

Public Document Pack

Date of meeting Thursday, 6th January, 2022
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE, CHESTERTON. GLEESON DEVELOPMENTS LIMITED & LAND IMPROVEMENT HOLDINGS. 21/00655/FUL** (Pages 7 - 24)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - FORMER CAR SHOW ROOM, BLACKFRIARS ROAD, NEWCASTLE-UNDER-LYME. STAFFORDSHIRE TRIUMPH. 21/00969/COU** (Pages 25 - 32)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. DUCHY HOMES LIMITED. 21/00866/FUL** (Pages 33 - 40)
- 7 APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE. ABODE RESIDENCIES. 21/01070/FUL** (Pages 41 - 50)
- 8 5 BOGGS COTTAGE, KEELE, 14/00036/207C3** (Pages 51 - 52)
- 9 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** (Pages 53 - 54)
- 10 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMITTEE

Tuesday, 7th December, 2021
Time of Commencement: 7.00 pm

[View the agenda here](#)

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Present: Councillor Andrew Fear (Chair)

Councillors:	Marion Reddish	Gillian Williams	Helena Maxfield
	Silvia Burgess	John Williams	Paul Northcott
	Dave Jones	Jennifer Cooper	Mark Holland

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

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillors' Maxfield and Owen.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 9 November, 2021 be agreed as a correct record.

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**

Resolved: (A) That, Subject to the applicant first entering into a Section 106 obligation by agreement by 28th 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

The application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Construction environmental management plan
- (v) Artificial lighting
- (vi) Acoustic screening
- (vii) Glazing and mechanical ventilation
- (viii) Details of retaining structures
- (ix) Arboricultural Method Statement
- (x) Schedule of works for retained trees
- (xi) Landscaping scheme
- (xii) Details of hedgerow retention
- (xiii) Boundary treatments
- (xiv) Details of visibility splays
- (xv) Provision of accesses, internal site roads, parking and turning areas
- (xvi) Submission of details of surface water drainage and surfacing materials
- (xvii) Delineation of parking bays
- (xviii) Details of off-site highway works
- (xix) Accesses to remain ungated
- (xx) Retention of garages for parking of vehicles and cycles
- (xxi) Cycle storage
- (xxii) Surface water drainage scheme
- (xxiii) Protected species mitigation
- (xxiv) Retention of the existing boundary hedgerow at a height greater than that of the acoustic fence
- (xxv) Affordable housing provision
- (xxvi) Waste and recycling storage and collection arrangements;
- (xxvii) 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.

[Watch the debate here](#)

5. **APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE-UNDER-LYME COLLEGE, KNUTTON LANE. IAN HOOKWAY, NEWCASTLE AND STAFFORD COLLEGE. 21/00705/FUL**

Resolved: That a decision on the application be deferred until the 4 January meeting, to allow additional information to be submitted and the views of the LLFA to be obtained and for such views to be taken into consideration by the Planning Committee in its decision.

[Watch the debate here](#)

6. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. DUCHY HOMES LIMITED; 21/00866/FUL**

Resolved: That a decision on the application be deferred until the 4th January meeting, to allow the views of Madeley Parish Council and the Landscape Development Section to be obtained and for such views to be taken into consideration by the Planning Committee in its decision.

[Watch the debate here](#)

7. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET KEELE. SEDDON HOMES. 21/00952/FUL**

Resolved: That the application be permitted subject to receipt of plans amending the position of the affordable housing and subject to the undermentioned conditions:

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

[Watch the debate here](#)

8. **APPLICATION FOR OTHER DEVELOPMENT - KIDSGROVE RAILWAY STATION, STATION ROAD, KIDSGROVE. EE LTD. 21/01006/TDET**

Resolved: (a) That prior approval is required, and
(b) That such prior approval be granted

[Watch the debate here](#)

9. **APPEAL DECISION - LAND AT STORE GARAGES 1 AND 2 STATION ROAD, NEWCHAPEL. 19/01012/FUL**

Members were advised of a typing error in the report. The appeal was allowed for a temporary period to December, 2025.

Resolved: That the appeal decision be noted.

[Watch the debate here](#)

10. **APPEAL DECISION - LAND AT 106 PARK ROAD, SILVERDALE. 20/01103/FUL**

Resolved: That the appeal decision be noted.

[Watch the debate here](#)

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**

Resolved: That the information be received.

[Watch the debate here](#)

12. **URGENT BUSINESS**

There was no Urgent Business.

**CLLR A FEAR
Chair**

Meeting concluded at 7.56 pm

LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE, CHESTERTON
GLEESON DEVELOPMENTS LIMITED & LAND IMPROVEMENT HOLDINGS

21/00655/FUL

The application seeks full planning permission for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks.

The site has previously been subject to mineral extraction but it is un-restored and has re-naturalised since the mineral extraction ceased. Therefore, it represents a Greenfield site.

The application site, of approximately 16.1 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the Green Belt, as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for this application expired on the 27th September but the applicant has agreed an extension of time to the statutory determination period to the 14th January 2022.

RECOMMENDATIONS

A. Subject to the receipt of amended plans to demonstrate an acceptable level of on-site open space provision for the development by the date of the Committee meeting, and

B. Subject to the applicant first entering into a Section 106 obligation by the 18th March 2022 to secure undertakings to carry out earthworks to restore the land affected by former quarrying and to oblige the owner not to further implement a permission for clay extraction; a residential travel plan monitoring fee of £7,000; a management agreement for the long term maintenance for the open space on-site; a financial contribution of £140,000 towards the improvement and maintenance of off-site public open space and/ or Apedale Country Park; and a review mechanism of the scheme's ability to make a more or fully policy compliant obligations, including the provision of affordable housing, if the development is not substantially commenced within 24 months from the date of the decision, and the provision of such affordable housing if then found financially viable,

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

- 1. Standard time limit for commencement of development;**
- 2. Approved plans;**
- 3. Facing and roofing materials;**
- 4. Boundary treatments;**
- 5. Hardstandings;**
- 6. Provision of access, internal roads, private drives and parking areas;**
- 7. Surfacing materials and surface water drainage for the private drives and parking areas;**
- 8. The provision of a footway on the southern side of Apedale Road from the site access to the junction of Audley Road / Castle Street;**
- 9. Garages retained for vehicle parking;**
- 10. Secure cycle storage;**
- 11. Electric vehicle charging provision;**
- 12. Residential Travel Plan Framework;**
- 13. Highway & Environmental Construction Management Plan (CMP);**
- 14. Tree protection measures;**
- 15. Implementation of soft landscaping masterplan;**
- 16. Archaeological investigation and implementation;**
- 17. Land contamination remediation;**
- 18. Ground gas investigations;**
- 19. Unexpected land contamination;**
- 20. Prior approval of soil/ material importation;**
- 21. Flood risk mitigation measures;**
- 22. Detailed surface water drainage scheme;**
- 23. Ecological mitigation measures;**
- 24. Waste storage and collection arrangements**
- 25. Noise mitigation measures for plots 1-5 and plots 327-330**
- 26. Noise management and mitigation measures during construction.**

C. Should the matters referred to in (B) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendations

Whilst the site is Greenfield, the redevelopment of the site for housing, which would make a significant contribution to the Councils housing supply, within a sustainable urban location, accords with local and national planning policy. The scheme is considered acceptable in terms of its design, its impact on the landscape, highway safety and trees. Subject to an acceptable level of on-site public open space being

secured, along with a number of appropriate conditions, the development represents a sustainable form of development and should be supported.

It is accepted, following the obtaining of independent financial advice, that a policy compliant scheme is not viable and that the scheme can only sustain a certain level of contributions but the benefits of the development are considered to outweigh the harm caused by the additional demand created by the development on the area. A Section 106 agreement is required to secure appropriate and justified S106 Obligations, including financial contributions which can be afforded, along with a viability review mechanism should substantial commencement not be achieved promptly.

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

The LPA has engaged in pre application discussions with the applicant and officers of the Authority have requested further information throughout the application process and the applicant has subsequently provided amended and additional information.

KEY ISSUES

1.1 The application seeks full planning permission for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks.

1.2 The application site, of approximately 16.1 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the site of the White Rock Community Facility proposal, and the Green Belt all as indicated on the Local Development Framework Proposals Map.

1.3 The site previously received outline planning permission in December 2014, reference 13/00525/OUT, for a residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks. A reserved matters application was not received and the outline permission subsequently lapsed.

1.3 A section of the site was previously used for mineral extraction however this part of the site is un-restored and has re-naturalised since the mineral extraction ceased. This is the subject of a planning permission granted in 1949 for the working of clay, and deposit of waste materials. A clause in the previous S106 Agreement for the outline permission included undertakings to carry out earthworks to restore the land affected by former quarrying and to oblige the owner not to further implement a permission for clay extraction. The County Council, as the minerals and waste planning authority raise no objections subject to a clause in the S106 Agreement to secure suitable restoration works.

1.4 The application site is located adjacent to a known archaeological feature, namely a Roman Fort adjacent to the neighbouring high school. The application is accompanied by an Archaeological Desk Based Assessment which is again found to be acceptable subject to conditions which secure archaeological mitigation works prior to the commencement of the development.

1.5 Representations received in response to this application have raised issues of devaluation of properties and loss of views. Such matters are not material to the determination of the application. Concern has also been expressed regarding publicity of the application. It is confirmed that the application was advertised by press notice and site notice (five in total) and as such accords with the publicity requirements set out in legislation and with the adopted Statement of Community Involvement.

1.6 The proposed development raises a number of key issues for consideration in the determination of this application, these are:-

1. The principle of the development of this site for residential,
2. The impact of the development on the landscape, including the associated engineering and restoration work and the design of the residential development,
3. The impact of the development on highway safety,
4. Acceptable standards of residential amenity
5. Open space provision,

6. Ecological impacts and implications,
7. Flood risk and sustainable drainage,
8. Planning obligations and financial viability
9. Planning balance

1. Is the principle of the development of this site for residential purposes acceptable?

1.1 The site lies within the urban area on land designated locally as an Area of Landscape Regeneration, which abuts the Green Belt, as indicated on the Local Development Framework Proposals Map. No part of the site meets the definition of previously developed land, as contained within the National Planning Policy Framework (NPPF) and on this basis the land can be referred to as a Greenfield site.

1.2 Saved Policy NLP H1 indicates that planning permission for residential development will only be given in certain circumstances – one of these is where the site lies within the urban area of Newcastle. Residential development on the application site is therefore in accordance with policy H1.

1.3 Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

1.4 Policy ASP5 of the Core Spatial Strategy (CSS) referring to the Kidsgrove and Newcastle urban neighbourhoods sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre).

1.5 It is the case that local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The NPPF also seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

1.6 The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.2 years as at the 31st March 2020. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

1.7 The NPPF has at its core a presumption in favour of sustainable development, in particular it sets out at paragraph 11 that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

1.8 Whilst the site is Greenfield, it is located in the urban area and it is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

1.9 Consideration will be given to whether there are any adverse impacts arising from granting planning permission that would outweigh the benefits of the provision of housing on this site and a conclusion reached at the end of the report regarding the acceptability of the proposed development.

2. The impact of the development on the landscape, including the associated engineering and restoration work and the design of the residential development

2.1 The application site is a former quarry which has revegetated to provide grazing land. The site slopes down (descends), primarily from north-west to south-east with a steep gradient change in a central location within the site, particularly where the quarrying works were primarily undertaken. Therefore, in order to deliver a development on the site a high degree of re-profiling works are required to form development plateaus. This will require a “cut and fill” exercise and the development will need to be delivered in phases over a number of years. Given that this site is in a coal mining low risk area for development there is no basis upon which it could be concluded that the ground conditions of the site are not suitable for the proposed use.

2.2 The submitted design and access statement (DAS) sets out that the proposed site layout is designed around a clear hierarchy of roads which runs from the proposed access point into a devolving root/branch formation, including a combination of estate roads and shared private access roads/ cul-de-sacs. The site has been designed to include a good number of varied house types, with two distinct character areas to improve the aesthetic vernacular of the scheme and to create both interest and to reflect the existing vernacular of the surrounding area.

2.3 Paragraph 126 of the recently published revised National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 130 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

2.5 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

2.6 The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF. The design has evolved and enhancements have been made to the scheme to ensure that the scheme proposed is the best design for the site when considering the engineering and deliverability challenges encountered.

2.7 The proposed scheme demonstrates an acceptable level of design quality in terms of the individual house types proposed and the variety of the street scenes throughout the development. The concept of two different character types throughout the development is supported and will help to break up the street scenes visually and add architectural interest to the development. The mix of two different red facing bricks, with buff contrasts, would add interest to the street scene also. Soft landscaping and the avoidance of large expanses of frontage car parking will further supplement the appearance of the proposed development.

2.8 The site forms part of the Area of Landscape Regeneration (saved NLP policy N22). This policy states the Council will support, subject to other plan policies, proposals that would regenerate the landscape appropriate to its urban or rural location, and that where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.

2.9 The topography of the site and the immediate and wider landscape will result in the proposed development being particularly prominent. The introduction of 330 new dwellings into the landscape will undoubtedly result in a noticeable change in the character and appearance of the landscape. However, the development will be viewed within the context of the existing residential estate to the east and it is considered that the proposed development, due to its appropriate layout and the quality of the house types proposed, would sit comfortably adjacent to the neighbouring and established residential estate. Furthermore, the proposed development would be viewed within the context of the built development on the adjacent industrial estate the west.

2.10 The site is characterised by vegetation and includes a number of good quality trees that will need to be removed due to the level of ground works required and the extent of the proposed development. However, some trees will remain on the site boundaries and the application includes a landscape masterplan which includes tree planting. The proposed development will also be broken up by on-site areas of open space, albeit primarily towards the lower lying areas towards the south west of the site.

2.11 It is acknowledged that the development would be a noticeable encroachment into the open landscape but the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Councils Urban Design Guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

3. The impact of the development on highway safety

3.1 Paragraph 110 of the NPPF states that in assessing specific applications for development it should be ensured, amongst other things, that appropriate opportunities to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

3.3 The development proposes 330 new dwellings with a single point of vehicular access onto Apedale Road. The proposed access would utilise an unused but existing gated access.

3.4 It is relevant to note that outline planning permission has previously been approved on the site. This permission secured the access arrangements for up to 350 dwellings on the site. However, that development had different access arrangements onto Apedale Road and secured a number of other highway benefits to mitigate the impact of the development, including improvements to the junction of Apedale Road with Castle Street and substantial financial contribution towards bus service provision within the site and other transport improvements.

3.5 It is believed that the improvements to the Apedale Road and Castle Street junction have previously been completed but in all other respects the proposed development does not secure the same highway benefits as the outline planning permission did.

3.6 A number of objections to the application have been received raising significant concerns about the impact of the proposed development on Apedale Road, in particular the impact of congestion and associated highway safety implications due to the proposed volume of traffic using the narrow road. Similar concerns are raised about the impact on the surrounding highway network.

3.7 The application is supported by a transport assessment (TA) and travel plan (TP). The TA includes trip generation data and assessments for 330 new dwellings, along with junction capacity information for key junctions in the surrounding area. This includes the proposed T-Junction from Apedale Road which will serve the 330 dwellings. Furthermore, the results of the off-site junction capacity assessments confirm that the additional traffic arising from the development during peak periods (08:00-09:00 and 17:00-18:00) of operation does not impose a detrimentally severe level of operational impact upon all

of the modelled junctions. The data is based on a worst-case scenario and includes relevant growth assumptions also.

3.8 The Highways Authority has raised no objections to the application on the basis that the applicant has demonstrated that the proposed development would not have a 'severe' impact on the operation of the highway network, which is the test that is set out at paragraph 111 of the NPPF. They are satisfied that a single point of access onto the site is acceptable and that a second access onto Palatine Drive is not required. Furthermore, it is set out that the roads are intended for adoption and will be designed in accordance with the Staffordshire Residential Design Guide regarding the road layout and gradients.

3.9 The Council's waste management section highlighted a number of issues with the layout of the scheme, in particular road adoption and the lack of swept path details for a refuse vehicle. In response to these concerns a road adoption plan has been submitted, along with a swept path plan. Such information shows that other than a small number of short, private drives, the internal accesses are to be adopted and demonstrates that a waste vehicles can access all properties and manoeuvre within the site. Collection and storage arrangements for the dwellings can be secured by suitably worded condition.

3.10 Whilst it has been concluded that the proposed development would not have a 'severe' impact on the operation of the highway network it is also important to ensure that sustainable development objectives are achieved to further minimise the impact of the development. Importantly, paragraph 112 of the NPPF sets out that applications for development should;

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and facilitate and encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

3.11 The site is within the urban area and within walking and cycling distance of existing amenities and services, including shops, employment opportunities, schools and public transport provision. However, the topography of the area presents a number of challenges for future residents of the site and your officers have sought a number of connectivity improvements to the wider area which should encourage and promote non-car use. These improvements will help to encourage walking and cycling, particularly to the north and east.

3.12 The connectivity improvements include a cycle and pedestrian link from the development to Horatius Road which will allow direct access to Loomer Road and the wider employment opportunities and connections of Lyndale Business Park. Off-site footpath improvements are also proposed along the south side of Apedale Road which will provide a continuous footpath from the development to existing footpaths so that future occupiers of the proposed development can walk to the village centre of Chesterton, the school and bus services.

3.13 In terms of public transport opportunities, the nearest bus stops are on Audley Road and within Chesterton village centre. HA confirm that the introduction of a new bus service along Apedale Road to serve the site has been considered via a Section 106 contribution to provide a service for a period up to 5 years. However, they consider that this option would not be sustainable in the long term because after the 5-year period expires bus operators are unlikely to continue to provide a specific service to serve the development. Therefore a contribution is not justified.

3.14 The application is supported by a residential travel plan, as encouraged by the NPPF, which can be secured by condition and a monitoring fee will be secured via A S106 Agreement. The travel plan provides a number of benefits for a development of this scale for example the provision of Travel Welcome Pack. Fundamentally its purpose is to reduce unnecessary car use, raise awareness of the travel options available for residents and make sustainable travel easier and more attractive. The travel

plan will be monitored by the County Council for a number of years and future residents can be involved in the monitoring process.

3.15 The proposed layout demonstrates that 803 off road car parking spaces can be provided within the site. This is considered to represent an acceptable level of car parking for the number of units proposed in this location and so the proposal complies with the requirements of Policy T16 of the Local Plan. Furthermore, a condition to secure electric vehicle parking provision for each dwelling is necessary to meet sustainable development objectives.

3.16 HA have suggested a number of conditions to make the development acceptable, including the submission and approval of a construction management which needs to set out, amongst other things, the routing of construction vehicles and the timing of deliveries. The conditions will make the development acceptable and in the absence of any evidence that the proposed development would result in a severe impact on highway safety, it is considered that the proposed development accords with the guidance and requirements of the NPPF.

4. Acceptable standards of residential amenity

4.1 Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

4.3 There are existing residential properties that front Apedale Road and share a boundary with the proposed development. The separation distances between the existing dwellings and proposed dwellings (plots) in this part of the site are acceptable.

4.4 There are also existing residential properties beyond the eastern, southern and western boundaries but the proposed development again demonstrates acceptable separation distances, in accordance with the Council's SPG.

4.5 Furthermore, the proposed development demonstrates acceptable separation distances and relationships between plots, particularly for plots that occupy a central position within the development where the difference in ground levels is significant. All plots will also have an acceptable amount of private amenity space.

4.6 The application site is also adjacent to Rowhurst Industrial Estate and the application is supported by a Noise Assessment Report (NAR) which assesses the impact of neighbouring uses, including the industrial estate, Ibstock brickworks and the highway network in the area, on the future occupiers of the plots.

4.7 The NAR sets out that noise mitigation measures will be required to protect the living conditions and quality of life of future occupiers of the proposed development due to the varied noise impacts from neighbouring land uses and operations. The mitigation measures will primarily be for plots that front, or are in close proximity to Apedale Road, namely plots 1-5 and plots 327-330.

4.8 A development of this nature and scale will also result in noise impact during earthworks and construction phases of the development which are likely to be over a number of years. The NAR advises that mitigation measures will be required to minimise the impact on the amenity of the area and whilst broad principles are discussed the NAR advises that specific management and mitigation measures will need to be agreed.

4.9 The application is also supported by an Air Quality Assessment which concludes that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives and as such is in accordance with all relevant national policy.

4.10 The Environmental Health Division, who normally provides advice on these matters have not provided any comments on the planning application but it is considered that planning conditions will be required to protect the living conditions and quality of life of existing residents and the future occupiers of the proposed development. Subject to these conditions the development is in accordance with the NPPF, in particular paragraphs 130 and 185 of the NPPF.

5. Open space provision

5.1 Saved NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured.

5.2 The Councils Open Space Strategy adopts the Fields in Trust guidelines for equipped play space for developments of this size. It sets out that the development needs to provide a Local Area for Play (LAP), a Locally Equipped Area for Play (LEAP) and a Multi-Use Games Area (MUGA), along with a financial contribution towards the nearest Neighbourhood Area for Play (NEAP). The nearest and most accessible NEAP in this instance is Loomer Road.

5.3 The Landscape Development section (LDS) has raised issues with the level of on-site public open space and discussions about acceptable provision are ongoing. These discussions have not yet been concluded but acceptable on-site provision and a contribution towards off site public open space are being explored. An update on these discussions, acceptable provision and the submission of amended plans will be provided prior to the committee meeting.

6. Ecological Impacts and Implications

6.1 Policy CSP4 of the Core Strategy states that “the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character”.

6.2 Paragraphs 174 & 180 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

6.3 The application is supported by a Preliminary Ecological Appraisal Report which has identified that a variety of habitats exist on the site including unmanaged broad-leaved woodland, hedgerows, species-poor grassland habitats, numerous ponds and scattered scrub within the site. It is clear from the site surveys undertaken by the applicant's consultant that the site supports a wide range of protected species. Therefore, further site surveys have been undertaken which update the ecological surveys that were undertaken for the previous outline planning application.

6.5 A number of objections to the application have been received due to the impact and loss of wildlife, protected species and habitats. Staffordshire Wildlife Trust (SWT) have asked for further time to provide consultation comments and these are expected prior to the committee meeting.

6.6 Subject to no fundamental objections being received from SWT, it is accepted that the impact of the proposed development on the habitat of protected species can be adequately mitigated. It has been demonstrated that the proposed development can provide opportunities for ecological enhancements, which would build on those already provided since the previous outline planning permission. It therefore meets the guidance and requirements of the NPPF.

7.0 Flood risk and sustainable drainage

7.1 The application has been accompanied by a Flood Risk Assessment, which includes a drainage strategy, (FRA). The drainage strategy incorporates a sustainable urban drainage strategy scheme (SuDS).

7.2 The FRA identifies that the majority of the site is within Flood Zone 1 being an area of low probability (of flooding) with the lower lying sections of the site being in Flood Zones 2 and 3 adjacent to the route of the Lyme Brook. Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF and the submitted plans demonstrate that all residential properties will be within Flood Zone 1.

7.3 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted on the application. The EA raises no objections subject to the suggested mitigation measures set out in the FRA and they therefore require a planning condition that stipulates that no built development shall be located in Flood Zone 3

7.4 The LLFA originally raised concerns with the FRA and the drainage strategy in particular. However, following the submission of amended and additional information the concerns of the LLFA have been overcome and subject to a condition which secures a detailed surface water drainage scheme for the site, the development will be acceptable and minimise flood risk, in accordance with local and national planning policy.

8. Planning obligations and financial viability

8.1 The previous outline planning permission secured a number of planning obligations to make the development acceptable, these were;

- a contribution of phased payments towards the Newcastle (urban) Transport and Development Strategy (NTADS),
- a contribution of phased payments towards an extended bus service,
- a contribution of phased payments towards school spaces,
- affordable housing provision,
- either a contribution towards open space maintenance provision or the entering into of a management agreement to secure the long term maintenance of the public open space,
- travel plan monitoring fee,
- a financial viability review mechanism, and
- carry out earthworks to restore the land affected by former quarrying and to oblige the owner not to further implement a permission for clay extraction (as referred to above)

8.2 The secured obligations were for a development of 350 new dwellings and were secured following independent financial advice. However, the outline planning permission subsequently expired and the S106 Agreement therefore did not take effect.

8.3 The proposed development is now for the construction of 330 new dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks.

8.4 The applicant identified at an early stage during pre-application enquiry discussions that the scheme could not support the likely planning policy compliant S106 obligations that would be generated by the proposed development due to the high level of abnormal costs associated with ground remediation necessary to deliver a development on the site, which equate to approximately £7.1 million.

8.5 Any S106 Obligations, in order to be lawful, must be:-

- 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

8.6 The Education Authority states that the development would not justify an education contribution as there are projected to be a sufficient number of school places to mitigate the impact of the development at both primary and secondary phases of education.

8.7 Policy CSP6 of the CSS states that residential development within the urban areas will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. This application proposes 330 dwellings and 83 affordable dwellings is required to make the development accord with policy.

8.8 The development is proposing on-site open space in the form of a number of play areas and the long term management and maintenance of these areas will need to be secured by a S106 Agreement to ensure that acceptable provision is provided for future residents and mitigate the impact of the development accordingly. A financial contribution towards the NEAP at Loomer Road is also sought. Your officers are currently in discussions with LDS about this aspect of the development.

8.10 Staffordshire County Council's Rural Development Officer has commented on the application and advises that a development of 330 new dwellings in such close proximity to Apedale Community Country Park and its infrastructure, will increase visitor pressure across these areas. Therefore, a developer contribution, to help offset impacts from the proposed development, for the increased usage of the country park is suggested. They have identified possible suitable projects and costs and your officers are currently in discussions with them about this aspect of the development.

8.11 A financial viability appraisal has been submitted by the applicant and independent financial advice has been sought and has now been received by the Authority. The report of Butters John Bee (BJB) confirms that two factors affect the financial viability of the scheme, these being the level of abnormal costs and the sales values, which are only marginally higher than build costs. It is therefore concluded that the scheme is not sufficiently viable to provide any on-site affordable housing but a financial contribution amount of £100,000 – £200,000 can be provided.

8.12 The conclusions of BJB as to the level of financial contribution that the development can support clearly fall short of the S106 Obligations secured in the previous outline permission, as set out at paragraph 8.1, but it has to be acknowledged that the previous permission could not be delivered and one factor is likely to have been financial viability due to the level of works required to deliver a development and the associated abnormal costs.

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

8.14 The applicant's position is that their financial viability assessment concludes that the scheme can only support a maximum of £136,280 to be allocated to financial contributions. Therefore, this figure sits within the parameters of the conclusions reached by BJB, which is less precise. Therefore, your officers accept that, without a more precise figure from BJB, the figure of £136,280 can be accepted but in the circumstances it is reasonable to round it up to £140,000.

8.15 In terms of the preference for affordable housing and POS/ Country Park improvements the Council has no agreed formal "hierarchy of need" in its Developer Contributions SPD. The NPPF also offers no such preference.

8.16 The advice of the Housing Strategy Section has been sought regarding affordable housing but no comments have been received.

8.17 A contribution towards the improvement of off-site public open space and/or the Country Park would seek to mitigate the impact of the development on these areas and your officer would suggest

that in this case the financial contribution should be used to improve and maintain the identified POS and Country Park, instead of providing affordable housing.

8.18 Market conditions and viability can change over time and it is reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within two years, owing to the re-profiling works required, of the grant of the permission, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would need to be also secured via the Section 106 agreement.

9. Planning balance

9.1 The proposed development would provide 330 new houses in the urban area and it has been demonstrated that the design and appearance of the scheme would not harm the visual amenity of the area. The scheme would increase the housing mix in the Borough and make a significant boost to housing supply in a sustainable urban area.

9.2 It is accepted that there would be some harm caused by the development, namely the development of a Greenfield site and the impact on the associated wildlife and trees, along with the impact on the landscape and increased traffic movements. The lack of policy compliant affordable housing also weighs against the proposal. However, on balance, it is accepted that the identified impacts will only be minor and they would not significantly and demonstrably outweigh the identified benefits of the proposal. Accordingly the proposal complies with the requirements of paragraph 11 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required S106 obligations are secured and obtained to address infrastructure requirements, alongside appropriate conditions are used, as recommended

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 ASP5	Newcastle and Kidsgrove Urban Neighbourhoods 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 C4:	Open Space in New Housing Areas
Policy C21:	White Rock – Apedale Road
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy N22:	Area of Landscape Regeneration
Policy B3:	Other Archaeological Sites
Policy IM1:	Provision of essential supporting infrastructure and community facilities.

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](#)

Outline planning permission, reference 13/00525/OUT for a 'Residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks', was approved in December 2014 but no subsequent reserved matters application was submitted and as a consequence, the permission lapsed.

Views of Consultees

The **Education Authority** advises that there are projected to be a sufficient number of school places both in the catchment area and/or wider cluster areas to mitigate the impact of this development at both primary and secondary phases of education. Therefore, an education contribution is not being sought and the proposed development is acceptable from an education perspective.

Staffordshire County Council's Historic Environment Team advises that previous archaeological works within the application site, which have included geophysical survey and archaeological trial trenching, have provided evidence to suggest that remains survive within specific areas of the site which are likely to relate to 1st to 2nd Century Roman domestic activity contemporary with the nearby Chesterton Roman fort.

The application is supported by an Archaeological Desk Based Assessment (ADBA) that provides a useful understanding of the developmental history of the site, previous archaeological works within the site, and the potential archaeological impact of the proposals. Therefore no objections are raised, subject to a pre commencement condition that secures the submission and approval of a written scheme of archaeological investigation.

Staffordshire County Council's Rural Development Officer advises that there are concerns that the development of 330 new dwellings in such close proximity to Apedale Community Country Park and its infrastructure, which includes impacts on the path network (containing a number of Public Rights of Way), as well as on areas of ecological sensitivity, will increase visitor pressure across these area. Therefore, a developer contribution, to help offset impacts from the proposed development, to mitigate for this increased usage of the country park is suggested.

Natural England advises that they have no comments to make on the application but their Standing Advice applies.

The Council's **Waste Management Section** has highlighted a number of issues with the layout of the scheme and how this would affect waste collection and storage arrangements.

The **County Highway Authority** initially recommended the application for refusal due to insufficient information but following the submission of amended and additional information and plans they now raise no objections subject to conditions which secure the following;

- Provision of access, internal roads, private drives, and parking areas,
- Surfacing materials and surface water drainage of private drives, and parking areas,
- The provision of a footway on the southern side of Apedale Road from the site access to the junction of Audley Road / Castle Street,
- Secure weatherproof cycle parking for plots without a garage,
- Garages retained for vehicle parking,
- Residential Travel Plan Framework, and
- Construction Management Plan (CMP).

A travel plan monitoring fee of £7,000 is requested and secured via a S106 Agreement.

The **Lead Local Flood Authority** raises no objections following the submission of additional information. However, they request a condition which requires a detailed surface water drainage scheme to be submitted for approval prior to any development commencing on site.

United Utilities raised no objections to the proposal subject to conditions to secure a surface water drainage scheme and the draining of foul and surface water from separate systems.

Staffordshire County Council as the **Minerals and Waste Authority** advises that the site is a former clay quarry, which has not been worked in recent times, and has naturally revegetated to provide grazing land. They advise that the site falls almost entirely within the Mineral Safeguarding Area (MSA) for Brick Clay, as defined in the Minerals Local Plan for Staffordshire (2015 – 2030). In addition, the major part of the application site is subject to a planning permission granted in 1949 for the working of clay, and deposit of waste materials.

There are no objections to the application on the basis that the proposed development will not lead to the permanent sterilisation of significant mineral reserves. It is recommended that appropriate works are incorporated into the development to ensure the satisfactory restoration of the whole site and the safeguarding of protected species and enhancement of their habitats as well as an agreement secured that there is no further implementation of the mineral permission. The County Council will also need to pursue a separate application for Prohibition Order to prohibit the resumption of mineral working.

The **Environment Agency** raises no objections to the proposed development on the basis of the revised Flood Risk Assessment but they recommend a condition that the development is carried out in accordance with the revised FRA and no built development shall be carried out in Flood Zone 3.

The **Environmental Health Division** have responded in respect of contaminated land matters only and raise no objections subject to conditions which secure appropriate mitigation and remediation measures.

The **Crime Prevention Design Advisor** advises that the proposed development has some notable positive proposed layout elements that should substantially reduce opportunities for crime and anti-social behaviour. A number of other crime prevention design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Comments of **Staffordshire Wildlife Trust** are awaited.

Comments were also invited from the **Councils Housing Strategy Section, Economic Regeneration, Planning Policy, United Utilities and the Greater Chesterton Locality Action Partnership (LAP)** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

Twenty Two (22) letters of representation have been received raising objections on the following grounds;

- Apedale Road is too narrow and cannot support an additional 330 houses - it will exacerbate existing highway safety issues, in particular on street car parking and congestion,
- Apedale Road is restricted to a maximum 7.5t vehicle,
- Traffic monitoring is not accurate because it was carried out during 'lockdown',
- An additional access onto Palatine Drive should be considered,
- Apedale Road, Audley Road Victoria Street is already a busy junction,
- Increased danger from speeding cars,
- Parts of Apedale are privately owned,
- Chesterton does not have sufficient infrastructure for the proposed development, in particular schools and doctors,
- Negative impact and loss of wildlife, including protected species
- The visual impact of the development will be negative,
- The proposals do not restore the character or improve the quality of the landscape, as required by Policy N21,
- Loss of privacy to existing properties,
- Loss of views,
- The site floods and is a flood risk,
- Other brownfield sites are more suitable for development,
- Lack of publicity,
- Devaluation of property prices,
- Noise and pollution during construction,
- Air pollution poses a real risk to the health of existing residents,
- Loss of greenspace and grazing land,
- Ground instability from coal mining activities,
- There is no need for more housing in Chesterton,

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00655/FUL>

Background Papers

Planning File

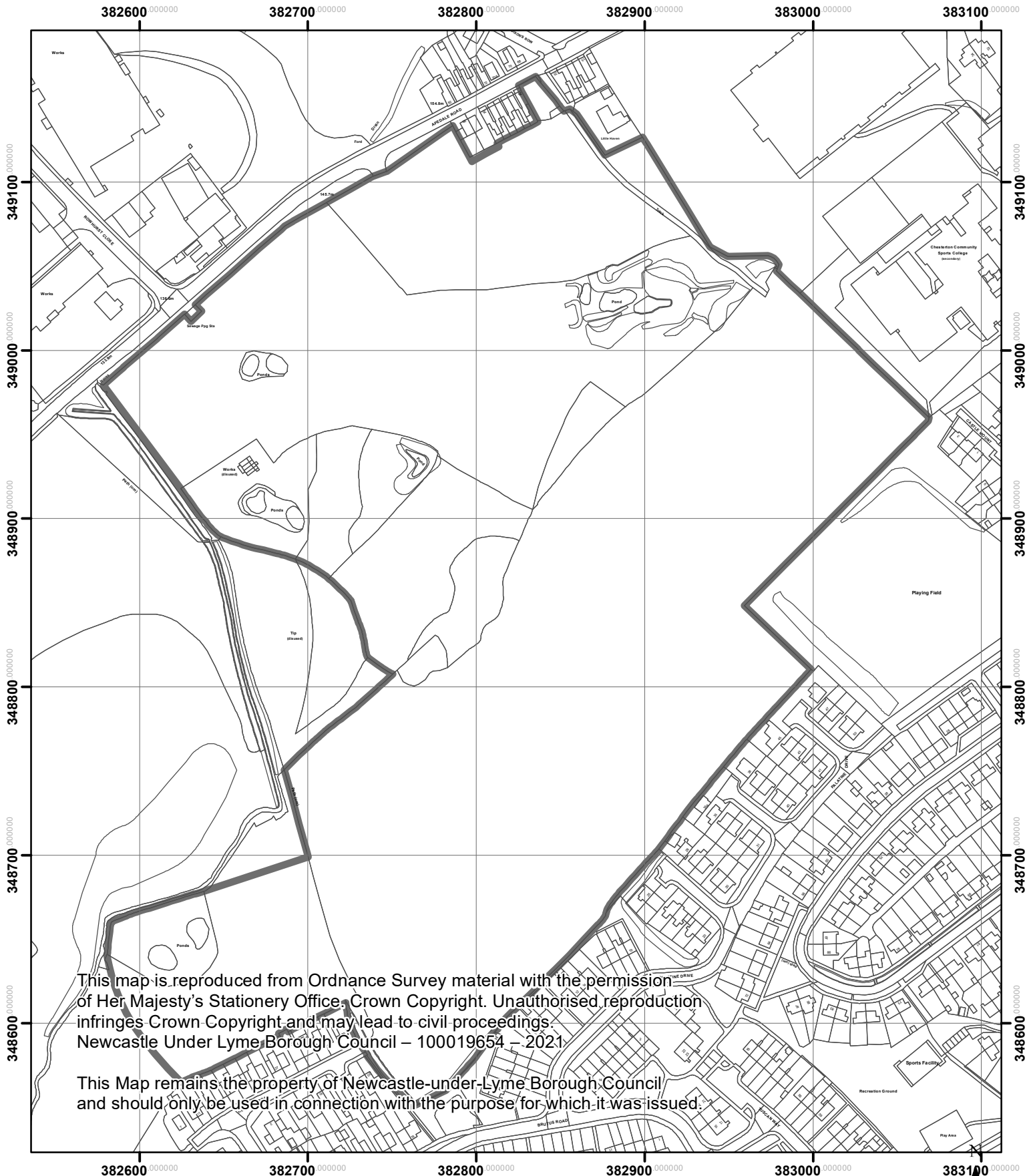
Development Plan

Date report prepared

17th December 2021

21/00655/FUL

Land Between Apedale Road And Palatine Drive, Chesterton



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FORMER CAR SHOW ROOM, BLACKFRIARS ROAD, NEWCASTLE-UNDER-LYME
STAFFORDSHIRE TRIUMPH

21/00969/COU

Planning permission is sought for the change of use of a former retail store to a motorcycle dealership including sales, servicing, repairs and MOTs.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. In the Newcastle Town Centre Supplementary Planning Document the site lies within the Pool Dam Waterside Quarter.

The 13 week period for the determination of this application expires on 10th January 2022.

RECOMMENDATION

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

- i. Commencement time limit**
- ii. Approved plans**
- iii. Provision of parking, turning and service areas**
- iv. Provision of cycle storage**
- v. Restriction on hours of opening and deliveries**

Reason for Recommendation

The principle of the proposed change of use is considered acceptable in this sustainable location. Subject to the imposition of conditions there would be no adverse impact on 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

This is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and therefore, no amendments were sought.

Key Issues

Planning permission is sought for the change of use of a former retail store to a motorcycle dealership including sales, servicing, repairs and MOTs (a sui generis use).

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. In the Newcastle Town Centre Supplementary Planning Document the site lies within the Pool Dam Waterside Quarter.

No external alterations are proposed and therefore the proposal would have no adverse impact on the character and appearance of the area. The key issues in the determination of the application are:

- Is the principle of the proposed use acceptable?
- Is the proposal acceptable in terms of highway safety?
- Would there be any adverse impact on residential amenity?

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

Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The application is within the Pooldam Waterside Quarter as defined in the Town Centre SPD. The SPD states that this represents a new growth area for the Town Centre and development should create active frontages and additional public realm rather than a mass of impenetrable development.

In this case, the application is for a change of use of the existing building and therefore the guidance in the SPD is largely not relevant.

The site comprises previously developed land in a sustainable location. The site is very accessible by foot with good pedestrian infrastructure in place in the vicinity of the site. Bus stops are located adjacent to the site which provide frequent bus services to a range of destinations including Newcastle-under-Lyme Town Centre. Local bus services also provide access to Stoke-on-Trent Rail Station allowing travel by sustainable transport to destinations further afield.

It is considered that the site provides a sustainable location for the proposed use that would accord with the aims and objectives of the NPPF.

Is the proposal acceptable in terms of highway safety?

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

The NPPF, at paragraph 111, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

The site has an existing vehicular access off Blackfriars Road which would continue to be used and 19 parking spaces are proposed. The Highway Authority raises no objections to the development stating that due to the proximity to two bus stops and two public car parks, the number of parking spaces would be acceptable. The average daily number of vehicle movements generated by the proposal would not be significantly different to that generated by the previous use and it is also acknowledged that the site has been used as a car showroom before.

Subject to the imposition of conditions, it is not considered that the proposal would have any adverse impact on highway safety.

Would there be any significant adverse impact on the amenity of neighbouring residential properties?

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 185 of the NPPF also states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The application site is in a mixed use area with student accommodation to the west, a car park to the east and primarily commercial units to the north and south. The permission for the previous use of the site was subject to a condition restricting hours of deliveries. Such a condition is considered necessary now in addition to a condition limiting operational hours. No objections have been received from the Environmental Health Division and given the location of the property, the nature of the surrounding uses and the fall-back position of the former use of the site, and subject to the imposition

of conditions, it is not considered that there would be any significant adverse impact on residential amenity.

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 SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3: Sustainability and Climate Change

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

Policy T16: Development - General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

[Newcastle Town Centre SPD \(2009\)](#)

[Relevant Planning History](#)

88/17198/N	Erection of new garages, showrooms and workshops and covered used car area – Approved
18/00179/FUL	Change of use to an A1 retail unit to be used by The Donna Louise Charity providing 1232m ² of non-food retail floorspace – Approved

[Views of Consultees](#)

The **Highway Authority** has no objections subject to conditions regarding the provision and retention of the parking, turning and service areas and provision of a secure and weatherproof cycle parking storage facility.

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

Staffordshire Police **Crime Prevention Design Advisor** states that the nature of the proposed business suggests that a multi-layered and comprehensive approach to security provision, and robust staff operating procedures/policies will be required to ensure the dealership will be well placed to combat any security threats that it may face. The applicant is directed to relevant security guidance.

[Representations](#)

None received.

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

A Design & Access Statement has been submitted. 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/21/00969/COU>

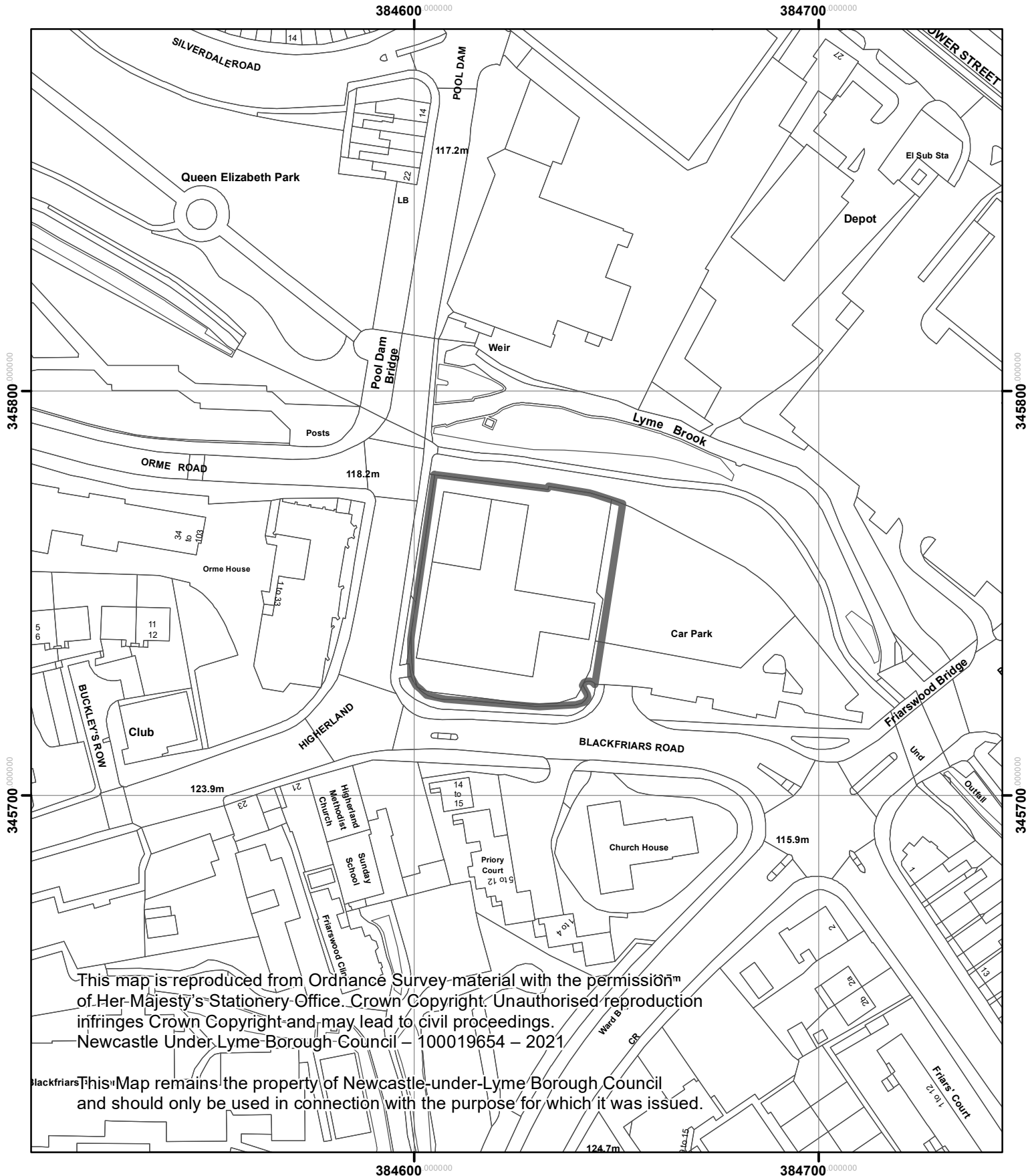
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16 December 2021

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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.

This application was reported to Committee on the 7th December but a decision was deferred to allow the views of Madeley Parish Council and the Landscape Development Section to be obtained following the submission of further amended plans.

The 13 week period for the determination of this application expires on the 14th 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 house builder. The new house builder, 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.

The changes now being sought are primarily to the design of the dwellings (house types) only. Therefore, the road layout 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 house types 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 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the 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 house types 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 minor changes to the design and siting of certain plots have been submitted as part of a revised layout plan. The proposed changes seek to ensure that constraints posed by trees and levels are better reflected in the design.

The views of the Parish Council and LDS are being sought on these changes but ultimately the design of the approved scheme was considered acceptable and your officers consider that the design of the scheme in this proposal has been further improved by the introduction of the new house types 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 house types 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.

The change is to the house types 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 originally raised no objections but their further comments have been sought on the revised plans now submitted.

The **Highway Authority** raises no objections.

The **Landscape Development Section** originally requested that the Arboricultural information is updated to reflect the latest layout in accordance with BS5837:2012.

Their further comments have been sought on the revised plans now submitted.

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>

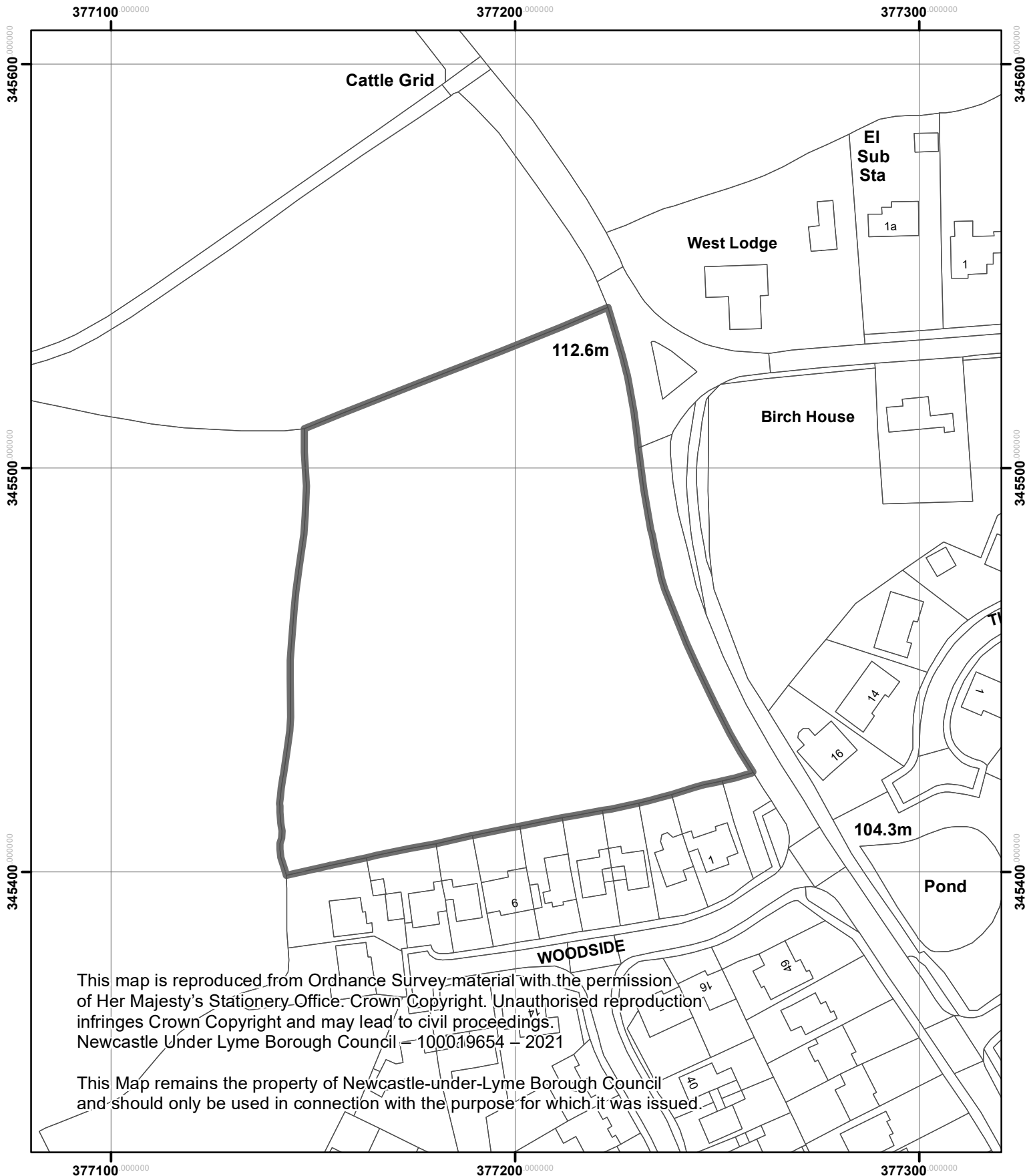
Background Papers

Planning File
Development Plan

Date report prepared

10th December 2021

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ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE
ABODE RESIDENCIES

21/01070/FUL

Full planning permission is sought for the temporary variation of Condition 7 of Application Reference 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 7 restricts occupation of the development to students only and the temporary variation sought is to allow occupation of the accommodation by any person (student or non-student) until 31st August 2024. Planning permission was granted earlier this year for the temporary variation of the condition to August 2022 (Ref. 20/01002/FUL).

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

The 13 week period for the determination of this application expires on the 16th February 2022.

RECOMMENDATION

PERMIT subject to:

1. Variation of condition 7 so that it reads as follows:

7. The development hereby approved shall be occupied by any person (student or non-student) until 31st August 2024 after which date it shall only be occupied by students unless otherwise agreed in writing by the Local Planning Authority.

2. Any other conditions attached to planning permission 16/01106/FUL that remain relevant at this time.

Reason for Recommendation

Given the sustainable location of the site and the provision of a reasonable level of car parking at the site, it is not considered that the highway safety impacts of the occupation of the development by non-students for a temporary period would be so severe to justify a refusal. Given the temporary nature of the application, it is not considered reasonable to request affordable housing provision and given that it is likely that the rooms would remain single person accommodation and that there will be no children among the occupants, it is not considered reasonable to request an additional financial contribution towards public open space.

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

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

Key Issues

Full planning permission is sought for the temporary variation of Condition 7 of Application Reference 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 7 restricts occupation of the development to students only and the temporary variation sought is to allow occupation of the accommodation by any person (student or non-student) until 31st August 2024. Planning permission was granted earlier this year for the temporary variation of the condition to August 2022 (Ref. 20/01002/FUL).

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

In relation to the previous application the applicant highlighted that the onset of the COVID-19 pandemic had had very significant implications for the student accommodation sector, with

significantly reduced occupancy levels being observed. The applicant now sets out that despite the roll out of vaccines, demand for student accommodation continues to be low. The impact of the Covid-19 pandemic on the student accommodation market has been exacerbated by universities now offering their courses online, thereby diminishing the need for students to take up accommodation. Without a more flexible use to the approved accommodation there is a risk of the buildings sitting empty and underused until circumstances return to comparative normality.

It is asserted that the proposed further temporary variation of Condition 7 of 16/01066/FUL will allow the applicant to continue to offer the apartments to non-students as well as students. Following the recent grant of temporary consent under application 20/01002/FUL there has been a notable uptake in occupancy by non-students, in particular by local hospital workers. The site is noted to benefit from very close proximity to the Royal Stoke University Hospital and Harplands Hospital, which reinforces its attractiveness to key workers from those sites. In support of this, a letter from the University Hospitals of North Midlands NHS Trust has been submitted which sets out their support for this proposal. It states as follows:

The recent pandemic has highlighted the great importance of NHS workers to our society and the need to support them. One London Road provides high quality fully furnished accommodation with residential amenities including communal games room, computer room, gym, and cycle storage. Furthermore, the developer would be a preferred supplier by the NHS Trust to provide accommodation for their NHS staff.

The NHS fully support the application for change of use to allow single person's accommodation and for the development to be fully utilised whilst also providing much needed accommodation for the key workers located at the Royal Stoke University Hospital.

The location, just a short walk away from the Hospital c. 300m is ideal for Trust key workers allowing staff to walk/cycle to work as oppose to bus and or private car. Climate change and ways to increase sustainability and to protect the environment has been a key consideration nationally and locally as highlighted within the updated NPPF and specifically Section 14.

Locally, Newcastle-under-Lyme declared a climate change emergency in April 2019 and councillors agreed to take action locally to try and make a difference. The proximity of the accommodation to the hospital is clearly aligned to the broader Council's plans regarding the climate change agenda, reducing the need for travel and promoting sustainable travel by walking/cycle.

The use of One London Road for Trust key workers also supports the Trust in securing accommodation for their staff without the need to relocate on a short-term basis, providing tenants with a sense of place and security. The NHS Trust welcome the aspiration for key work staff to be located together, with tenancies being encouraged to keep like for like tenants together, separate from the students where possible.

In summary, the NHS Trust wholly support the application for change of use of application ref. 16/01106/FUL which would allow for single person's accommodation for Trust key workers in a key location situated 300 m from The University Hospital and the town's shopping area, plus the regular bus service to The University of Keele and Staffordshire University Hospital. As well as ideally located in the town centre with access off the main arterial route.

One London Road would provide high quality accommodation for the NHS Trust key workers, being delivered by a preferred developer of the Trust and in a location where staff can easily walk/cycle to The University Hospital.

Furthermore, a range of tenancy lets are available to allow the key workers to live flexibly.

The Trust fully support this application and welcome the proposals.

The agent concludes that there is a consequently a very clear demand for this type of accommodation and the further temporary variation of Condition 7 of 16/01106/FUL will ensure that this demand can continue to be met, whilst also maintaining flexibility to permit continued occupancy by students.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. 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 it should refuse the application.

The reason given for the imposition of Condition 7 is as follows:

Because affordable housing requirements would otherwise be triggered and to ensure there is no adverse impact upon highway safety in accordance with the requirements of Saved Policies T16, IM1, IM2 of the Newcastle-under-Lyme Local Plan 2011, Policies CSP1, CSP5 and CSP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework.

On this basis, the main issues in the consideration of the application are as follows:

- Is the amount of car parking acceptable?
- Is affordable housing required?
- Is an additional contribution to public open space required?
- Is a planning obligation required?

Is the amount of car parking acceptable?

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

The NPPF, at paragraph 111, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. Paragraph 112 states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second to facilitating access to high quality public transport. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

There are 148 parking spaces at the site which is significantly below the number recommended in the Local Plan car parking standards for residential accommodation for non-students which would be a maximum of 665. In relation to the previous application the Highway Authority had no objections to the proposed variation of condition stating that the site is in a sustainable location in close proximity to the town centre and the main bus station and noting that there are bus stops adjacent to the site on London Road.

In approving the previous proposal, the Council accepted that although the occupation of the building by non-students is likely to lead to more residents owning a car, there are parking spaces at the site and given the sustainable location of the site, the highway safety impacts of the development would not be severe. There has been no material change in circumstances since the previous application was determined and therefore it is considered that the proposal remains acceptable in highway safety terms.

Is affordable housing required?

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.

In relation to 16/01106/FUL, no affordable housing provision (either on-site or an off-site contribution) was required on the basis that the development was for purpose built student accommodation.

The applicant's agent states that given that this proposal is for a temporary variation of the occupancy, with reversion to student occupancy thereafter, it would be unreasonable to require the provision of affordable housing or off-site contributions in such circumstances. They go on to state that no Registered Social Landlord is likely to have any interest in taking on such accommodation for such a limited period of time.

In approving the previous application, the Council accepted that given the particular circumstances here and the temporary nature of the application, it was not considered reasonable to request affordable housing provision. There has been no material change in circumstances since the previous application was determined and therefore it is considered that the same conclusion should be reached now.

Is an additional contribution to public open space required?

In relation to 16/01106/FUL, the financial contribution towards public open space was reduced in recognition that all of the units would be single person accommodation. The standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and includes a play element on the basis that children are likely to be among the occupants. The adjustment that was made was to request 2/5ths of the total and to remove the play element of the contribution.

Given that the rooms would remain single person accommodation, it is very unlikely that there would be children among the occupants. Therefore it is considered appropriate to maintain the adjusted contribution. In any event, this is an application for the temporary variation of the condition and there is no suggestion that the applicant would wish to seek unrestricted occupation on a permanent basis.

On the basis of the above, it is not considered reasonable to request an additional financial contribution towards public open space.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (16/01106/FUL in this case). That previous permission was granted on the 30th October 2017 following the completion of a Section 106 agreement which secured a number of financial contributions towards public open space and public realm improvements, highways and transportation matters as well as a landscaping scheme to the Lyme Valley Parkway boundary.

In some cases, the applicant is required to enter into a Deed of Variation to the original Section 106 agreement to ensure that the Council's interests are protected. In this instance however, there is a clause within the Deed of Variation relating to a previous application (Ref. 20/00557/FUL), which states that in the event that the Council shall at any time grant a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. On this basis, no planning obligation is now required.

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 SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

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

Policy T16: Development – General Parking Requirements
Policy C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

16/01106/FUL	Redevelopment of the site for 499 apartments (comprising of student accommodation) – Approved
20/00557/FUL	Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) – Approved
20/01002/FUL	Variation of condition 7 of planning permission 16/01106/FUL to allow temporary occupancy of the approved student apartments by both students and non-students – Approved

Views of Consultees

None.

Representations

One letter has been received expressing concern that the accommodation is too small for students and therefore it really is too small for 'non-students' for whom this might be their main dwelling.

Applicant's/Agent's submission

The application is accompanied by a Planning 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/21/01070/FUL>

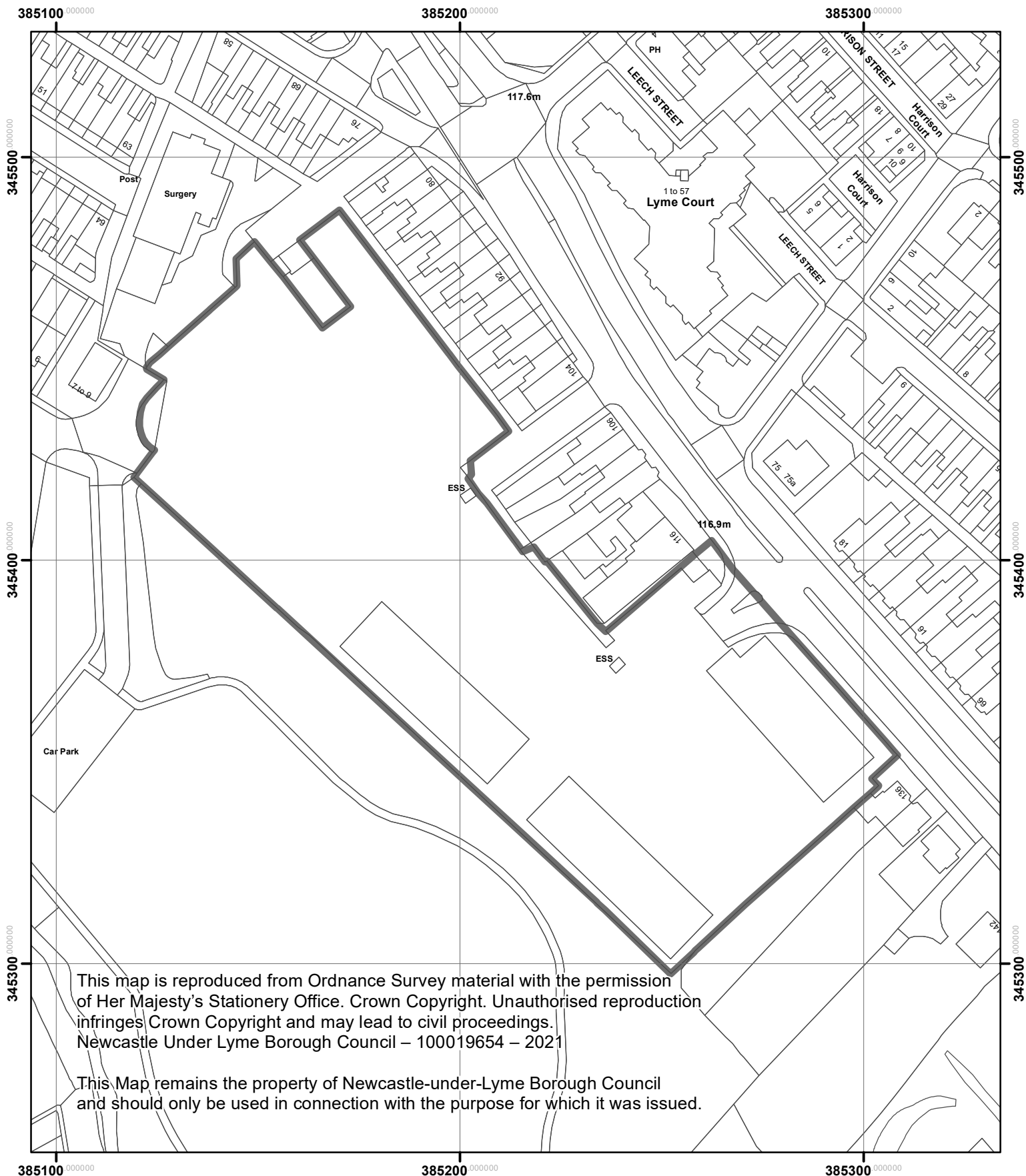
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16 December 2021

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

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

RECOMMENDATION

That the information be received.

No further correspondence has been received from the Planning Inspectorate since the last report. It remains that the appeal hearing date has been fixed and is scheduled to take place on 23rd February 2022.

Date report prepared: 10th December 2021

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

The purpose of this report is to provide Members with an update on the progress of the works being undertaken at this site following the planning application for the retention and completion of a partially constructed agricultural track, approved under planning permission 21/00286/FUL.

RECOMMENDATION

That the information be received.

Latest Information

An update report was prepared for the 9th November planning committee which set out that works to the track, approved under planning permission 21/00286/FUL, were not complete but the base of the track had been constructed to the extent that it was now usable by agricultural machinery. However, it still has to be top dressed. Drainage pipes also need to be incorporated into the track.

Following discussions with the Environment Agency (EA) it has been established that there is enough appropriate material on the land to complete the track works. Therefore, there is no requirement for the land owner to vary condition 6 of planning permission 21/00286/FUL, to allow him more time to import material to complete the track because there is enough appropriate material on the land.

All conditions of planning permission 21/00286/FUL remain in force and these are being monitored and any complaints are being investigated accordingly.

Date Report Prepared – 15th December 2021

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