC

That consent be granted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Submission of details of shutter housing, materials, joining of gates and locking mechanism

Members also requested that the comments of the Conservation Advisory Working Party, in respect of as ramp be brought to the attention of the applicant.

5. APPLICATION FOR OTHER DEVELOPMENT - POSH WASH, LIVERPOOL ROAD, CROSS HEATH, NEWCASTLE. POSH CAR WASH. 21/00729/FUL

Amended recommendation proposed by Councillor Gill Williams and seconded by Councillor John Williams.

Resolved: That the application be deferred for a Site Visit.

6. APPLICATION FOR OTHER DEVELOPMENT - ADJACENT 68 WESTMORLAND AVENUE. CLOUGH HALL ROAD, KIDSGROVE. CK HUTCHISON NETWORKS (UK) LTD. 21/00824/TDET

Amended recommendation proposed by Councillor Maxfield and seconded by Councillor Paul Northcott.

- Resolved:**
- (i) That prior approval be granted.
 - (ii) That prior approval be refused for the following reason:

The scale and external appearance of the proposed development in this location 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.

7. APPLICATION FOR OTHER DEVELOPMENT - FORMER CIVIC OFFICES, MERRIAL STREET, NEWCASTLE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00908/DEM

- Resolved:**
- (i) That Prior Approval be required.
 - (ii) That, 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 Local Planning Authority otherwise agree in writing and subject to a condition restricting the demolition hours to between 0800 and

1800hours Monday to Friday and 0800 to 1300 hours on Saturday with no working on a Sunday or public holiday.

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

The Council's Head of Planning, Shawn Fleet advised that progress had been made in pursuing the Section 106 contributions.

Resolved: That the information be received

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

The Council's Development Management Team Manager, Elaine Moulton advised that it had been hoped that there would have been an opportunity to discuss with the Environment Agency whether Condition 7 of the Planning Permission had been breached. The condition required that only inert waste was to be imported onto the site. The Council was awaiting confirmation that

That condition had been complied with as there was some suggestion that the EA was not satisfied that the material was inert.

Condition 6 stated that works to complete the track would cease by 1 November, 2021. It was clear that that would not be possible. Any works beyond that date would be a breach of the condition unless an application was received to extend the time.

Councillor Moffat asked if it would be possible to ask the owner for an update and to put out a plan of action for this Committee to consider at its next meeting.

The Chair stated that the owner could be written to ask for the above information. Alternatively, the letter could ask the landowner if they thought that they would be able to comply with condition 6.

Elaine Moulton stated that the length of the track for completion was relatively short but it was the most difficult part in terms of drainage and levels.

The Chair stated that it would be useful to share with the Committee by email, the length of the incomplete track and the proportion that it constituted the length of the entire track. This information could also be included in the next update report.

- Resolved:**
- (i) That the information be received.
 - (ii) That a letter be drafted by officers to the landowner, firmly reminding them of the deadline.
 - (iii) That a further update report, including the following, be presented to the 9 November, 2021 Planning Committee:
 - (a) The length of track to be completed and the proportion of that to the whole track

- (b) Possible enforcement actions to take if 1 November date was not met.
- (c) Photographic evidence of the site.

10. URGENT BUSINESS

There was no Urgent Business.

CLLR ANDREW FEAR
Chair

Meeting concluded at 8.07 pm

LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH
MR CHRIS ANDREWS

21/00593/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 34 dwellings. It follows the granting of an outline planning permission in August 2018 for a residential development of up to 35 dwellings (17/00514/OUT). Details of access from the highway network were approved as part of the outline consent.

The application site lies on the southern side of Honeywall Lane, outside the village envelope of Madeley Heath, within the open countryside and on land designated as an Area of Landscape Restoration all as indicated on the Local Development Framework Proposals Map. The site does not lie within the Green Belt. The site extends to approximately 1.75 hectares in area.

Honeywall Lane connects to Ridge Hill Drive which in turn connects to the A525.

The 13 week period for the determination of this application expired on the 10th September but the applicant has agreed an extension of time to the determination period to the 12th November 2021.

RECOMMENDATIONS

Permit, subject to conditions relating to the following matters:-

- 1. Link to outline planning permission and conditions;**
- 2. Approved plans;**
- 3. Facing and roofing materials;**
- 4. Prior approval of finished ground and floor levels.**
- 5. Boundary treatments;**
- 6. 1.8 metre high acoustic barrier on the southern boundary;**
- 7. Provision of roads, footways, parking, servicing and turning areas;**
- 8. Parking areas surfaced in a porous bound material;**
- 9. Construction Management Plan;**
- 10. Provision of soft and hard landscaping scheme/ strategy;**
- 11. Landscape and highways management and maintenance plan;**
- 12. Trees and hedgerows shown as retained shall be retained and protected throughout construction;**
- 13. Prior approval of crime prevention and security measures;**
- 14. Prior approval of overheating assessment/ or overheating mitigation for plots 1 & 2;**
- 15. Surface water drainage;**
- 16. Sustainable drainage management and maintenance plan;**
- 17. Waste and recycling storage and collection arrangements;**
- 18. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application**

Reason for Recommendation

The proposed development represents a high quality design that would enhance the landscape and would be suitable for the site and the character of the area. The development for 34 dwellings would also provide acceptable living conditions for future occupiers and protect the residential amenity levels of neighbouring occupiers. Any issues can be addressed by suitably worded conditions and on this basis the scheme is acceptable and meets development plan policies and the requirements of the National Planning Policy Framework.

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

The LPA and applicant have engaged in extensive pre application enquiry discussions and the LPA has requested further information during the consideration of the application to address concerns.

Following the submission of further information the proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

1.1 A report came before the 14th September planning committee which considered this reserved matters application and a request to modify the Section 106 agreement. Members resolved not to approve the reserved matters application and the modification of the Section 106 agreement on the basis that the level of Section 106 Obligations that this development can support is not policy compliant and therefore not sufficient to mitigate the impact of the proposed development. However, since the September meeting legal advice has been received advising that the modification of the S106 Agreement application and the reserved matters application should be treated separately. Therefore, two separate reports have now been prepared and a decision on each needs to be made.

1.2 As discussed, this application is for the approval of reserved matters only and seeks approval for the internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 34 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 17/00514/OUT in August 2018, following the completion of a Section 106 agreement which secured 25% Affordable Housing onsite, a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley.

1.3 The application site lies on the southern side of Honeywall Lane, outside the village envelope of Madeley Heath, within the open countryside and on land designated as an Area of Landscape Restoration all as indicated on the Local Development Framework Proposals Map. The site does not lie within the Green Belt. The site extends to approximately 1.75 hectares in area.

1.4 Honeywall Lane connects to Ridge Hill Drive which in turn connects to the A525

1.5 The outline planning permission remains extant and given that this is a reserved matters application the key issues for consideration now are limited to:-

- The design of the scheme and the impact on the form and character of the area, including loss of hedgerows;
- The impact on the residential amenity and living conditions of neighbouring and future occupiers;
- Access, parking and highway safety matters; and
- Sustainable drainage considerations.

2.0 The design of the scheme and the impact on the form and character of the area, including loss of hedgerows

2.1 Paragraph 126 of the recently published revised National Planning Policy 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. Furthermore, paragraph 130 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

2.4 The application site adjoins the village envelope of Madeley Heath to the north with Marley Eternit Building Materials site to the south and existing residential dwellings that front Ridge Hill Drive to the west.

2.5 The layout of the scheme is similar to the indicative layout presented at the outline stage but the proposed development seeks to create a community ethos and the application sets out that a key design driver for the scheme is the creation of three character areas; "The Lane", "The Yards" and "The Common". These character areas will have subtle differences in architectural styles but will be a mix of two storey terrace, semi-detached and detached house types.

2.6 The proposed dwellings will be enhanced by use of high quality bricks, with feature brick detailing and roof tiles. The development has also been varied by the roof tile selection and rotated roof pitches which will add further interest. The proposed scheme will also be enhanced by a high quality hard and soft landscaping scheme which will further supplement the design of the proposed scheme.

2.7 The scheme is also supported by a landscape strategy, which incorporate sustainable drainage features towards the south of the application site whereby a communal landscaped area and swale (attenuation pond) is to be located. This area acts as a landscape buffer between the industrial/commercial uses towards the south and the proposed residential development. The principle of this landscaped buffer is supported, as is the communal use of the area and the swale but a condition is considered necessary to ensure that these areas are appropriately managed by future residents.

2.8 Additional to the landscape buffer the application seeks to retain trees and hedgerows on Honeywall Lane and these features can be safeguarded by suitably worded planning conditions.

2.9 The Crime Prevention Design Advisor (CPDA) has commented on the design of the scheme with particular attention to security and crime prevention. In particular, concerns are raised about the height of boundary fences and the landscaped buffer/ communal area to the south of the application site.

2.10 The applicant has considered the comments and advice of the CPDA, in particular those associated with the height of boundary fences. However, due to their design philosophy for the development, which specifically intends to provide a sense of openness, promote social interaction and create a mixed community, the applicant is reluctant to increase the height of rear boundary features/ treatments from 1.2 metres to 1.8 metres. The applicant is keen to emphasise that the scheme has been specifically designed to enhance passive surveillance and increase the sense of community, providing opportunities for neighbours to engage with one another where possible. They believe that future residents will be attracted to live at the site due to its community-led nature which forms an intrinsic part of the design and sets it apart from other similar developments.

2.11 The CPDA has further considered these comments with scepticism and whilst your officers share this scepticism, it is considered that, on balance, the design philosophy of the scheme can be supported, subject to a condition which secures other security measures, as opposed to insisting on 1.8 metre high rear boundary treatments. These improvements can be secured by condition, in consultation with the CPDA.

2.12 The scheme has been presented to a design review panel, as encouraged by your officers and paragraph 133 of the NPPF, and it is accepted that the scheme has been well considered and whilst it would contrast with the vernacular of the immediate area it is accepted that the site represents a suitable opportunity to exploit a contrasting design. It is considered that the proposed design is a high quality design and is in accordance with the principles of the urban design guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

3.0 The impact on the residential amenity and living conditions of neighbouring and future occupiers

3.1 Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further

sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

3.2 The application site is within close proximity to the Marley Eternit tile works/ factory to the south, Chantler Timber yard to the east and Keele Quarry to the southeast.

3.3 The principle of residential development on the site was established when the outline planning application was permitted. The application was supported by a noise assessment report (NAR) which concluded that road traffic sound can be mitigated by design measures to ensure that internal noise levels within the proposed dwellings can be achieved. A 2.2 metres high acoustic barrier on the southern boundary was also recommended to mitigate the impact from the neighbouring commercial/ industrial uses on future occupiers of the residential dwellings on the site.

3.4 This application is supported by an updated NAR, dated 25 June 2020, to reflect the layout and design of the scheme. The NAR concludes that an acoustic barrier on the southern boundary is required to the rear of plots 13 to 22 and design measures for plots 1, 2, 13 to 24 & 34 are required to minimise traffic and commercial noise on future occupiers. The NAR advises that the proposed barrier needs to be a minimum of 1.8 metres in height and the submitted plans show a 1.8 metre high timber fence on the southern boundary, which is at the rear of plots 13-22.

3.5 The Environmental Health Department (EHD) has advised that the recommended mitigation measures set out in the NAR are appropriate but a further overheating assessment/or overheating mitigation for plots 1 & 2 will need to be secured by planning condition. They also advise that all other issues of concern are covered by conditions secured by the outline planning permission.

3.6 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

3.7 In terms of the proposed layout of the scheme, it is considered that acceptable separation distances between existing dwellings on Ridge Hill Drive/ Honeywall Lane and the proposed dwellings is achieved to ensure acceptable living conditions for existing neighbouring properties and future residents of the development. It is also considered that each proposed dwelling would have an acceptable level of private amenity space. Additionally, the scheme will include generous communal areas which are designed to encourage community engagement. This will include an orchard, allotments, picnic areas, and a woodland trail together with semi-shared character areas.

3.8 Overall, the proposal is considered to meet the guidance and requirements of the NPPF.

4.0 Access, parking and highway safety matters

4.1 Details of the access to the site were approved when outline planning permission was granted, which proposed two access points off Honeywall Lane with the main access point serving an indicative layout of 34 dwellings. The other access point, located further along Honeywall Lane, was to serve a detached dwelling only. This part of the site has been sold separately and no longer forms part of this development. Therefore the single access point off Honeywall Lane is the only access point and would continue to serve 34 dwellings.

4.2 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 on the road network would be severe.

4.3 The outline permission secured, via conditions 10 & 11, a number of highway improvements to Honeywall Lane and its junction with Ridge Hill Drive. These works are still required to ensure acceptable access arrangements.

4.4 The internal access roads, parking and turning arrangements are now submitted for approval.

4.5 The proposed dwellings would be a mix a 2 and 3 bedroom properties and each dwelling would have two off street car parking spaces. This is considered acceptable for this location.

4.6 The Highways Authority has raised no objections subject to conditions which secure the parking and surfacing materials, along with a construction management plan. However, the Councils Waste Management Section has raised concerns about the un-adopted status of the road layout, along with concerns about whether a 26 tonne refuse freighter can turn within the site.

4.7 The applicant has advised that the road layout can accommodate a 30 tonne refuse freighter and that the road would be un-adopted but would be maintained by a private management company who would be responsible for all repairs/damage to the road. The applicant accepts that this would need to be secured by a suitably worded planning condition. In all other respects, the waste storage and collection arrangements for the proposed development are considered acceptable.

4.8 Subject to the advised conditions, the proposed development is considered unlikely to lead to significant highway safety and on street car parking implications within the development site or on neighbouring roads. The development would therefore meet the guidance and requirements of the NPPF.

5.0 Sustainable drainage considerations

5.1 Policy CSP3 of the CSS indicates that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

5.2 Paragraph 152 of the revised NPPF also recognises that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

5.3 The outline permission required the submission of specific details of the surface water drainage scheme as part of the reserved matters application. This information has now been submitted and the LLFA are content with the surface water drainage scheme but a condition to secure its implementation, as well as specific mitigation measures, is necessary.

5.4 The scheme has incorporated an acceptable sustainable drainage strategy and therefore accords with local and national planning policy.

6.0 Reducing Inequalities

6.1 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.

6.2 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.

6.3 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

6.4 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

6.5 With regard to this proposal it is noted that access to all dwellings will be level and compliant with Part M of Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

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

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

Policy T16: Development – General Parking Requirements
Policy N3 Development and Nature Conservation – Protection and Enhancement Measures
Policy N4 Development and Nature Conservation – Use of Local Species
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Affordable Housing SPD](#) (2009)

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

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

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

[Relevant Planning History](#)

17/00514/OUT Up to 35 dwellings including associated infrastructure Permitted

[Views of Consultees](#)

Madeley Parish Council has reservations regarding highway access and parking, but accepts that these matters will be considered during the application process.

The **Highways Authority** raises no objections subject to conditions which secure the access, footways parking, servicing and turning areas; surfacing of parking to be a porous bound material; and the prior approval of a highways construction management plan.

The **Waste Management Section** raises concerns about the un-adopted status of the road layout, along with concerns about whether a 26 tonne refuse freighter can turn within the site.

Additional concerns are raised about access to a single property on Honeywall Lane but this property is no longer included within the red edge application site.

The **Environmental Health Officer** raises no objections to the proposals and advises that Marley no longer tip fired waste at night time and on this basis the recommendations of the acoustic assessment are acceptable but an over-heating assessment/or overheating mitigation for plots one and two will need to be secured by condition. All other issues of concern are covered by conditions within the outline permission.

The **Landscape Development Section** raises concerns regarding the proximity of the development to retained trees and the loss of hedgerow to accommodate appropriate visibility splays.

The **Housing Strategy Officer** draws attention to the previously approved outline consent which secured 25% onsite affordable housing provision (60% social rented houses and 40% shared ownership) which was secured through a S106 agreement.

The **Crime Prevention Design Advisor** refers to the good level of natural surveillance throughout the site but draws attention to some areas of concerns relating to the security of private gardens, proximity to publically accessible spaces, lighting and home security.

The **County Flood Authority** raises no objections following the submission of additional information, as requested by the LLFA. A condition which secures the implementation of the surface water drainage scheme and mitigation measures is necessary.

United Utilities advise that the proposed drainage arrangement as shown on Dwg No. 0001, Rev. P04 Dated 31.07.20 are acceptable in principle and so raise no objections to the application subject to conditions relating to management and maintenance of the systems.

In the absence of any comments from the **Public Rights of Way Officer** 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 the following key documents;

- Planning Statement;
- Design and Access Statement;
- Arboricultural Report
- Noise Impact assessment;
- Landscape Strategy;
- Preliminary Risk Assessment – land contamination;
- Geo-Environmental Assessment - land contamination;
- Written Scheme of Investigation (WSI) for a programme of archaeological evaluation works;
and
- Surface water flows

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/21/00593/REM>

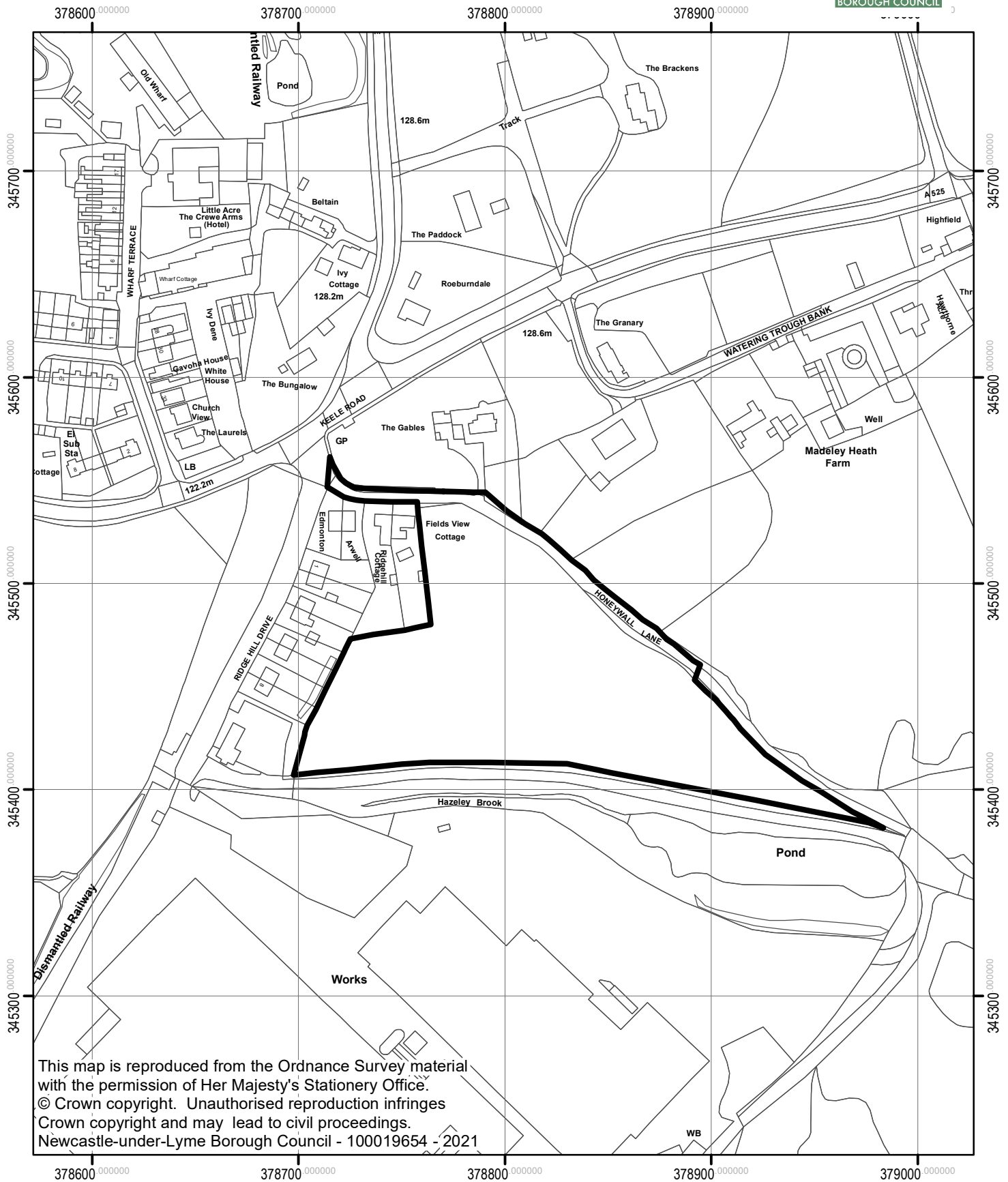
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27th October 2021

Land South Of Honeywall Lane Madeley



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ALLEYWAY BETWEEN UNITS 81-83 HIGH STREET, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

21/00924/DEEM3

Planning permission is sought for the installation of gates to both ends of the alleyway between Units 81 and 83 High Street, Newcastle.

The site 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.

The 8 week period for the determination of this application expired on 19th October but an extension of time has been agreed to 12th November.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Time Restriction**
- iv. Materials**

Reason for Recommendations

The proposal would not harm the character and appearance of the Newcastle Town Centre Conservation Area and the proposals accord with provisions of the development plan and the NPPF.

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 that complies with the provisions of the National Planning Policy Framework and therefore, no amendments have been sought.

Key Issues

Permission is sought for the installation of gates to either end of the alleyway between Units 81 and 83 High Street, Newcastle. The submitted Heritage Statement sets out that the intention is to deter anti-social behaviour within the town centre.

The site 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. The key issues in the determination of this planning application are considered to be:

1. Whether the design of the proposed development is acceptable with particular regard to the impact on the special character and appearance of Newcastle Town Centre Conservation Area; and
2. Whether there would be any adverse impact on the permeability of the town centre

Whether the design of the proposed development is acceptable with particular regard to the impact on the special character and appearance of Newcastle Town Centre 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 Framework 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.

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.

Policy B9 of the Local Plan sets out that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 sets out that development will only be permitted if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area.

The alleyway provides access between High Street and Stubbs Street and the bus station. The proposal seeks to install a gate at the western (High Street) end of the alleyway and a pair of gates at the eastern (Stubbs Street) end. The gates would be fabricated from metal and their design would be consistent with the design of other alleyway gates seen within the town centre. The High Street gate would be viewed in the context of the shop fronts which sit either side of the alleyway and there are various boundary treatments along Stubbs Street including metal gates. It is not considered therefore that there would be any adverse impact on the character or appearance of the Conservation Area and the proposal represents a sustainable form of development, in accordance with the guidance and requirements of the NPPF.

Would there be any adverse impact on the permeability of the town centre?

CSS Policy CSP1 sets out that new development should be easy to get to and to move through and around, providing recognisable routes and interchanges and landmarks that are well connected to public transport, community facilities, the services of individual communities and neighbourhoods across the whole plan area. It also states that public and private spaces should be safe, attractive, easily distinguished, accessible, complement the built form and foster civic pride.

The alleyway currently provides access between High Street and Stubbs Street which backs onto Newcastle Bus Station. The applicant has indicated that it is the intention to close the gates only in the evening and in any event, alternative routes are available a short distance to the north via Hassell Street and to the south via Stafford Street. Therefore, it is not considered that the proposal would have any significant adverse impact on the ability of pedestrians to move through the town centre. However, to ensure that the route is kept accessible during the day, a condition is recommended restricting the closure of the gates to the evening and night only. This would be supported by Staffordshire Police Crime Prevention Design Advisor and should not raise concerns for neighbouring businesses.

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 ASP4: Newcastle Town Centre Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

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

Policy B9: Prevention of Harm to Conservation Area
Policy B10: The requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

07/00495/FUL	Replacement shop front	Approved
21/00582/DEEM3	New gates to alleyway	Withdrawn

Views of Consultees

The **Staffordshire Police Crime Prevention Design Advisor** is fully supportive of the proposals but questions whether the gate will be locked permanently or only outside of what might be termed 'shopping' hours. Permanently closing off this alleyway would be the ideal in terms of reducing opportunities for anti-social behaviour, assaults and its use as an escape route for those involved in theft (shoplifters) etc. However, restricting access to this alley outside of shopping hours would have considerable benefits and help channel those involved in the night time economy along routes that are subject to greater natural surveillance, CCTV surveillance and more human activity including any police presence. Recommendations on the design of the double gates are given to reduce the likelihood of weaknesses.

Representations

One letter of representation has been received from the occupiers of a neighbouring property objecting on the grounds that their staff use this alleyway regularly and do not want any gates to be built. They have been in their offices for 20 years and state that they have not seen any antisocial behaviour.

Applicant/agent's submission

All of the application documents can be viewed on the Council's website via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00924/DEEM3>

Background papers

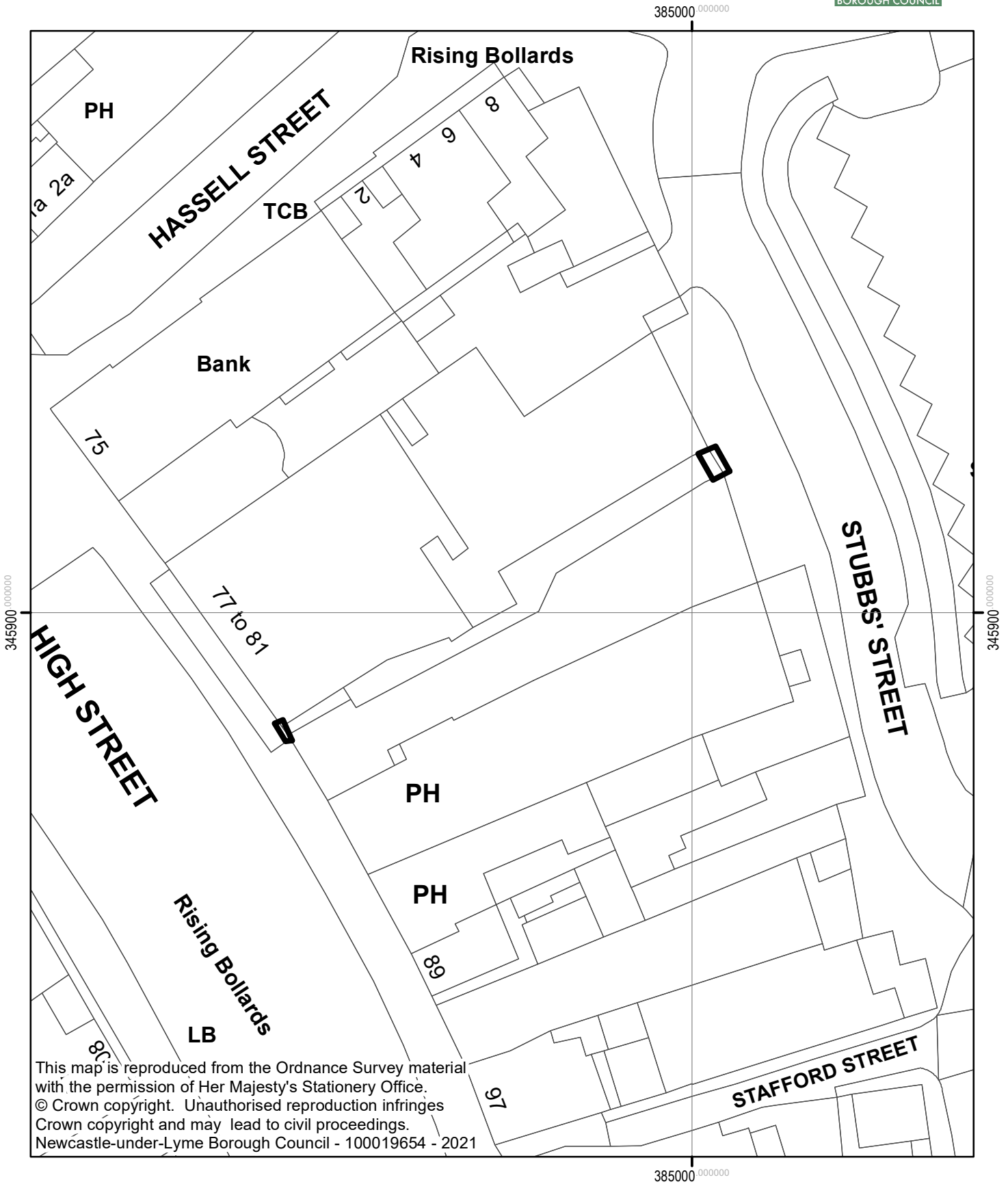
Planning files referred to
Planning Documents referred to

Date report prepared

22nd October 2021

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Alleyway Between Units 81-83 High Street Newcastle



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LAND ADJACENT LONDON ROAD, NEWCASTLE
CK HUTCHISON NETWORKS (UK) LTD

21/00898/TDET

The proposal is for the installation of a 20m high monopole with a wraparound cabinet at the base and associated ancillary works at land adjacent to London Road.

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 10 November 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 which would be clearly visible within the street scene, prior approval is required. It is not considered that the proposed pole and associated equipment would 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 high monopole with a wraparound cabinet at the base and associated ancillary works at land adjacent to London Road.

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.

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 and equipment that would be clearly visible within the street scene. 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 proposal comprises a simple slim-line 20m high monopole and cabinet in grey steel. It would be sited on a wide pavement that sits centrally within the London Road (A34) dual carriageway. The site is adjacent to the entrance to the Royal Stoke University Hospital within an area that is largely institutional in nature. The equipment would be adjacent to traffic lights and close to numerous street lights. There are dense mature trees running alongside London Road immediately opposite the site, which are significant in height, with some reaching 20m tall. There are no residential properties that would have a view of the monopole. Given the context of the surrounding area and the street furniture and trees, it is not considered that the proposal would appear as an incongruous feature in the streetscene.

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. Similarly, there are no buildings which are suitable and available that the operator could utilise to operate and host their equipment.

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 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

Views of Consultees

No comments have been received from the **Highway Authority**, the **Environmental Health Division** or **Stoke City Council** and given that the period for comment has ended, it must be assumed that they have no observations to make.

Representations

None

Applicant/agent's submission

The applicant has submitted a 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/21/00898/TDET>

Background Papers

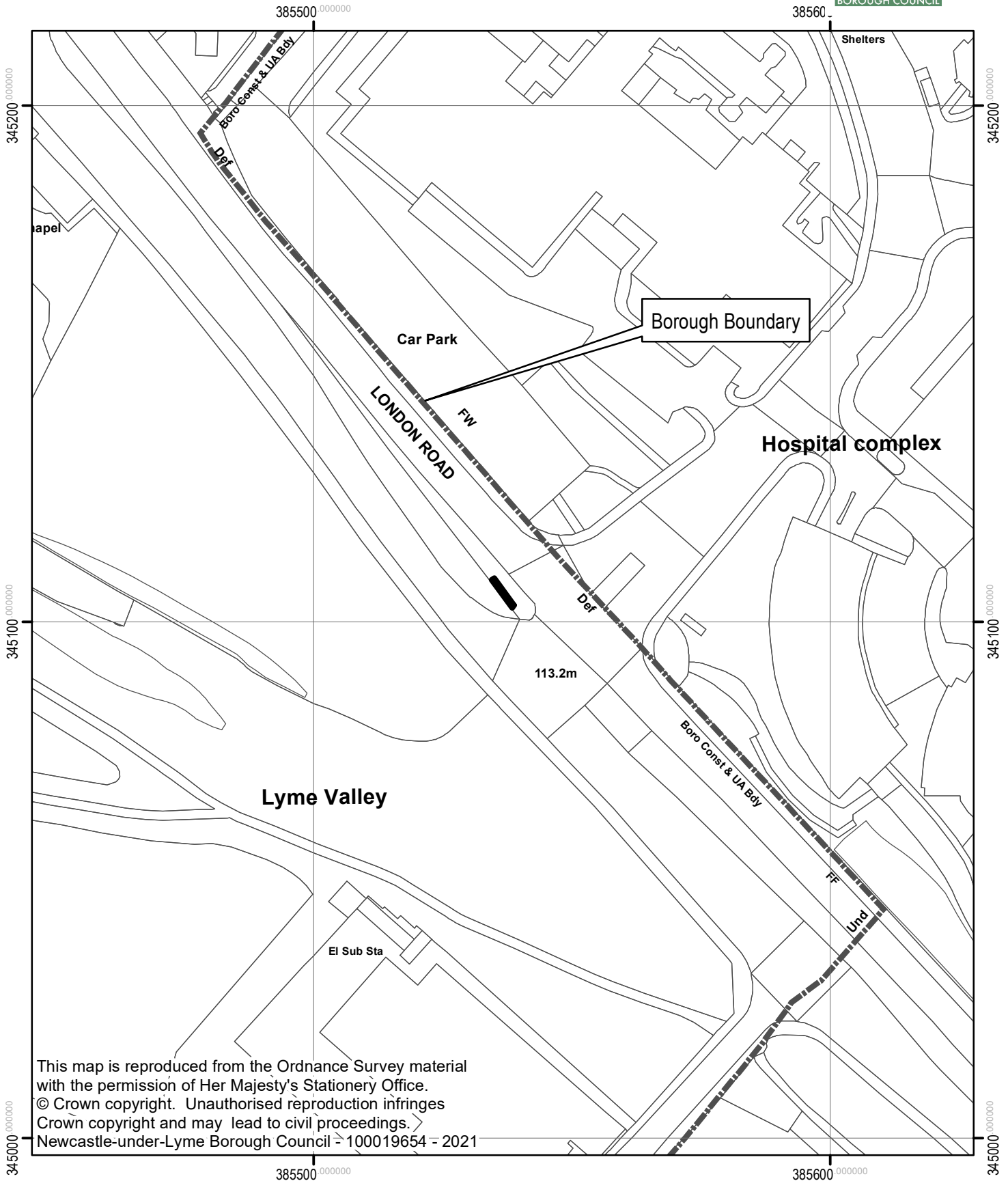
Planning File referred to

Planning Documents referred to

Date report prepared

26th October 2021

Land Adjacent London Road, Newcastle



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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 was originally brought to the committee meeting on the 12th of October at the request of 2 Councillors due to concerns regarding residential amenity, visual impact and highway safety. At the committee meeting the application was deferred to allow a site visit to take place. The visit is scheduled to take place on the 6th November.

The 8 week determination period for this application ended on 22nd September but an extension of time to 15th November 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 located to the west, 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. Given its limited height, it is considered that 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. Whilst some sections of the metal posts which support the structure are visible from the rear garden of 165 Liverpool Road, which is located to the north of the application site, the canopy structure itself is set at a distance of 5.7m away from the shared boundary, which ensures it is not seen as a dominating feature from this area of garden.

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 and may help to reduce the impact of water spray and noise nuisance.

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 from 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>

Background papers

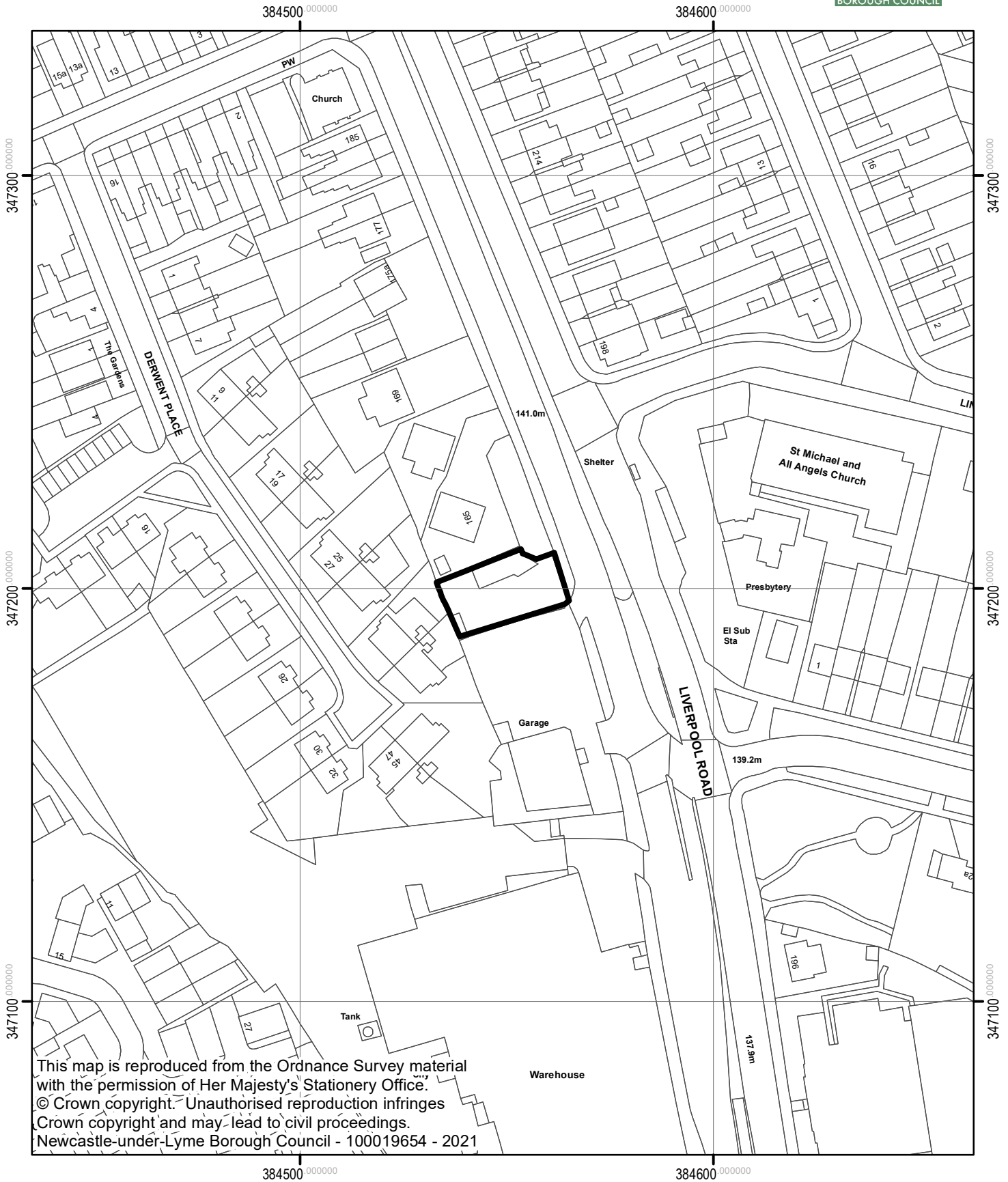
Planning files referred to
Planning Documents referred to

Date report prepared

27th October 2021

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Posh Car Wash
Liverpool Road
Cross Heath



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

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

The last report was brought to the Planning Committee at its meeting on the 22nd June 2021. 8 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

APPENDIX

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Initially regarding unauthorised use of land for the siting of a mobile home.</p> <p>Now non-compliance with the occupancy condition attached to the mobile home</p> <p>14/00036/207C3</p>	<p>5.1.16 & 11.10.18</p>	<p>A personal planning permission (reference N14847) was granted for the siting of a mobile home on this Green Belt site due to the personal circumstances of the applicant at that time. The same restrictions were imposed on a subsequent planning permission (reference N21428) for a larger mobile home. Subsequent attempts by the original applicant to vary or remove the conditions were unsuccessful.</p> <p>It was established that the occupation of the mobile home as a dwellinghouse ceased and on 5th January 2016 Planning Committee resolved that enforcement action should be taken. An Enforcement Notice (EN) was subsequently served which, because no appeal was lodged, came into force on 13th July 2016.</p> <p>On 4th January 2017 Planning Committee refused an application (16/00969/FUL) to vary the condition on permission N21428 so that it could be occupied by others. A subsequent appeal was dismissed on 5th January 2018. Shortly afterwards the applicant/appellant took ownership of the site and it was later established that the mobile home was being occupied.</p> <p>A further EN was served on 9th November 2018 regarding the occupation of the mobile home in breach of condition 1 of planning permission N21248.</p> <p>An appeal has been lodged, a 'start letter' issued and the Council's statement of case was submitted by 22nd April 2020.</p> <p>The Hearing has been scheduled for 23rd February 2022</p>	<p>Continue to monitor activity at the site</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Barn 2, Moss House Farm, Eardleyend Road, Bignall End</p> <p>Demolition of old barn and construction of a new house.</p> <p>17/00062/207C2</p>	<p>18.6.19</p>	<p>Full planning permission was granted at appeal for the conversion of the barn to two residential market housing units (Ref. 13/00755/FUL). An application was subsequently submitted in 2017 to retain alterations to the approved scheme (Ref. 17/00326/FUL) but it was evident that a substantial proportion of the building had been demolished and rebuilt. Such extensive rebuilding was considered to amount to a replacement building and therefore that application was refused on the grounds that planning permission for the retention of buildings to form two dwellings the development comprised inappropriate development within the Green Belt and very special circumstances did not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. An appeal against the Council's decision was subsequently dismissed with the Inspector also considering the development to comprise inappropriate development in the Green Belt.</p> <p>A subsequent application for the retention and alteration of the buildings to form two dwellings was refused by Planning Committee on 18th June 2019 on the grounds that it represented inappropriate development in the Green Belt and there were no very special circumstances that justified the granting of planning permission.</p> <p>On 18th June Committee also resolved that the Council's solicitor be authorised to issue enforcement action and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure removal of the building within 12 months.</p> <p>An application was received (19/00629/FUL) for the retention of the building for a use falling within Class B8 (storage and distribution). That application was refused on 6th March 2020.</p> <p>An Enforcement Notice (EN) was served on 3rd May 2021, however as an appeal has been lodged it has not taken effect. Confirmation has been received that the appeal is to be dealt with by the Hearing procedure. The Hearing has been scheduled for 9th November.</p>	<p>Attend appeal hearing</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land to the West of Newcastle Road (A53), Blackbrook</p> <p>Unauthorised change of use of the land to a gypsy caravan site</p> <p>20/00079/207C2</p>	<p>18.8.2020</p>	<p>Following receipt of information in May 2020 that a breach of planning control had taken place, investigations were carried out which established that an unauthorised change of use of the land to a gypsy caravan site had been carried out.</p> <p>An injunction was served on the site to prevent any intensification of the use.</p> <p>At about the same time as the breach commenced a planning application was received for that use (20/00368/FUL) which was subsequently reported to Planning Committee on 18th August 2020. The application was refused and Committee resolved to take and institute all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association with its use as a residential caravan site and restoration to a grassed paddock within 12 months.</p> <p>An appeal has been lodged against the refusal of planning permission. The Inspectorate have confirm that the appeal will be determined by the Inquiry procedure which is scheduled to open on 23rd November 2021 and is expected to last 4 days.</p>	<p>Comply with timetable for the submission of evidence and attend the Inquiry.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Hazeley Paddocks Keele Road Madeley Heath</p> <p>Erection of timber pergola and installation of concrete plinth</p> <p>20/00117/207C2</p>	<p>25.2.2021</p>	<p>Planning permission was granted in August 2017 under reference 17/00434/FUL for a replacement stable block and new ménage at Hazeley Paddocks.</p> <p>The stable and ménage were subsequently constructed but following complaints it was established that the stable was not constructed in accordance with the approved plans. Other works around the stable building had also been carried out including the construction of a timber pergola and concrete plinth.</p> <p>This resulted in a Section 73 planning application (20/00775/FUL) being submitted for the variation of conditions 2, 4, 6, 9, 12 and 13 of planning application 17/00434/FUL which was subsequently refused due to the pergola and plinth representing inappropriate development in the Green Belt and the absence of very special circumstances that justify the granting of planning permission.</p> <p>An Enforcement Notice (EN) was served on 19th May 2021 which requires the removal of the timber pergola and concrete plinth within 6 months. As a valid appeal has been lodged the EN has not taken effect.</p> <p>The appeal is being dealt with by the written representations procedure. In accordance with the timetable the Council has submitted its case.</p>	<p>Await appeal decision</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Church View Farm, Stadmorslow Lane, Harriseahead</p> <p>Erection of silo</p> <p>18/00276/207C2</p>	18.08.21	<p>Complaints were received in late October 2018 that a green silo had been sited on the land. Contact was made and discussions held with the owner of the land in February 2019 and a site visit undertaken on the 31st May 2019. It was observed during the site visit that the silo was located to the rear of no.4 Stadmorslow Lane. The owner advised that it was not in use and had no agricultural or other purpose.</p> <p>The owner was advised to remove the silo. A further site visit was undertaken on the 1st July 2021 and the silo was still in place.</p> <p>The silo has an unsightly appearance and without the necessary agricultural justification for the development it has to be concluded that it is inappropriate development within the Green Belt and it is both harmful to the openness of the Green Belt and purposes of including land within the Green Belt. It was therefore concluded that it was expedient to take enforcement action and a Notice, dated 24th August 2021, has now been served.</p> <p>Unless a valid appeal was made before 1st October the Notice took effect on that date. No notification of an appeal has been received. The notice requires the removal of the silo within 1 month of the notice taking effect i.e. 1st November.</p>	Monitor compliance with the notice
<p>Land adjacent to the Offley Arms, Poolside, Madeley</p> <p>Breach of landscaping condition of 20/00746/FUL</p> <p>21/00153/207</p>	03.09.21	<p>Retrospective planning permission was granted on 1st March 2021 for the use of land to the side of the public house as a beer garden. The permission was subject to a number of conditions including condition 2 which required, within 3 months of the decision, a fully detailed soft landscaping scheme for the site, to include tree replacement for all trees that were removed from the site frontage, to be submitted to and approved by the LPA. The condition also requires that the approved landscaping scheme is implemented within the next planting season.</p> <p>A landscaping scheme has not been submitted or approved and because the 3 months has now passed the applicant/ owner is in breach of this condition. This breach results in the development having a harmful and adverse impact on the character and appearance of the Madeley conservation area, which is contrary to policy.</p> <p>It was therefore concluded that it was expedient to take enforcement action and a Notice, dated 19th October 2021, has now been served. The notice will take effect on 19th November unless a valid appeal is lodged.</p>	Comply with appeal timetable should an appeal be lodged. If not monitor compliance with the notice.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Domvilles Farmhouse, Barthomley Road, Audley</p> <p>Installation of upvc windows in listed building</p> <p>12/00092/207C1</p>	<p>24.09.21</p>	<p>The unauthorised installation of the upvc windows to this listed building was identified in 2012 whilst undertaking a Building at Risk survey of all listed buildings within the Borough. The Council has been contacting the owners regarding this offence since 2012. In 2016 it was agreed that the owners would replace them in a phased manner starting with windows on the second floor of the front elevation and two windows on the side. Despite the support offered by the Conservation Officer and the owners appointing a planning consultant in 2017 no real attempt has been made to resolve the issue.</p> <p>In view of the adverse impact upon the authenticity and significance of Domvilles Farmhouse through the installation of upvc windows it has been resolved that enforcement action should be taken against the unauthorised work to the Listed Building.</p> <p>Instructions have been sent to the legal section to prepare and serve the required notice.</p>	<p>Serve the Notice</p>
<p>Robert Coates Plant Hire, Site at the junction of West Avenue and the A5011 Linley Road, Kidsgrove</p> <p>Breach of landscaping condition of</p> <p>17/00897/FUL</p>	<p>22.10.21</p>	<p>Planning permission was granted on 9th March 2018 for the redevelopment of the site from warehousing and distribution to a proposed showroom for construction and civil engineering plant sales. The permission was subject to a number of conditions including condition 6 which requires, prior to occupation of the site, a landscaping scheme for the site to include mature tree screening for the entire length of the Linley Road frontage to be submitted and approved and subsequently implemented.</p> <p>Whilst a landscaping scheme has been approved it has not, to date, been fully implemented. Without the landscaping to soften the appearance of the development it has a harmful and adverse impact on the visual amenity of the area contrary to policy. It was therefore concluded that it was expedient to take enforcement action.</p> <p>Instructions have been sent to the legal section to prepare and serve the required notice.</p>	<p>Serve the Notice</p>

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Report on Open Enforcement Cases

Purpose of the Report

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

Recommendations

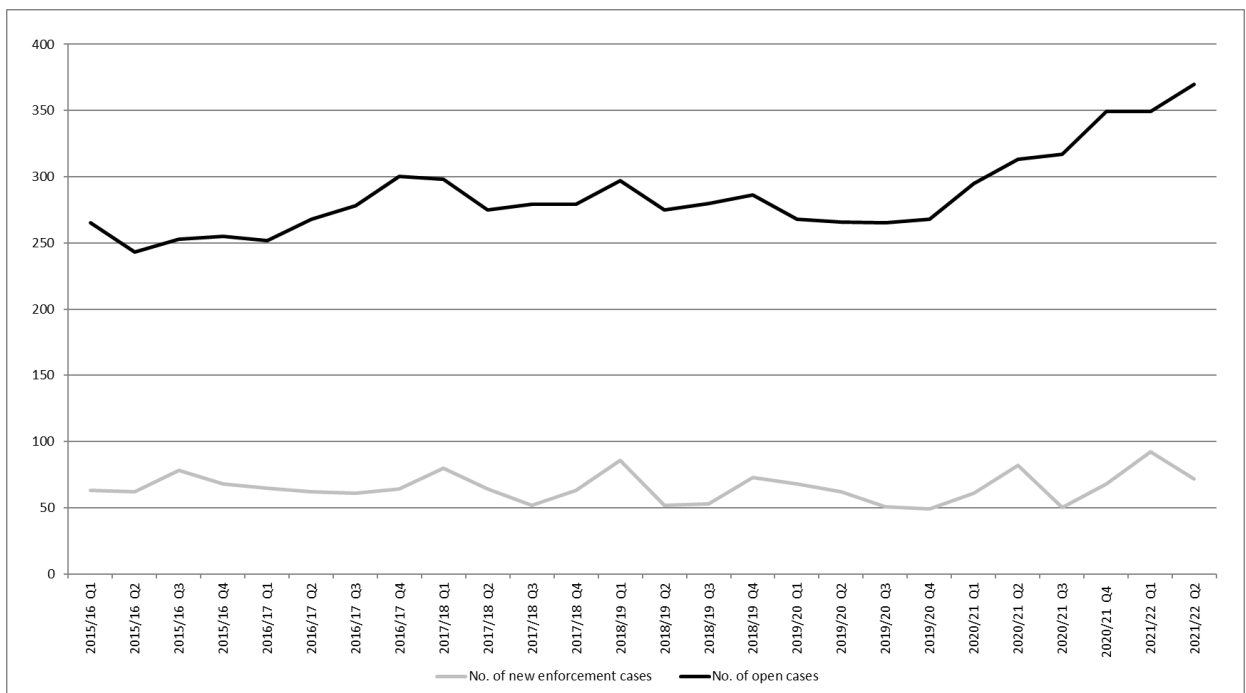
- That the report be received
- That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

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

In the first quarter of 2021-22 (April - June 2021) a further 92 new cases were reported, more than the previous quarter (68). The number of open cases at the end of the last quarter was 349. The number of open cases has remained the same in this quarter.

In the last quarter (July-Sept 2021) a further 72 new cases have been reported. The number of open cases at the end of the last quarter has increased to 370.

The figures for the two quarters are shown in the graph below.



A number of the cases have associated pending planning applications that are awaiting determination (16 as at 15 October 2021).

Date report prepared

15 October 2021

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

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

RECOMMENDATION

That the information be received.

Since the last meeting, confirmation has been received from the Planning Inspectorate that the appeal hearing date has been fixed. The scheduled date is 23rd February 2022.

The Inspectorate have informed the Council that it will forward details of the event and the information required to notify interested parties in due course.

Date report prepared: 27th October 2021

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

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

Recommendations

a) That the report be noted

b) That the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

Introduction

The Committee, when resolving to permit an application subject to the prior entering into of a planning obligation, usually also agree to authorise the Head of Planning to extend the agreed period of time for an applicant to enter into the Section 106 obligations, if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought. It also does not include those situations where obligations are secured "in time".

This report covers the period between 22nd June 2021 (when the Committee last received a similar report) and the date of the preparation of this report (22nd October 2021).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or in subsequent agreed extensions, and extensions have been agreed with respect to some 2 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Indeed it can be in their interests to delay matters in some cases, particularly where the Council has agreed to accept less than policy compliant contributions on the basis of a viability appraisal. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made "in time" insofar as the speed of determination criterion for designation of poorly performing LPAs is concerned.

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended

period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

As from the 1st June 2018 the Service has signed up to a Staffordshire wide initiative to promote the use of a standardised Section 106 template agreement, with template schedules, which is being publicised so applicants are clear what documentation is required of them to complete the application process – with the aim of reducing delays and costs for applicants and to simplify the planning process.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the engrossment of the final document he retains the right to bring the matter back to the Planning Committee. Milestones are now being set in some cases. Applicants are also requested to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period is defined by the government as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

(1) Plot 3 Keele University Science and Innovation Park, Keele 20/01083/FUL

This application sought the variation of Condition 2 and removal of Condition 8 of permission 18/01011/FUL which granted consent for the construction of a new veterinary training school incorporating a specialist veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping came before the Planning Committee at its meeting on the 2nd February (at around week 7). The resolution of the Committee required an obligation that preserves the Council's position in respect of obligations (£2,360 towards travel plan monitoring) secured prior to the grant of permission 18/01011/FUL. The resolution included the requirement that the agreement should be completed by the 2nd April 2021.

The S106 Obligation was not completed by the 2nd April due to numerous delays on behalf of the applicant but the Obligation was eventually completed on the 5th October and the decision notice was issued on the 7th October 2021

The decision was issued 'in time' some 41 weeks after receipt of the application.

(2) Tadgedale Quarry, Mucklestone Road, Loggerheads 21/00536/FUL

The application seeks to vary conditions 20 and 21 of planning permission 15/00015/OUT, which granted consent for the erection of up to 128 dwellings came before the Planning Committee at its meeting on the 20th July (at around week 7). The resolution of the Committee required an obligation that preserves the Council's position in respect of obligations which secured provisions relating to affordable housing, open space, education, and sustainable transport, prior to the grant of permission 15/00015/OUT. The resolution included the requirement that the Deed of Variation (DoV) should be completed by the 20th August 2021.

A DoV was not completed by the 20th August but progress is being made and your Officer has agreed to extend the period by which the DoV should be completed by to the 19th November 2021.

Some 19 weeks have now passed since receipt of the application

Date Report prepared

21st October 2021

LAND AT DODDLEPOOL, 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, approved under planning permission 21/00286/FUL.

RECOMMENDATION

That the information be received.

Latest Information

An update report was prepared for the 12th October planning committee setting out that the track, approved under planning permission 21/00286/FUL, is unlikely to be completed by the 1st November 2021, as required by condition 6.

Members requested that a letter be sent to the owner of the land seeking information on how much progress has been made on the track since permission was granted in May 2021 and what further work is required, along with a schedule setting out the time frame required to complete the works.

A letter was sent by your officers and the owner has responded setting out that the track has not been completed because the most difficult parts of the land have made it much harder to construct a track. This has required more material than envisaged. There has also been issues with his cattle contracting TB which has had a negative impact on finances to source appropriate material.

The owner advises that 150 metres or 25% of the track is yet to be constructed. Once constructed the whole of the track will then need to be top dressed.

The remaining track will also need to include drainage pipes which will aid the drainage system on this part of the site which is low lying.

The owner estimates that approximately 1000 tonnes of material is necessary to complete the track and the works are likely to take until February – July 2022.

A meeting with the EA has been arranged to discuss the case and a further update will be provided prior to the committee meeting.

Date Report Prepared – 26th October 2021

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LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH
MR CHRIS ANDREWS

20/00972/DOB

The application is for the modification of a planning obligation made under Section 106 relating to outline planning permission 17/00514/OUT for residential development of up to 35 dwellings.

The completed S106 agreement secured 25% Affordable Housing onsite, a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley.

The applicant now wishes to modify the terms of the secured S106 Agreement following part of the site, which formed part of the outline planning application, being sold since the decision. The applicant has also advised that the scheme cannot support the secured level of S106 Obligations

The 8 week determination period for this application expired on 13th January 2021.

RECOMMENDATION

A) That the application to modify the S106 agreement, to change the red edge site boundary and to secure a financial contribution of £80,726 towards secondary school places at Madeley High School, Madeley, a contribution of £80,000 towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to education places, off site public open space and/ or affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if then found financially viable, be approved.

Reason for Recommendation

It is accepted, following the obtaining of independent financial advice, that a policy compliant scheme is not viable and that the scheme can only sustain reduced contributions. It is accepted that the benefits of the development are considered to outweigh the harm caused by the additional demand created by the development on education places and public open space in the area. A Section 106 agreement is required to secure those policy compliant contributions which can be afforded and a viability review mechanism should substantial commencement not be achieved promptly, along with the amendments to the red edge development site.

Key Issues

1.1 A report came before the 14th September planning committee whereby members resolved not to accept the conclusions of independent financial advice that the scheme can only support a financial contribution of £83,110 towards secondary school places at Madeley High School. The reason was that the level of Section 106 Obligations that this development can support is not policy compliant and therefore not sufficient to mitigate the impact of the proposed development.

1.2 The completed S106 agreement, dated the 10th August 2018, secured 25% Affordable Housing onsite, a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley.

1.3 Since the September meeting, legal advice has been received advising that the modification of the S106 Agreement application and the reserved matters application should have been treated separately. Therefore, notwithstanding the decision of members at the September meeting, separate reports have been prepared and a decision on each now needs to be made separately.

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

1.5 The applicant has re-evaluated their financial viability appraisal and has submitted a financial viability statement (briefing note) which sets out that the applicant has made the commercial decision to offer a greater level of financial contribution than previously concluded to be financially viable. The applicant now offers a sum of £80,000 towards public open space and £80,726 towards secondary school places.

1.6 The applicants briefing note also sets out the context of the financial viability appraisals already carried out and why the commercial decision, which is likely to affect profit margins, has now been made. In this respect it advises that a Residential Viability Report was prepared by development viability experts Grasscroft Development Solutions (GDS) in October 2020. The report found that there were over £980,000 of abnormal costs associated with bringing the site forward for residential development, alongside a further £250,000 of costs associated with delivering on-site open space and highways improvement works (secured by the outline permission). Overall, the report concluded that the scheme could not support any level of s106. However, the GDS report was the subject of a detailed and wholly transparent independent viability review undertaken on behalf of the Council by Butters John Bee (BJB). BJB concluded, in their report dated March 2021, that the scheme could support a maximum of £27,104 as a baseline, although with some cost savings, under a 'best case scenario' there is the potential to increase the sum available for contributions to a maximum of £195,881, but more realistically £75,000 - £100,000.

1.7 Following the conclusions of BJB, your officers advised the applicant that the priority is likely to be for secondary education places and the applicant agreed to a financial contribution of £83,110, following initial advice from the Education Authority also. This is discussed further at paragraph 1.12.

1.8 The increased offer of the applicant demonstrates the commitment of the applicant to deliver a development on the land and whilst a lesser figure was concluded to be acceptable by BJB, the figure now offered by the applicant should be accepted and it should be concluded that the scheme cannot support a greater level of planning obligations at this time.

1.9 The scheme does provide a number of benefits, including housing supply in the rural area, and your officers have concluded that the scheme represents a high quality design that would enhance the landscape and would be suitable for the site and the character of the area. The applicant has also shown a commitment to deliver houses on the land in the near future.

1.10 As is shown in this case, the Council has no agreed formal "hierarchy of need" for its priorities of S106 Obligations, in its Developer Contributions SPD. The NPPF also offers no such preference.

1.11 Paragraph 57 of the NPPF sets out that: Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

1.12 In this case, your officers previously considered that the provision of school places was the priority on the basis that the County Council, as the Education Authority, has advised of specific expansion projects at Madeley High School which is anticipated for delivery by September 2023. Therefore, the financial contribution would be spent on this project and contribute to mitigating the additional children generated by the proposed 34 dwellings.

1.13 Your officers have also now been made aware that Madeley Parish Council have specific projects and proposals for the improvement and enhancement of the public open space (POS) at Heath Row in Madeley Heath. These projects include improvements to the POS but also include public realm improvements to a parcel of land adjacent to the Crewe Arms Public House, in Madeley Heath.

1.14 The original S106 Agreement secured a financial contribution of £189,686 towards public open space (POS) at Heath Row and whilst the level of contribution offered by the applicants falls well short of this figure the Parish Council have advised that it is acceptable to deliver specific projects. These projects include the improvements to the Heath Row play equipment but also include public realm improvements to a parcel of land adjacent to the Crewe Arms Public House, in Madeley Heath.

1.15 In this instance the suggested public realm improvements would not be in accordance with paragraph 57 of the NPPF because it is not considered necessary to make the development acceptable in planning terms. However, the specific projects for improvements to the Heath Row play area are acceptable and in accordance with the NPPF, the Council's adopted Developer Contribution SPD and Open Space Strategy.

1.16 On this basis, the advice of your officers is to accept the commercial decision of the applicant and secure the financial contributions towards secondary school provision and public open space improvements, instead of providing affordable housing and primary school provision.

1.17 It is also reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within 12 months of the grant of the permission, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would need to be also secured via the Section 106 agreement, as would the revision of the red edge application site to reflect the changes to the ownership of the land.

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 CSP5 Open Space/Sport/Recreation
Policy CSP6 Affordable Housing
Policy CSP10 Planning Obligations

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

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

Other Material Considerations

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

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

[Supplementary Planning Documents/Guidance](#)

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

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

[Views of Consultees](#)

Keele Parish Council resolved not to object.

Madeley Parish Council advises that they have proposals for the Heath Row play area and further comments will be provided prior to the committee meeting.

[Representations](#)

None

[Applicant/agent's submission](#)

The application documents are available for inspection via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00972/DOB>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

27th October 2021