

# Public Document Pack

**Date of meeting** Tuesday, 7th December, 2021  
**Time** 7.00 pm  
**Venue** Astley Room - Castle  
**Contact** Geoff Durham 742222



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

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

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING** (Pages 3 - 8)  
To consider the Minutes of the previous meeting.
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD AND NORTH WEST OF LOWER ROAD, HOOK GATE. VERVE SHREWSBURY LTD. 21/00393/FUL** (Pages 9 - 20)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE-UNDER-LYME COLLEGE, KNOTTON LANE. IAN HOOKWAY, NEWCASTLE AND STAFFORD COLLEGE. 21/00705/FUL** (Pages 21 - 28)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. DUCHY HOMES LIMITED; 21/00866/FUL** (Pages 29 - 36)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET KEELE. SEDDON HOMES. 21/00952/FUL** (Pages 37 - 44)
- 8 **APPLICATION FOR OTHER DEVELOPMENT - KIDSGROVE RAILWAY STATION, STATION ROAD, KIDSGROVE. EE LTD. 21/01006/TDET** (Pages 45 - 52)
- 9 **APPEAL DECISION - LAND AT STORE GARAGES 1 AND 2 STATION ROAD, NEWCHAPEL. 19/01012/FUL** (Pages 53 - 54)
- 10 **APPEAL DECISION - LAND AT 106 PARK ROAD, SILVERDALE. 20/01103/FUI** (Pages 55 - 56)

**11 UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE (Pages 57 - 58)**

**12 URGENT BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

**PLANNING COMMITTEE**

Tuesday, 9th November, 2021  
Time of Commencement: 7.00 pm

<b>Present:</b>	Councillor Andrew Fear (Chair)		
<b>Councillors:</b>	Marion Reddish Silvia Burgess Sue Moffat	Gillian Williams John Williams Jennifer Cooper	Paul Northcott Mark Holland Kenneth Owen
<b>Officers:</b>	Elaine Moulton  Geoff Durham  Shawn Fleet  Daniel Dickinson	Development Management Team Manager Mayor's Secretary / Member Support Officer Head of Planning and Development Head of Legal & Governance /Monitoring Officer	

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillors Dave Jones and Helena Maxfield.

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 12 October, 2021 be agreed as a correct record.

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

*Councillor Gary White spoke on this application.*

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

- (i) Link to outline planning permission and conditions;
- (ii) Approved plans;
- (iii) Facing and roofing materials;
- (iv) Prior approval of finished ground and floor levels.
- (v) Boundary treatments;
- (vi) 1.8 metre high acoustic barrier on the southern boundary;
- (vii) Provision of roads, footways, parking, servicing and turning areas;
- (viii) Parking areas surfaced in a porous bound material;

- (ix) Construction Management Plan;
- (x) Provision of soft and hard landscaping scheme/ strategy;
- (xi) Landscape and highways management and maintenance plan;
- (xii) Trees and hedgerows shown as retained shall be retained and protected throughout construction;
- (xiii) Prior approval of crime prevention and security measures;
- (xiv) Prior approval of overheating assessment/ or overheating mitigation for plots 1 & 2;
- (xv) Surface water drainage;
- (xvi) Sustainable drainage management and maintenance plan;
- (xvii) Waste and recycling storage and collection arrangements;
- (xviii) 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

**5. APPLICATION FOR MINOR DEVELOPMENT - ALLEYWAY BETWEEN UNITS 81-83 HIGH STREET, NEWCASTLE-UNDER-LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00924/DEEM3**

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

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

**6. APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT LONDON ROAD, NEWCASTLE. CK HUTCHISON NETWORKS (UK) LTD. 21/00898/TDET**

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

**7. APPLICATION FOR OTHER DEVELOPMENT - POSH WASH, LIVERPOOL ROAD, CROSS HEATH. POSH CAR WASH (TALIB ALI). 21/00729/FUL**

**Resolved:** That the application be permitted, subject to the undermentioned condition:

- (i) Approved plans

The Committee also requested that investigations be carried out to establish whether the use was being operated in accordance with planning permission 09/00434/COU and whether there were other breaches of planning control and that a report be brought back to a future meeting of Committee, as agreed/specified by the Chair and Vice Chair, setting out the findings

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

Consideration was given to a report on the progress on enforcement cases where enforcement action had been authorised.

The Council's Development Management Team Manager, Elaine Moulton updated Members with regard to 5 Boggs Cottages advising that a date had been set for proceedings for 23 February, 2022.

With regard to the barn at Moss House Farm, Bignall End, Elaine Moulton advised that the Enforcement Notice Appeal Hearing had commenced today and would conclude tomorrow.

Hazeley Paddocks was awaiting an appeal decision.

Church View Farm, Harriseahead had gone beyond the due notification date. The requirement to remove the silo within the month was in the past. It was believed that the silo had now gone but needed to be clarified. A site visit would take place this coming Thursday. If the Notice had not been complied with, compliance would be sought through the appropriate means. The Chair requested that, if the silo had not gone, an information item be put onto the next agenda to advise Members.

Land adj Offley Arms. This was still within the period where an appeal could be lodged – up until 19 November

In the last couple of days, a draft Notice had been received for Domvilles Farm, which would be checked and issued. Within the next two weeks a draft Notice should be received for Robert Coates Plant Hire.

- Resolved:**
- (i) That the information be received.
  - (ii) That, a report be brought to the meeting of 7<sup>th</sup> December if the enforcement notice had not been complied with and the silo remained on site.

**9. REPORT ON OPEN ENFORCEMENT CASES**

The Chair was disappointed with the graph contained within this report.

The Council's Head of Planning, Shawn Fleet advised that this report and chart indicated the number of enforcement cases currently on hand and incoming cases. However, the chart did not show the cases that had been looked at or dealt with.

How the enforcement matters were being dealt with had been looked at, including why had the current situation arisen and how the situation would be dealt with in the future. There had been an escalation of cases coming in during lockdown as well as 2019/20, 2020/21 and the first part of this year. In terms of performance, it was doing better this year.

The way in which enforcement cases were managed was being looked at. The Council had an Enforcement Officer whose primary role was to go out to do inspections and to deal with a number of the cases. More of the Planning Officers were now dealing with breaches of conditions on applications that they had previously dealt with or technical enforcement matters.

Some of the outstanding cases were being looked at as capacity allowed.

It was hoped that the gap of cases coming in against those being dealt with would be closed, working with the Chair, the Vice-Chair and the Portfolio Holder to review the work.

Councillor Sue Moffat asked if the Council's Website could make it clearer on what was permitted development.

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

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

- Resolved:**
- (i) That the information be received.
  - (ii) That a further update report be brought to the Planning Committee on 4 January, 2022.

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

Elaine Moulton advised that Plot 3 Keele University Science and Innovation Park decision had been issued. The S106 was completed. It was anticipated that Tagedale Quarry would be completed by the newly agreed date of 19 November.

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

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

Elaine Moulton advised that, since the preparation of the agenda reports, the base of the track had been completed in its entirety. The application of the top surface remained to be done. The indication was that the material was already on site.

Councillor John Williams asked if drainage pipes had been put in place. Elaine Moulton advised that the application for the track included details of the drainage required to address any surface water issues. As a Planning Authority, officers would seek to ensure that the drainage on the approved plans was implemented.

The Chair asked Members if, in two meetings time, the question of drainage could be dealt with at that point in time.

- Resolved:**
- (i) That the information be received
  - (ii) That a further update be brought to Planning Committee on 4 January, 2022.

13. **LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MR CHRIS ANDREWS. 21/00972/DOB**

*Councillor Gary White spoke on this application.*

**Resolved:** That the application to modify the S106 agreement, to change the red edge site boundary and to secure a financial contribution of £83,110 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.

14. **URGENT BUSINESS**

There was no Urgent Business.

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

Meeting concluded at 8.37 pm

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# Agenda Item 4

LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD  
AND NORTH WEST OF LOWER ROAD, HOOK GATE  
VERVE SHREWSBURY LTD

21/00393/FUL

The Application is for full planning permission for the erection of 22 dwellings and associated infrastructure.

The application site lies within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. It comprises three fields and is approximately 1.1 hectares in total.

**The 13 week period for the determination of this application expired on 13<sup>th</sup> October 2021 but the applicant has agreed to extend the statutory period until 10<sup>th</sup> December.**

## **RECOMMENDATION**

**A) Subject to the applicant first entering into a Section 106 obligation by agreement by 28<sup>th</sup> January 2022 to require:**

- a. A contribution of £80,562 for the improvement and development of the Burntwood View/Hugo Way play area and open space
- b. A contribution of £33,244 towards the provision of education places at Madeley High School

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

1. Time limit
2. Approved plans
3. Materials
4. Construction environmental management plan
5. Artificial lighting
6. Acoustic screening
7. Glazing and mechanical ventilation
8. Details of retaining structures
9. Arboricultural Method Statement
10. Schedule of works for retained trees
11. Landscaping scheme
12. Details of hedgerow retention
13. Boundary treatments
14. Details of visibility splays
15. Provision of accesses, internal site roads, parking and turning areas
16. Submission of details of surface water drainage and surfacing materials
17. Delineation of parking bays
18. Details of off-site highway works
19. Accesses to remain ungated
20. Retention of garages for parking of vehicles and cycles
21. Cycle storage
22. Surface water drainage scheme
23. Protected species mitigation
24. Retention of the existing boundary hedgerow at a height greater than that of the acoustic fence
25. Affordable housing provision
26. Waste and recycling storage and collection arrangements;
27. Highways management and maintenance plan

**B) Failing completion by the date referred to of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the development would fail to secure the provision of adequately maintained public open space and appropriate provision for required education facilities; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

## **Reason for Recommendation**

Given the extant permission for 22 dwellings on the site, the principle of the development is considered acceptable and the new scheme raises no additional impact in terms of flood risk, residential amenity, affordable housing provision and protected species. The layout and design is considered acceptable and subject to the imposition of conditions, there would be no adverse impact on highway safety or trees.

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

Additional information has been requested and provided where necessary to progress the determination of the application. Amended plans have been requested and received and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Key Issues**

Full planning permission is sought for the erection of 22 dwellings. The application site, of approximately 1.1 hectares in extent, is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads.

Outline planning permission was granted in 2015 for the erection of up to 16 dwellings on this site (Ref. 15/00448/OUT). Full planning permission was subsequently granted in October 2018 for 22 houses and bungalows (Ref. 17/01001/FUL) and given that a lawful commencement of development has been made, that permission remains extant.

Since the previous permission was granted, the Loggerheads Neighbourhood Plan has been adopted and forms part of the Development Plan. However, given that the previous permission is extant and that no increase in the number of dwellings is proposed, it is not considered necessary to revisit the issue of the principle of the development. The previous application was considered acceptable in relation to issues of flood risk, residential amenity, affordable housing provision and impact on protected species and subject to the imposition of conditions, as imposed previously, it is considered that the amended scheme would have no additional impact. It is considered therefore that the main issues in the determination of this application are:-

- Would the revised scheme have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any adverse impact upon highway safety?
- Would there be any adverse impact on trees?
- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

#### Would the revised scheme have a significant adverse impact on the character and appearance of the village or the wider landscape?

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 126 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. At paragraph 134 it states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

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

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

RE5 states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

Policy LNPG2 of the loggerheads Neighbourhood Plan states that to be supported, proposals for ten or more houses must include a mix of types of accommodation to meet requirements identified in the latest assessment of local housing needs including accommodation suitable for first time buyers and the elderly. At least a third of new homes, unless it can be demonstrated there is not a need for this level of provision must comprise a combination of one or two bedroomed properties and one or two bedroomed properties suitable to provide independent living for the elderly.

Policy LNPP1 states that to be supported, new development must demonstrate high standards of design. A number of requirements are listed, the most relevant of which are as follows:

- Complementing the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.
- Creating attractive, safe and convenient environments for pedestrians.  
Providing a mix of overlooked parking provision, as an integral part of layout, so that parking does not dominate streets and space.
- Include high quality materials, to complement those used in the surrounding context.
- Designing residential garages so that they do not obscure or dominate frontages and are in or behind the building line.

The revised proposal comprises a similar layout to the approved scheme and maintains the proposal for two new access points off Eccleshall Road and the retention of the existing planting belt across the centre of the site. The principal differences are as follows:

- Removal of bungalows
- Addition of two 2.5 storey dwellings
- Provision of detached garages
- Amended position and orientation of the affordable units with the parking located to the north-west of the dwellings
- Addition of a small area of public open space to accommodate SUDs
- Simplification of shared drives
- More traditionally designed dwellings

The proposed development would comprise 16 no. detached 3, 4 and 5-bed dwellings and 6 no. 2 and 3-bed terraced properties. There is a mix of dwelling size and style in the area including relatively modern detached two-storey properties to the south-west on the opposite side of Eccleshall Road as well as some more traditional two-storey cottages in the vicinity. Given the variety of dwelling size and style currently in the area, it is considered that the layout proposed would respect local character.

Although the bungalows proposed within the previous scheme have been omitted, a mix of dwelling sizes are proposed and therefore it is considered that the scheme broadly complies with Policy LNPG2 of the Neighbourhood Plan in terms of providing a mix of types of accommodation.

Detailing would be simple and unfussy and the materials would comprise brickwork and plain grey roof tiles. Detailing has been introduced to the windows with reconstituted stone cills and heads on the principal elevations and those visible from the highways. The appearance of the houses would be traditional and in keeping with the existing surrounding properties and local vernacular. The proposed 2.5 storey dwellings would be set down from Pinewood Road to help reduce their impact.

The application is accompanied by a Noise Assessment which concludes that an acoustic fence of 1.5 to 1.8m in height is required around the gardens of those plots which are adjacent to or close to Eccleshall Road because of traffic noise. Subject to the approval of the design of the fence and subject to the retention of the existing boundary hedgerow at a height greater than that of the fence, it

is not considered that the acoustic fence would have a significant adverse impact on the visual amenity of the area.

The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

This site is within an Area of Active Landscape Conservation and NLP Policy N18 states that development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

Due to the topography of the surrounding area, and the existing hedgerows, views of the site would be limited to those gained in the short distance. Although the development would encroach into the open countryside, it would not extend beyond the built development that currently exists on the opposite side of Eccleshall Road. It is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

#### Would the proposed development have any adverse impact upon highway safety?

The site is bounded by Lower Road to the south-east, Pinewood Road to the north-west and the B5026 Eccleshall Road to the south-west. The proposed access arrangements are very similar to those approved under application Ref. 17/01001/FUL with vehicular access proposed to the site from two points off Eccleshall Road, with no access off either Pinewood Road or Lower Road.

A Transport Statement that accompanies the application states that the increase in traffic will be imperceptible and will not have a material impact on the highway network and concludes that there is no highway-related reason to withhold planning permission.

Highway safety concerns have been raised by residents but given that the location and form of the accesses are consistent with that approved as part of the extant consent, and given that the Highway Authority has no objections to the application subject to the imposition of conditions, it is not considered that an objection could be sustained on highway safety grounds.

The roads are to be un-adopted so the Highway Authority has queried whether the Council's Waste Section will be happy to access the site to collect waste. No comments have been received from the Waste Section but it is the case that the Council does not drive on un-adopted surfaces.

The applicant has advised that they would be prepared to accept a planning condition to confirm that any future maintenance of the roads would be a private responsibility and not fall to the Council. In all other respects, the waste storage and collection arrangements for the proposed development are considered acceptable.

#### Would there be any adverse impact on trees?

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

There are a number of trees around the boundaries of the site and the Landscape Development Section (LDS) is concerned regarding retaining walls abutting and within Root Protection Areas (RPAs) as well as changes in levels within these areas. In response, an amended plan has been

submitted and the applicant has responded to confirm that they are prepared to accept a condition to first agree any work within RPAs. The further comments of the LDS have been sought and will be reported to members once received.

What, if any, planning obligations are necessary to make the development policy compliant?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

Staffordshire County Council as the Education Authority has requested a sum of £69,186 for high school places at Madeley. This is a higher figure than requested for the previous scheme (£33,244) because there is no longer a discount for rented social landlord properties and the cost multipliers have increased from £16,622 to £23,062. Given that the previous permission is extant it is considered reasonable to seek the lower figure of £33,244. This is consistent with the approach taken when permission was granted on this site under reference 17/01001/FUL and in other similar situations.

The Landscape Development Section (LDS) has requested a contribution of £122,738 (£5,579 per dwelling) towards Public Open Space improvements at the Burntwood View/Hugo Way play area and open space which is approximately 1050m away. In determining the previous application, it was acknowledged that there was an extant planning permission for 16 dwellings (Ref. 15/00448/OUT) in which a Public Open Space contribution of £2,943 per dwelling was secured (based upon the then current North Staffordshire Green Space Strategy). It was considered reasonable therefore to seek the lower figure of £2,943 per dwelling for 16 of the dwellings and then the higher figure of £5,579 per dwelling for the additional 6 dwellings giving a total figure of £80,562. Given that the previous permission is extant, it is considered reasonable to adopt the same approach now.

The financial contributions sought are therefore considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the CIL Regulations.

In the previous application, the applicant submitted a Viability Assessment demonstrating that a policy compliant scheme was not viable. That case was accepted by your Officers and lesser contributions were required. Although a Viability Assessment has not been submitted with this application, the applicant's agent asserts that since planning permission was granted there have been significant cost increases in construction/materials/labour and therefore it would be very unlikely that any developer would proceed to implement a scheme that adds significantly greater development costs. They highlight that there is a fall-back position in that there is an extant permission for the same number of dwellings without this requirement.

The NPPF states in relation to viability that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The Council's Developer Contributions SPD has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply. For the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that

negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

In the absence of an up-to-date Viability Appraisal, no evidence has been provided to demonstrate that a policy compliant scheme is not viable. Although the applicant states that there is a fall-back position in that there is an extant permission for the same number of dwellings with lesser contributions, that is not justification for accepting reduced contributions now. In any event, Schedule 4 of the Section 106 for the previous permission states that if substantial commencement does not take place within a period of 12 months from the date of the planning permission, then once substantial commencement does occur, the matter will be referred back to the District Valuer to undertake a new appraisal. Substantial commencement did not take place within 12 months of the date of the planning permission.

### Reducing Inequalities

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

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

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

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

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

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

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

## APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

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

Policy H1	Residential Development - Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations
Policy N18	Areas of Active Landscape Conservation
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

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

Policy LNPG2:	Housing Mix
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character & Heritage
Policy LNPT1:	Sustainable Transport

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

[National Planning Policy](#)

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

[Planning Practice Guidance](#) (2018)

[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)

[Waste Management and Recycling Planning Practice Guidance Note](#) (2011)

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

[Relevant Planning History](#)



21/00835/FUL Application to vary condition 20 of planning application 17/01001/FUL (Erection of 22 houses and bungalows with associated access roads and drainage) to read "No above ground works shall commence until a detailed water drainage design has been submitted to and approved in writing by the Local Planning Authority" - Approved

21/00834/FUL Application to vary condition 07 of planning application 17/01001/FUL (Erection of 22 houses and bungalows with associated access roads and drainage) to read "The development shall not be occupied until details of the visibility splays at the site accesses have been first submitted to and approved in writing by the Local Planning Authority" - Approved

21/00393/FUL Erection of 22 dwellings and associated infrastructure - Approved

21/00327/FUL Application for variation of condition 5, 6, 9, 17, 18 and 19 of planning permission 17/01001/FUL to remove prior to commencement of development aspect of each condition - Approved

17/01001/FUL Erection of 22 houses and bungalows with associated access roads and drainage - Approved

15/00448/OUT Erection of up to 16 dwellings - Approved

#### Views of Consultees

The **Environmental Health Division** has no objections.

The **Highway Authority** has no objections subject to conditions regarding provision and retention of the accesses, internal site roads, parking and turning areas, submission of details of visibility splays, details of surfacing materials, surface water drainage and delineation of parking bays, details of off-site highway works, access to remain ungated, retention of garages for parking of vehicles and cycles, provision of cycle storage for dwellings without a garage and submission of a Construction Method Statement.

The **Crime Prevention Design Advisor** is generally supportive of the layout but states that it will be important that unauthorised access from the front to the rear of dwellings is prevented by suitable fencing and lockable gating and that the retained Pinewood Road and Lower Road hedge site boundaries should be enhanced to improve security.

The **Housing Strategy Section** states that the tenure mix should be 60% rented and 40% shared ownership rather than 50% of each. The affordable rented units should be social rented.

The **Landscape Development Section** requests that Root Protection Areas (RPAs) and crown spreads are drawn accurately and that trees of all categories are protected. Unresolved site levels should be outside the Construction Exclusion Zone (CEZ) but retaining walls are currently shown abutting and within RPAs. Objection is raised pending amendments to avoid the changes in levels within RPAs and submission of further detail that clearly demonstrates that trees will not be compromised. Only no dig construction should be used for patios and path paving within RPAs and if this cannot be achieved, their layout must be amended. No objection is raised in principle to the proposed planting scheme but shrub planting densities should be increased to more appropriate levels and plant and planting specifications should be submitted. A S106 contribution of £5,579 per dwelling is requested to be used for the improvement and development of the Burntwood View/Hugo Way play area and open space which is approximately 1050m away.

The **Education Authority** states that there are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at secondary phase of education. A contribution of £69,186 is required.

**Loggerheads Parish Council** objects on drainage grounds and requests the reinstatement of the original Section 106 agreement for a public open space contribution for the improvement and

development of Burntwood View/Hugo Way play area and open space or other open space in Loggerheads.

No comments have been received by the due date from the **Waste Management Section**, **Staffordshire Wildlife Trust** and **Staffordshire County Council Flood Risk Team** and therefore it must be assumed that they have no comments to make.

#### Representations

Four letters of representation have been received. Objections are made on the following grounds:

- Inadequate publicity
- Highway safety
- Drainage issues
- Pumping extra surface water and untreated foul water into the brook will increase pollution
- The proposal breaches the Neighbourhood Plan in which this site is not identified for development
- There should be financial transparency in dealing the S106

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

The application is accompanied by the following documents:

- Noise Assessment
- Ground Investigation Report
- Flood Risk Assessment
- Planning Statement
- Affordable Housing Statement
- Design and Access Statement
- Transport Statement
- Tree Report
- Arboricultural Impact Assessment and Method 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/21/00393/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

25 November 2021



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**NEWCASTLE-UNDER-LYME COLLEGE, KNUTTON LANE**  
**IAN HOOKWAY, NEWCASTLE AND STAFFORD COLLEGE**

**21/00705/FUL**

Planning permission is sought for the remodelling of the existing sports hall to provide a new construction teaching workshop and the construction of a new sports hall, two classrooms and supporting accommodation at Newcastle-Under-Lyme College.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the College Approaches.

**The 13 week period for the determination of this application expired on 18<sup>th</sup> October but an extension of time has been agreed to 10<sup>th</sup> December.**

**RECOMMENDATION**

Permit, subject to conditions relating to;

- i. **Time limit condition**
- ii. **Approved plans**
- iii. **Materials**
- iv. **Construction Environmental Management Plan**
- v. **Provision of cycle spaces**
- vi. **Tree protection**

**Reason for Recommendations**

The principle of the development is acceptable and it is not considered that there would be any adverse impact on the character and appearance of the area. Subject to the imposition of conditions, there would be no impact on trees, highway safety or residential amenity.

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

Additional information has been sought and received and this is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**Key Issues**

Permission is sought for the remodelling of the existing sports hall to provide a new construction teaching workshop and the construction of a new sports hall, two classrooms and supporting accommodation.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map. It is not considered that the application raises any issues of impact on residential amenity or trees and therefore the key issues in the determination of this planning application are:

- Is the principle of the proposed development on the site acceptable?
- Is the scale and design of the building acceptable?
- Is the level of car parking proposed acceptable and would there be any adverse impact on highway safety?
- Has an acceptable drainage strategy been provided?

Is the principle of the proposed development on the site acceptable?

The proposed facilities are located on a grassed area to the rear of the existing Sports Hall.

Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England has been consulted on the application and has responded to say that they have considered the application in light of paragraph 99 of the NPPF and against their own playing fields policy which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- All or any part of a playing field, or
- Land which has been used as a playing field and remains undeveloped, or
- Land allocated for use as a playing field

unless in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions'.

Sport England states that the proposed sports hall in part is sited on playing field land which is incapable of accommodating a playing pitch due to the constraints of the car park and footpath. Additional information submitted by the applicant clarifies that a route from the sports hall changing rooms to the existing 3G pitch will be retained and that the existing changing facilities will be kept in use throughout for both indoor and outdoor sports. Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of their playing fields policy, in that:-

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

On this basis, Sport England does not object to the application and therefore it is not considered that an objection could be sustained on the grounds of loss of part of the playing field.

#### Is the scale and design of the building acceptable?

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 proposed building would be situated immediately to the north of the existing Sports Hall towards the rear of the Campus. It would measure 10m in height to match the height of the existing building and the design, which would also match that of the existing, would be simple and contemporary. The use of a contrasting palette of materials comprising anthracite grey cladding with through-coloured render for the smaller scale stores and class-bases, would be in keeping with the current development and would help to break down the monolithic form of the sports hall building, adding interest and visual cohesion between old and new.

In conclusion, it is considered that the siting and design of the proposed development is acceptable and that the proposal would meet the guidance and requirements of the development plan and the NPPF.

#### Is the level of car parking proposed acceptable and would there be any adverse impact on highway safety?

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

The proposed development would result in the loss of 9 existing parking spaces. The car parking standards in the Local Plan recommend a maximum parking requirement of 1 space per 5 full-time equivalent students, these spaces being available to both students and staff. The maximum number of students expected on site (allowing for the extra activity) is 2,950. This gives a maximum parking requirement of 590 spaces but as part of the initial planning approval, the College undertook to develop and implement a Travel Plan to reduce car dependency, and 510 spaces were provided.

The application states that the additional space being applied for is for 16-19 year old students, for whom car use is inevitably reduced as a proportion of all students due to their age. The College continues to encourage staff and students to use alternative modes of transport, including the provision of subsidised bus passes, and promoting rail savers, provision of secure cycle storage and motorcycle spaces. The applicant's agent asserts that the existing parking facilities are more than sufficient with a number of spaces always available and as a result the small reduction in spaces is considered appropriate.

The Highway Authority raises no objections to the loss of spaces subject to conditions, stating that the site is in a sustainable location with two bus stops in close proximity and although there will be a slight reduction in car parking provision, an increase in cycle parking provision (20 no. spaces) is to be provided.

Given the sustainable location of the College within easy walking distance of the shops, services and bus station in the town centre, it is not considered that the loss of 9 parking spaces would have any adverse impact on highway safety.

#### Has an acceptable drainage strategy been provided?

The proposed development is close to a balancing pond and underground drainage serving the pond. A Flood Risk Assessment and a Drainage Strategy have been submitted but Staffordshire County Council as Lead Local Flood Authority (LLFA) states that there is insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed. Additional information has been submitted and the further comments of the LLFA are awaited.

#### 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 CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation

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

Policy T16: Development – General Parking Requirements

### **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**

06/01180/OUT New college, sports facilities, Superstore, Petrol Filling station, offices, housing, parking, landscaping and associated engineering works – Approved

07/01005/REM External appearance of the new College, siting and external appearance of the Sports Hall and landscaping – Approved

08/00801/FUL New College building (amended scheme to that approved under planning permissions 06/01180/FUL and 07/01005/REM to accommodate additional floorspace for a Higher Education Centre) – Approved

08/00825/FUL Building to house a construction and engineering centre – Approved

### **Views of Consultees**

**Sport England** raises no objections on the grounds that the proposal accords with Exception 3 of their policy subject to the imposition of a condition regarding phasing of the development.

The **Highway Authority** has no objections subject to conditions requiring the submission of a Construction Environmental Management Plan and details of additional cycle parking.

The **Landscape Development Section** has no objections subject to a condition requiring tree protection for the duration of the construction period.

The **Lead Local Flood Authority** objects on the grounds that insufficient detail has been submitted to demonstrate an acceptable drainage strategy.

No comments have been received from the **Environmental Health Division**, the **Waste Management Section** or the **Newcastle South Local Area Partnership**. Given that the period for comment has ended it must be assumed that they have no comments to make.

### Representations

None received.

### Applicant/agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Noise Impact Assessment
- Sustainability Statement
- Ecological Appraisal
- Flood Risk & Drainage Statement

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/21/00705/FUL>

### **Background papers**

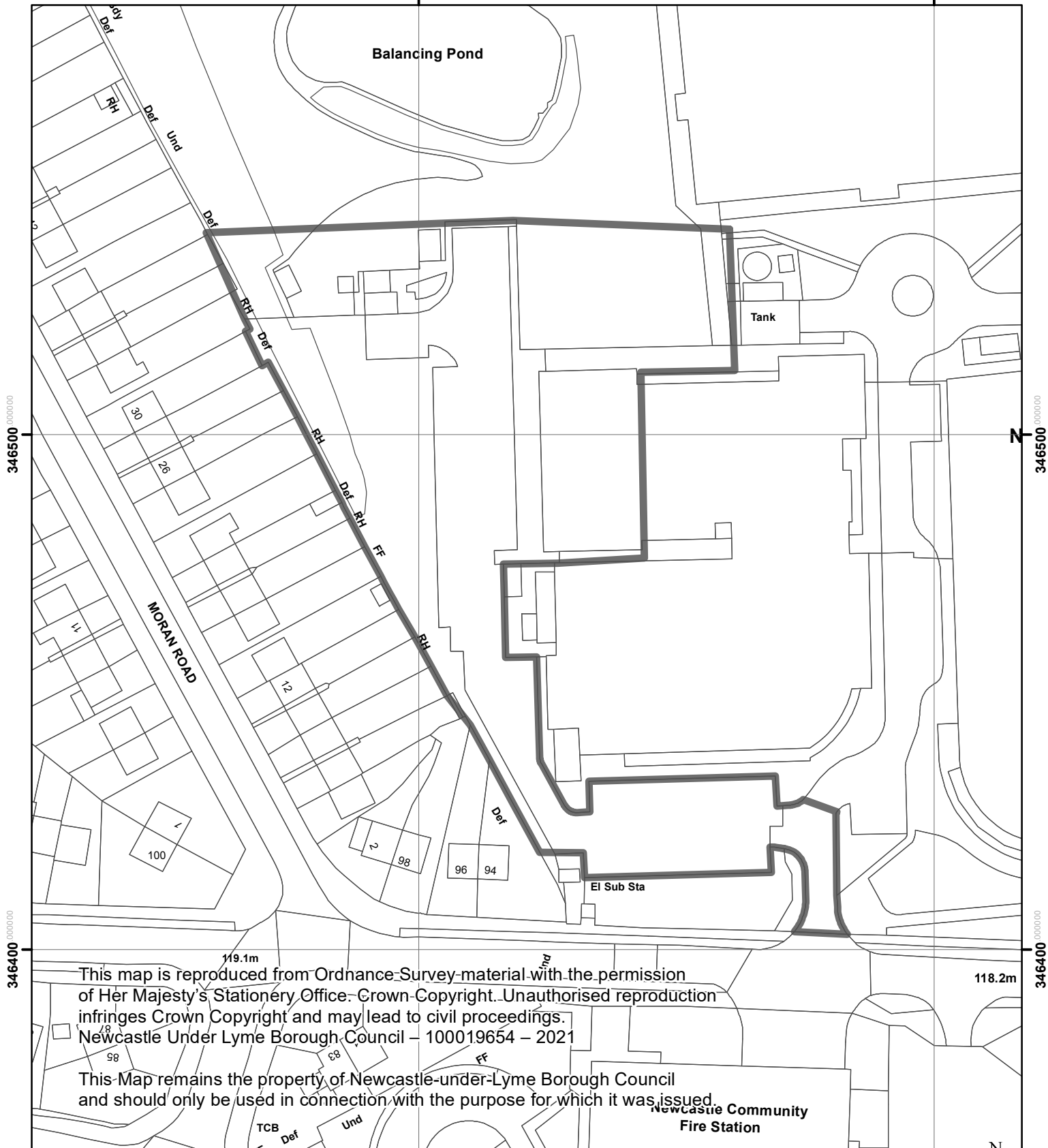
Planning files referred to  
Planning Documents referred to

### **Date report prepared**

24 November 2021

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Newcastle Under Lyme Borough Council – 100019654 – 2021

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Newcastle Community Fire Station

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**LAND AT NEW ROAD, MADELEY**  
**DUCHY HOMES LIMITED**

**21/00866/FUL**

The application seeks a variation of condition 2 of planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to substitute approved plans with amended plans for new house types.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Trees bordering the site are the subject of a Tree Preservation Order.

**The 13 week period for the determination of this application expires on the 6<sup>th</sup> January 2022.**

**RECOMMENDATIONS**

**PERMIT the variation of condition 2 of planning permission 19/00036/FUL to substitute approved plans with amended plans for new house types,**

**and subject to all other conditions attached to planning permission 19/00036/FUL.**

**Reason for recommendations**

The revised design of the scheme is acceptable, as is the impact on residential amenity levels. Therefore, the substitution of approved plans with amended plans for new house types is acceptable, subject to all of the conditions of 19/00036/FUL which still remain relevant and necessary to make the development acceptable.

The previous permission was granted following the entering into of a Section 106 agreement securing a number of obligations. As it includes a Section 73 a Deed of Variation will not be required.

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

Amended plans to address comments of consultees have been submitted during the consideration of the application and the application is in compliance with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application seeks a variation of condition 2 of planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to substitute approved plans with amended plans for new house types following a change to the housebuilder. The new housebuilder, Duchy Homes Limited, wishes to use different house designs for the site.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Trees bordering the site are the subject of a Tree Preservation Order.

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

As discussed, the change being sought is to the design of the dwellings (housetypes) only. The road layout and siting of the properties remains broadly the same as previously approved. The number of proposed dwellings and the access arrangements are not changing and the concerns raised by the interested party, regarding highway safety impacts, should not be revisited. Therefore, the main issues for consideration in the determination of this full planning application are:-

- The design of the development and its impact on the visual amenity of the area; and
- The impact of the revised housetypes on the residential amenity of neighbouring occupiers.

#### The design of the development and its impact on the visual amenity of the area

Paragraph 126 of the 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 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the 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.

The purpose of the application is to change the proposed housetypes which have a different design and appearance to those granted under the original planning permission. The road layout and siting of properties remains largely as previously approved but the Landscape Development Section (LDS) has requested updated Arboricultural information. This has not been submitted but the conditions of the previous permission, which secured tree information, are still relevant.

The design of the approved scheme was considered acceptable and it is considered that the design of the scheme has been further improved by the introduction of the new housetypes which are considered to represent a high quality design and in keeping with the character of the area.

The applicant has also addressed the observations of the Police Crime Prevention Design Advisor, which has further improved the design of the development.

Overall the design of the proposed scheme would enhance the site and the character and amenity of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD and the NPPF. The conditions of the previous permission will further ensure that the development is acceptable.

#### The impact of the revised housetypes on the residential amenity of neighbouring occupiers

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.

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

As discussed, the change is to the housetypes and the layout and siting of properties remains largely as previously approved.

The application is supported by a proposed layout plan which includes separation distances between plots 1-6 and existing properties on Woodside. The proposed separation distances remain similar to the approved development and whilst there are changes to the internal layouts the upper floors of the plots remain similar to those previously approved. Therefore, it is still accepted that the resultant relationships between existing and proposed dwellings would not be so severe that the living conditions and residential amenity levels, in terms of privacy, loss of light or overbearing impact, to properties on Woodside would be significantly harmed to the extent that a reason for refusal could be justified. Therefore the issue of whether the layout and scale of the proposed dwellings is acceptable or not should not be reopened for discussion.

The conditions of the previous permission are advised and it is considered that a good standard of amenity for all existing and future occupants of land and buildings can be achieved and maintained, as required by the NPPF.

### Reducing Inequalities

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

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

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

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

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

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

With regard to this proposal it is 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 SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations
Policy N20	Areas of Landscape Enhancement
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential supporting Infrastructure

### **Other material considerations include:**

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

[Planning Practice Guidance](#) (March 2014, as updated)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

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

[Affordable Housing SPD](#) (2009)

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

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

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

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

#### Relevant Planning History

14/00930/OUT	Outline planning application for the erection of up to 32 dwellings (including details of access) - Approved
18/00225/REM	Approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 32 dwellings - Refused
19/00036/FUL	Residential development of 32 dwellings - Approved



### Views of Consultees

**Madeley Parish Council** raises no objections.

The **Highway Authority** raises no objections.

The **Landscape Development Section** request that the Arboricultural information is updated to reflect the latest layout in accordance with BS5837:2012. Also, Root Protection Areas do not appear to be shown on the altered layout.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** advises that the substitute house types seem to provide some overlooking of the road network and between dwellings to aid security with habitable rooms at the front of practically all dwellings. However, there are two house types where this either is not the case or where a dual-aspect property should be considered. House Type 2 (plot 2) is the singular dwelling which has no habitable room at the front. House Type Calverley (plot 23) is a corner plot with very good natural surveillance at the front, but none (only a bathroom window) at the side looking towards the access road serving plots 30-32. Ideally these perceived deficiencies should be addressed.

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

### Representations

**One** representation has been received raising concerns about increased traffic on New Road and a dangerous bend in the road.

### Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00866/FUL>

### Background Papers

Planning File  
Development Plan

### Date report prepared

23<sup>rd</sup> November 2021

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West Lodge

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Birch House

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WOODSIDE

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**LAND OFF PEPPER STREET KEELE  
SEDDON HOMES**

**21/00952/FUL**

The application seeks to vary condition 2 of 18/00262/REM that granted approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 100 dwellings. Condition 2 lists the approved drawings. The variations sought are primarily for amended house types of the appointed developer, Seddon Homes.

The application site lies within the Green Belt and is also within an area of landscape restoration as defined by the Local Development Framework Proposals Map. The Haying Wood within the site is protected by Tree Preservation Order No. 1.

**The 13 week period for the determination of this application expires on 12<sup>th</sup> January 2022.**

**RECOMMENDATION**

**PERMIT subject to receipt of plans amending the position of the affordable housing and subject to conditions relating to the following matters:**

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. Approval of boundary treatments prior to occupation of the dwellings which shall ensure permeability to wildlife, particularly hedgehogs.**
- 3. All other conditions of 18/00262/REM as they continue to apply to the development**

**Reason for Recommendation**

Subject to an amendment to the location of the required affordable housing the proposals are considered acceptable in design and appearance. The application raises no issues relating to access, parking, residential amenity and impact on trees.

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

Amendments have been sought from the applicant and subject to receipt the proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

This application seeks to vary condition 2 of reserved matters approval 18/00262/REM relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 100 dwellings. It followed the granting of an outline planning permission in April 2015 for residential development of up to 100 dwellings (13/00970/OUT).

Condition 2 lists the approved drawings and the variations sought are primarily for an amended house type range of the appointed developer, Seddon Homes.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. In granting permission under section 73 the local planning authority may impose new conditions, provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

The application site lies within the Green Belt and is also within an area of landscape restoration as defined by the Local Development Framework Proposals Map. The Haying Wood within the site is protected by Tree Preservation Order No. 1.

Although the reserved matters approval, 18/00262/REM, was for 100 dwellings the current proposal includes 97 dwellings. This is due to part of the site that accommodated three dwellings being excluded from this application.

In other respects, the layout proposed within this application is very similar to that approved. Those amendments shown on the submitted plan do not raise any issues as regards to access, parking, residential amenity and impact on trees. Therefore, the main issues to be considered are;

- The design of the development and its impact on the visual amenity of the area; and
- Affordable housing.

The design of the development and its impact on the visual amenity of the area

As illustrated in the comparison table below, the proposed housing mix as currently proposed is different to that already approved.

TYPE	PROPOSED SCHEME (97 houses)	APPROVED SCHEME (100 houses)
Five bed detached	14	4
Four bed detached	10	36
Three bed detached	26	16
Three bed semi-detached	16	26
Two bed semi-detached	6	0
Three bed terraced	15	0
Two bed terraced	10	18

There are no objections to the changes in the numbers of three, four and five bed detached and three bed semi-detached houses as currently proposed. In addition the introduction of two bed semi-detached and three bed terraced houses increases the choice of property types available within the development and is acceptable.

As with the approved scheme, the dwellings are all two storeys in height and of a traditional design, predominantly constructed in brick and tile with some use of render. Included in the design of some of the properties are projecting gables, projecting single storey additions on front elevations with lean to roofs, and bay windows. There is a consistency in the design approach to the different house types proposed and it will be viewed as a single, cohesive development.

Overall it is considered that the house types and design as now proposed is acceptable, in accordance with design principles set out in the Council’s Urban Design Guidance SPD and the NPPF.

Affordable Housing

A Section 106 planning obligation that was entered into when outline planning permission was granted requires the provision of affordable housing within this development. The level of affordable housing secured (15%), however, did not accord with policy as the applicant demonstrated that the development would be unviable if the policy compliant percentage was secured in addition to the education contribution that was required to satisfy policy.

Subsequently an application was received under Section 106BA of the 1990 Town and Country Planning Act which enabled, for a limited period, the revision of the affordable housing contribution requirement of a planning obligation. The outcome of that process was a further reduction in the level of affordable housing provision within the development to 6% for a 4 year time limited period (from the date of the planning permission). That period has been extended twice and has not lapsed. The level of provision that is required to satisfy the planning obligation therefore remains at 6%.

The 6 affordable houses (as required by the S106) as approved is a pair of 3 bed semi-detached dwellings (plots 24 and 25) and a block of four 2 bed terraced properties (plots 82 to 86). The current proposal is a pair of 3 bed semi-detached dwellings (86 and 87) and a block of four 2 bed terraced properties (plots 82 to 86). Confirmation is being sought from the Council's Housing Section as to whether the type of affordable housing now proposed is acceptable.

Unlike the approved scheme the affordable dwellings are all grouped together. The proposal is therefore not fully compliant with the Affordable Housing SPD which indicates that affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting only of small groups. Amended plans are being sought to address this concern.

#### Other matters

Keele Parish Council (KPC) has requested that boundary treatments are permeable to wildlife, such as hedgehogs. It is considered that it would be reasonable to impose a condition that seeks approval of the boundary treatments given that there are amendments to the layout, by virtue of the change to the house type design across the site and some adjustment to plot position, and the submitted information supporting this application does not include such details.

KPC has also made reference to condition 28 of the outline planning permission relating to surface water drainage. The scheme that has been submitted to satisfy this condition has not, to date, been agreed with the Lead Local Flood Authority and the application remains undetermined. Such an outstanding matter is not, however, directly relevant to the determination of this application. The condition will still need to be satisfied.

#### 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 noted that access to all dwellings will need to be 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

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

Policy T16: Development - General Parking Requirements

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

[National Planning Policy](#)

[Affordable Housing SPD](#) (2009)

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

### Relevant Planning History

13/00970/OUT Residential development of up to 100 dwellings including means of access – Permitted.

15/00359/DOAHR Application under Section 106BA of the Town and Country Planning Act 1990 to revise the affordable housing contribution secured within the planning obligation entered into in association planning permission 13/00970/OUT for residential development - Permitted

18/00262/REM Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings – Permitted

20/00431/DOB and 21/00780/DOB Applications for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to planning permission ref 13/00970/OUT – Approved

### Views of Consultees

**Keele Parish Council** (KPC) has no objections to the change of house types proposed by Seddon. KPC asks that, if the decision is to permit, that a condition be placed upon the decision. The location is next to ancient woodland and is an important wildlife corridor for numerous species, most particularly hedgehogs. KPC would like to see it required that all boundary treatments are permeable to wildlife. It notes that the planning statement from Knights contains several errors and that the application 13/00970/2CN28 with regard limiting water run-off has yet to be decided despite having been made in June 2020.

### Representations

None received to date.

Applicant's/Agent's submission

Application forms and plans have been submitted which can be viewed via the following link  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00952/FUL>

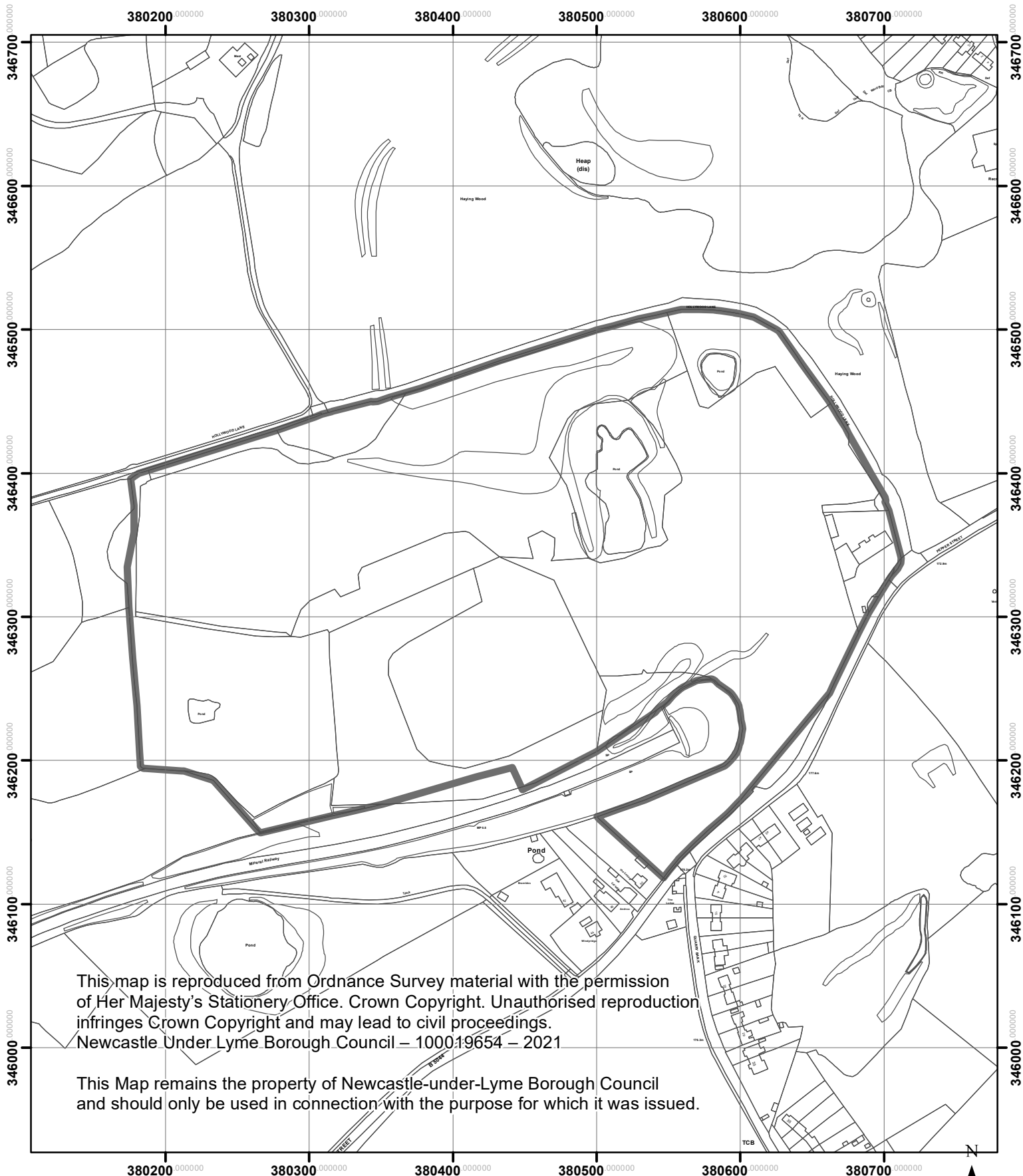
Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

24<sup>th</sup> November 2021

# Land North Of Pepper Street, Keele



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**KIDSGROVE RAILWAY STATION, STATION ROAD, KIDSGROVE  
EE LTD**

**21/01006/TDET**

The proposal is for the installation of a 20m high monopole with 2 no. antennas, 2 no. dishes and 3 no. ground-based equipment cabinets at Kidsgrove Railway Station.

The application site lies within the Urban Area of Kidsgrove as defined on the Local Development Framework Proposals Map. The site is located adjacent to the Trent and Mersey Canal (Hardingswood) Conservation Area.

**Unless a decision on this application is communicated to the developer by 16 December 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 or the character and appearance of the adjacent Conservation 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 2 no. antennas, 2 no. dishes and 3 no. ground-based equipment cabinets.

The application site lies within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map. The site is located adjacent to the Trent and Mersey Canal (Hardingswood) Conservation Area.

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.

As stated above, the site is located adjacent to the Trent and Mersey Canal (Hardingswood) 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.

The proposed pole and equipment would be sited adjacent to the eastern boundary of the Station car park. There are existing trees along the boundary that would provide some screening and within the area there is equipment and infrastructure associated with the railway including lighting, CCTV poles and a substantial footbridge. There is also an existing Vodafone mast in the north-western corner of the Station. Given the context of the area, it is not considered that the proposal would appear as an incongruous feature within the existing setting.

Although the site is adjacent to a Conservation Area, given the existing development at the Station, it is not considered that the proposal would have any adverse impact on its character and appearance. The Council's Conservation Officer has no objections to the proposal.

There are apartments approximately 50m to the east of the application site but given that the development would be viewed against the backdrop of the railway infrastructure it is not considered that there would be any significant adverse impact.

In line with the requirements of NPPF, there are no suitable existing telecommunications installations for the operator to share. The existing Vodafone mast would need to be replaced in order to accommodate the proposed equipment and the proposed antenna would need to be a minimum of 5m apart from one another for technical reasons. As a result, any replacement mast would have to be a lattice tower with a minimum height of 27.5m. This option was discounted as any such mast would have a much greater impact than the cumulative impact of the existing and proposed masts.

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  
Policy CSP2: Historic Environment

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

Policy T19: Telecommunications Development – General Concerns  
Policy T20: Telecommunications Development – Required Information  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

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

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

None

[Views of Consultees](#)

The **Conservation Officer** has no observations on this application.

**Network Rail** does not object in principle but states that applicants must adhere to Network Rail processes before installing new or upgrading an existing radio transmitter.

No comments have been received from **Kidsgrove Town Council**, the **Environmental Health Division** or the **Canal and River Trust** and given that the period for comment has ended, it must be assumed that they have no observations to make.

[Representations](#)

None received.

[Applicant/agent's submission](#)

The applicant has submitted a Design and Access 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/21/01006/TDET>

[Background Papers](#)

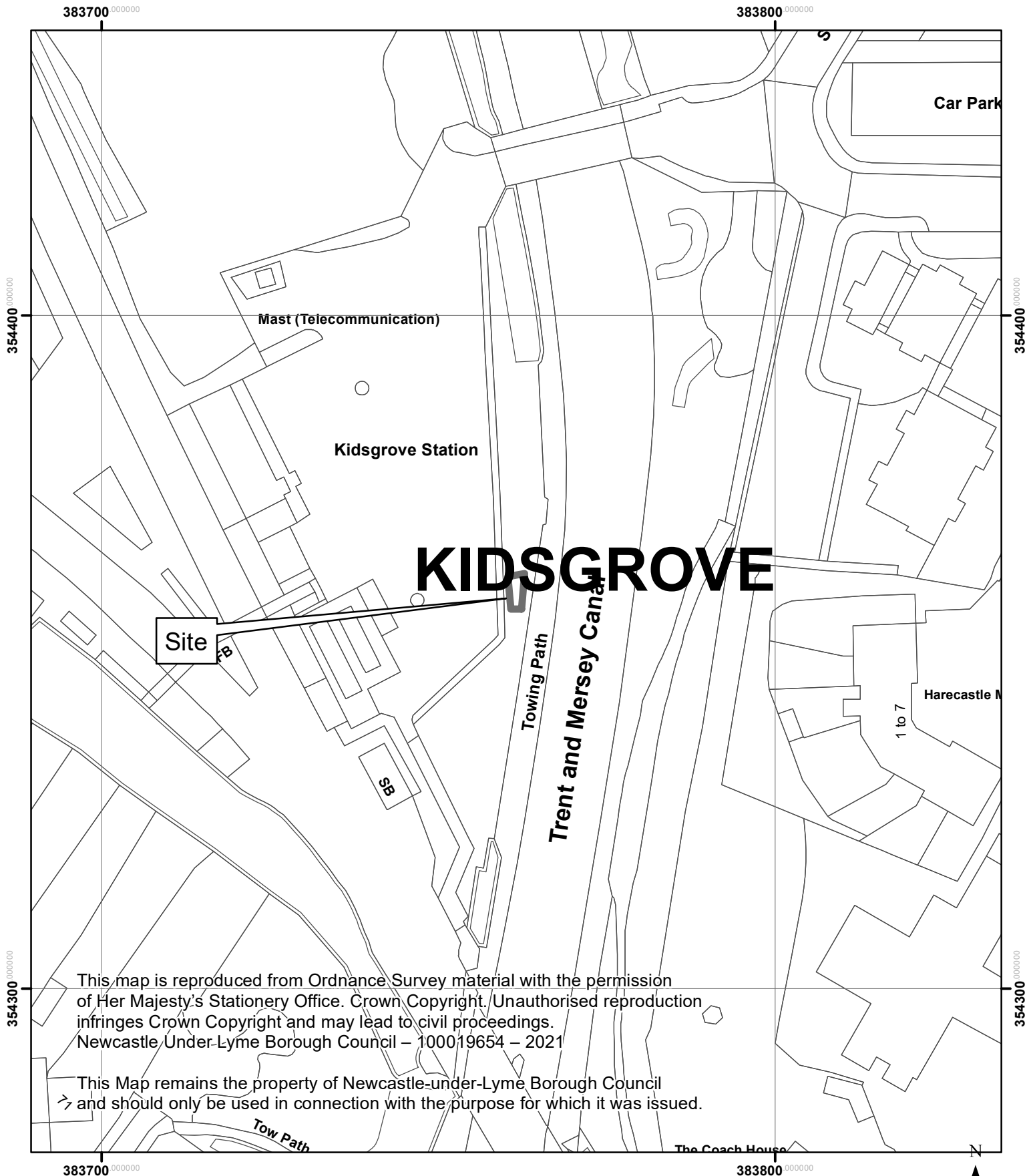
Planning File referred to  
Planning Documents referred to



Date report prepared

23<sup>rd</sup> November 2021

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**APPEAL BY MR JOHN PRICE AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE AT STORE GARAGES 1 AND 2 STATION ROAD, NEWCHAPEL**

<b><u>Application Number</u></b>	<b>19/01012/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 14<sup>th</sup> February 2020 under delegated authority</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Decision</u></b>	<b>5<sup>th</sup> November 2021</b>

**Appeal Decision**

The Inspector identified the main issues as the effect of the proposed development on the openness of the Green Belt; the purposes of including the land within it; the character and appearance of the area; and would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The Inspector considered that the proposal would cause a limited loss of openness of the green belt over a considerable period of time if permanent planning permission were granted but that there would not be a conflict with any of the purposes of including the land in the Green Belt.

The Inspector found that the proposal would accord with CS Policy CSP7, but concluded that this is outweighed by the conflict that would be caused by the use of the land with CS Policy CSP1 and saved Local Plan Policies N17 and N21. He noted that together they seek, among other things, well designed development that: respects the character, identity and context of the unique townscape and landscape, helps restore the character and improve the quality of the landscape, and does not further erode the character or quality of the landscape.

Moderate weight was attached by the Inspector to such harm in the planning balance.

The Inspector gave significant weight to the following factors individually and considerable weight in combination:

- benefits relating to an unmet need
- lack of a 5 year supply of specific deliverable sites for provision of traveller pitches
- lack of alternative accommodation
- uncertainty of the availability of future supply
- the needs of the children
- the family being together as a cohesive unit.

The Inspector also noted the uncertainty about where the future sites may be allocated and considered the human rights of the appellant and his family.

The Planning Policy for Traveller Sites is clear that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to Green Belt and any other harm. The Inspector considered that it was not certain that unmet need would be addressed in the immediate future. He also considered that there is uncertainty about whether the emerging plan will be progressed in the timeline predicted and whether it would provide the necessary allocation of pitches. However, this combination of factors was not considered by the Inspector to be sufficient to clearly outweigh the identified harm from the proposal and indicates that a permanent permission should not be granted at this time.

The Inspector did, however, consider that for a number of reasons a temporary permission up to the end of 2025 would be a proportionate approach to the legitimate aim of protecting the environment and the Green Belt. It would also strike an appropriate balance between the rights of the individuals and the protection of matters of acknowledged public interest.

For these reasons the appeal was allowed and a temporary permission was granted.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/01012/FUL>

**Recommendation**

That the appeal decision be noted.

**APPEAL BY MRS SARAH FRADLEY AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION THE ERECTION OF 3 DETACHED, 2 BEDROOM BUNGALOWS, WITH ASSOCIATED PARKING ON LAND AT 106 PARK ROAD, SILVERDALE**

<b><u>Application Number</u></b>	<b>20/01103/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 30<sup>h</sup> March 2021 under delegated authority</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Date of Decision</u></b>	<b>22<sup>nd</sup> November 2021</b>

**Appeal Decision**

The Inspector identified the main issue to be the effect of the development on Highway Safety.

The Inspector considered that acceptable visibility splays for the proposed development could be achieved through the use of a planning conditions which would require the removal of existing timber panel fencing that's runs along Haydock Court to the west of the application site. Similarly, the high panel fencing which flanks the existing access to No.106 at the roadside could be removed or reduced in height to facilitate visibility to the east which would also have the benefit of improving visibility for drivers leaving No.106.

It was also noted that for vehicles approaching the bend in the road along Racecourse that the open triangle of land with maintained grass on the inside of the bend would facilitate views along the frontage of the site, and that vehicles approaching the corner would need to slow down, which would provide adequate forewarning of manoeuvring vehicles associated with the use of the development.

For the reasons set out above the Inspector concluded that the proposal would not cause elevated highway safety concerns and that the proposal would thereby be consistent with the Planning Policy Framework which requires development to deliver safe and suitable access for all users.

Other considerations raised by local residents were considered by the Inspector, such as the proximity of the proposal to the local school and the impact on wildlife, however these matters were considered to carry only limited weight in against the proposal.

For these reasons the appeal was allowed, subject to conditions.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01103/FUL>

**Recommendation**

That the appeal decision be noted.

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 12<sup>th</sup> October 2021, of the progress in relation to the pursuance of breaches of planning obligation secured through planning permission reference 11/00284/FUL for the erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale.

**RECOMMENDATION**

**That the information be received.**

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

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

Further to update on 12<sup>th</sup> October, officers have been advancing the Council's case through correspondence and conversation with the parties concerned and as appropriate, officers will provide an update at the meeting.

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

Date report prepared: 26<sup>th</sup> November 2021

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