

# Public Document Pack

**Date of meeting** Tuesday, 1st February, 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 - FORMER  
NEWCASTLE CENTRAL LIBRARY, IRONMARKET,  
NEWCASTLE. DRAYTON BEAUMONT GROUP LIMITED.  
21/00903/FUL** (Pages 7 - 20)
- 5 APPLICATION FOR MINOR DEVELOPMENT - 57-59 STAFFORD  
CRESCENT, CLAYTON. EDGELEY BUILDERS - ANTHONY  
PODMORE. 21/01095/FUL** (Pages 21 - 28)
- 6 UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED  
INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE  
ERECTION OF TWENTY THREE HOUSES AT THE FORMER  
SITE OF SILVERDALE STATION AND GOOD SHED, STATION  
ROAD, SILVERDALE** (Pages 29 - 30)
- 7 APPEAL AND COSTS DECISION - 1 BERESFORD CRESCENT,  
NEWCASTLE** (Pages 31 - 32)
- 8 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),

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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.

# Agenda Item 3

Planning Committee - 06/01/22

## PLANNING COMMITTEE

Thursday, 6th January, 2022  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

<b>Present:</b>	Councillor Andrew Fear (Chair)		
<b>Councillors:</b>	Marion Reddish Silvia Burgess Jennifer Cooper	Helena Maxfield Paul Northcott Mark Holland	Kenneth Owen
<b>Apologies:</b>	Councillor(s) Dave Jones, Gillian Williams and John Williams		
<b>Officers:</b>	Elaine Moulton  Nick Bromley Geoff Durham  Daniel Dickinson  Jeff Upton	Development Management Team Manager Senior Planning Officer Mayor's Secretary / Member Support Officer Head of Legal & Governance /Monitoring Officer Interim Head of Planning	

### 1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### 2. **MINUTES OF PREVIOUS MEETING(S)**

**Resolved:** That the minutes of the meeting held on 7 December, 2021 be agreed as a correct record.

### 3. **APPLICATION FOR MAJOR DEVELOPMENT - LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE, CHESTERTON. GLEESON DEVELOPMENTS LIMITED & LAND IMPROVEMENT HOLDINGS. 21/00655/FUL**

*Amended recommendation moved by Councillor Fear and seconded by Councillor Northcott.*

**Resolved:** That a decision on the application be deferred until the 1<sup>st</sup> February meeting to allow further time for matters to be resolved.

### 4. **APPLICATION FOR MAJOR DEVELOPMENT - FORMER CAR SHOW ROOM, BLACKFRIARS ROAD, NEWCASTLE-UNDER-LYME. STAFFORDSHIRE TRIUMPH. 21/00969/COU**

## **Planning Committee - 06/01/22**

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

- (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

[Watch the debate here](#)

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

**Resolved:** That the variation of condition 2 of planning permission 19/00036/FUL to substitute approved plans with amended plans for new house types, be permitted.

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

[Watch the debate here](#)

### **6. APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE. ABODE RESIDENCIES. 21/01070/FUL**

*Amended recommendation proposed by Cllr Reddish and seconded by Cllr Holland*

**Resolved:** That the application be permitted subject to:

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

*The development hereby approved shall be occupied by any person (student or non-student) until 31st August 2023 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.

[Watch the debate here](#)

### **7. 5 BOGGS COTTAGE, KEELE, 14/00036/207C3**

- Resolved:**
- (i) That the information be received.
  - (ii) That a further report be brought to the March meeting.

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

- Resolved:**
- (i) That the information be received.
  - (ii) That a further report be brought to the March meeting.

9. **URGENT BUSINESS**

There was no Urgent Business.

**Councillor Andrew Fear  
Chair**

Meeting concluded at 7.40 pm

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**FORMER NEWCASTLE CENTRAL LIBRARY, IRONMARKET, NEWCASTLE**  
**DRAYTON BEAUMONT GROUP LIMITED**

**21/00903/FUL**

The application is for full planning permission for the partial demolition, extension and change of use of the former library building to provide 36 no. apartments with underground car parking, and ground floor, class E - Commercial, Business and Service, units.

The underground car park would be accessed off Merrial Street.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The nearest Listed Building to the application site is no. 31 Ironmarket.

**The 13 week period for the determination of this application expired on the 23<sup>rd</sup> December 2021 but the applicant has agreed an extension of time to the statutory determination period to the 7<sup>th</sup> February 2022.**

**RECOMMENDATION**

**A. Subject to the applicant first entering into a Section 106 obligation by the 11<sup>th</sup> March 2022 to secure a review mechanism of the scheme's ability to make a more or fully policy compliant financial contribution towards public open space/ public realm and/ or the provision of affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the provision of such affordable housing and payment of an appropriate financial contribution, 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. Brick samples;**
- 4. Roofing materials and mansard roof details;**
- 5. Depth of window reveals;**
- 6. Plant and machinery;**
- 7. Fume extraction details;**
- 8. External lighting scheme;**
- 9. Provision of basement car parking prior to occupation;**
- 10. Car park management scheme;**
- 11. Cycle storage provision;**
- 12. Construction environmental management plan;**
- 13. Electric vehicle charging provision;**
- 14. Construction and demolition hours;**
- 15. Noise and ventilation mitigation measures;**
- 16. Provision of security measures; and**
- 17. Waste collection arrangements.**

**B. Should the matters referred to in (A) 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 Recommendation**

The redevelopment of this prominent town centre site is a sustainable form of development supported by the National Planning Policy Framework. The design, scale and appearance of the proposed development would protect and enhance, and as such does not harm, the character and appearance of the Conservation Area or the setting of the nearby Listed Building. Planning conditions will secure the acceptable appearance of the building, acceptable car parking, security measures and protect the living conditions of future occupiers. It is also accepted, following the obtaining of independent financial advice, that the scheme is not viable if policy compliant affordable housing and financial contributions towards public open space are public realm are required. Whilst it is recommended that these policy compliant requirements are not sought, given the contribution the development makes to housing supply and the benefits arising from the regeneration of this town centre site, the development is acceptable. A Section 106 agreement is required to secure a 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 the planning application**

Discussions and negotiation at the pre application enquiry stage and during the planning application, to address any concerns raised, have now resulted in a highly sustainable form of development in accordance with the National Planning Policy Framework.

**Key Issues**

The application is for full planning permission for the partial demolition, extension and change of use of the former library building to provide 36 no. apartments with underground car parking, and ground floor, class E - Commercial, Business and Service, units.

The underground car park would be accessed off Merrial Street.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle, as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The nearest Listed Building to the application site is no. 31 Ironmarket.

The main issues for consideration in the determination of this application are:-

1. The principle of the development in this location,
2. The impact of the proposed development on the character and appearance of the Conservation Area and nearby Listed Buildings,
3. Residential amenity levels of future occupiers, including crime prevention/security considerations,
4. The impact on highway safety and acceptable car parking levels,
5. Planning obligations and financial viability
6. Reducing Inequalities

**1. The principle of the development in this location**

1.1 As indicated above, the proposal is for the redevelopment of the former library building to a mixed use development of commercial/ retail units at ground floor with residential units on the upper floors.

1.2 The NPPF identifies the commercial uses proposed as 'main town centre uses' and as such are supported by national policy given that paragraph 86 of the Framework directs main town centre uses towards town centre sites.

1.3 Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

1.4 Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - 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 (within which the site lies).

1.5 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 Core Strategy 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.

1.6 The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

1.7 The SPD places the application site within the Town Centre Historic Core where any development opportunities would be likely to be infilling and intensification, with special attention to conservation. It also states that retail activities must continue to predominate. This site is set within the Primary Shopping Area which is where the SPD states that retail activities must continue to predominate.

1.8 The redevelopment of the site as a mixed use development of commercial/ retail units and residential apartments is supported within the town centre. It is a highly sustainable location in terms of access to services and amenities, including regular bus services to destinations around the borough and beyond.

1.9 On the basis of all of the above, it is considered that the principle of a mixed use development of this nature, in this location, should be supported.

## 2. The impact of the proposed development on the character and appearance of the Conservation Area and nearby Listed Buildings

2.1 The proposal is for the redevelopment of the former library building that occupies a prominent position on Ironmarket within the Newcastle Town Centre Conservation Area.

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

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

2.4 The NPPF at paragraph 201 further states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

2.5 At paragraph 202 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

2.6 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.7 Policy B11 "Demolition in Conservation Areas" states that, "consent to demolish a building or any part of a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:

- The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal would benefit the appearance or character of the area,
- Detailed plans for redevelopment are approved where appropriate,
- An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

2.6 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states in its policy HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

2.9 In a more general sense the NPPF sets out at paragraph 126 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 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.

2.10 The application is supported by a Heritage Asset Statement (HAS) and a Design and Access Statement (DAS) which set out the historic context of the site and the design philosophy and rationale for the proposed design.

2.11 It has to be acknowledged that whilst the existing building is located within the conservation area and adjacent to a listed building, it is not a building that respects the character and appearance of these heritage assets due to its underwhelming 1960's design. It has also been vacant in recent years and its redevelopment would be a benefit.

2.12 The scheme involves the partial demolition and extension of the building along with significant external alterations which would result in a 5 storey building, plus basement car parking, occupying the site.

2.13 An earlier scheme to redevelop the site was presented to a Design Review Panel (DRP), as encouraged by the NPPF, and the design has evolved following feedback from the DRP, your officers and consultees. In particular the comments of the Council's Urban Design and Conservation Officer and the Conservation Advisory Working Party (CAWP) have resulted in amended plans being submitted which have influenced the design of the scheme now presented.

2.14 Despite the amendments to the design of the scheme CAWP still object to the proposed development due to its height. They consider that the scale of the development has a harmful effect on the streetscene and the character of the conservation area. In terms of the ground floor of the building they also felt that the configuration and different sizes of the proposed awnings were a fussy and unnecessary impractical detail and needed some alteration. They were more supportive of the brickwork which gives the proposed development better symmetry and interest.

2.15 The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

2.16 The SPD states that while elsewhere there are opportunities for taller buildings on suitably located sites, the historic core is very sensitive, and runs the risk of being undermined by buildings that are too high or too low. It states that the need to safeguard important views will also be a key issue on determining acceptable heights.

2.17 The Council's Conservation Officer is content that recent amendments to the scheme have responded positively to advice and the scheme is now more modern and honest in its design approach to the local vernacular of the streetscene on Ironmarket. It is also accepted that the brick sections of the design now have a verticality which is respectful of the historical pattern of development within the town centre, especially on Ironmarket. The deep window reveals are also a design improvement that is supported. The fussy awning details have also been amended following CAWPs comments, which is also welcomed.

2.18 The introduction of a 5 storey building on the site would undoubtedly result in it being prominent within the street scene but it cannot be said that the building competes with neighbouring buildings within the immediate street scene and conservation area. In particular it does not compete or harm the setting of the adjacent listed building, 31 Ironmarket.

2.19 The appearance of the development, due to the active frontage at ground floor, acceptable fenestration with deep reveals, use of materials and brick detailing on the upper floors, would present a higher quality building than the existing building, that will enhance the site, streetscene and conservation area. Conditions which secure sympathetic lighting, facing materials and bonding, depth of the window reveals and full details and materials of the mansard roof are considered necessary and appropriate to ensure that the finish of the build is to a high quality.

2.20 Overall, following acceptable amendments to the scheme and subject to appropriately worded conditions, it is accepted that the proposed redevelopment of the site would protect and enhance the character and appearance of the Newcastle Town Centre Conservation Area. As no harm has been identified it is not necessary to identify public benefits of the scheme to justify the granting of permission. On this basis the proposed development accords with the NPPF and the local planning policies and guidance set out above.

### 3. Residential amenity levels of future occupiers, including crime prevention/security considerations

3.1 Paragraph 92 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 130 further 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.

3.2 The application site is located within the town centre, on Ironmarket, which is a pedestrianised shopping street.

3.3 The area is predominantly commercial in nature and there are a number of public houses, restaurants and bars adjoining the site which will generate noise levels during the day, night time and at weekends. Other external noise levels from road traffic, noise from external air handling plant are also likely to affect the living conditions of the occupiers of the development. The application is accompanied by a Noise Impact Assessment which concludes that adverse impacts from external noise sources can be mitigated against so that acceptable noise levels can be achieved within habitable areas. These mitigation measures include double glazed windows and Mechanical Extract

Ventilation (MEV) or Positive Input Ventilation (PIV) systems which allow appropriate air supply without the need for windows to be opened.

3.4 The Environmental Health Division (EHD) has not provided any comments on the application but on the basis of the conclusions and recommendations of the Noise Impact Assessment it is accepted that appropriate mitigation measures can be secured to protect the living conditions of future occupiers.

3.5 The use of the ground floor as Class E of the use classes order, as amended 2020, would allow retail uses and the sale of food and drink for consumption (mostly) on the premises. Therefore, associated apparatus is likely to be required, including extractor fans/ systems. EHD usually request this information via condition and whilst they have not provided comments on the application it is considered necessary to secure details of fume extraction equipment and plant and machinery.

3.6 The Police Crime Prevention Design Advisor (PCPDA) advises that they object to the application on the basis that there are no details which show how unauthorised access to the building and basement car parking will be restricted. Therefore, the proposed development is at risk of criminal and anti-social behaviour, as well as rough sleeping. These can all result in a fear of crime from future residents and the public passing by.

3.7 In response to the PCPDA objection, the applicant has now set out a series of proposed security measures, along with floor plans showing the proposed measures. These measures are what you would expect for a development of this nature in a town centre location, which include a fully designed C.C.T.V system, remote controlled ventilated roller shutter security door and an Auditable control to access doors and door entry system

3.8 It is now accepted that the proposed development would protect the amenity of the area and the potential for anti-social behaviour and a fear of crime can be designed out. The living conditions of future occupiers can also be protected and the proposed development accords with the guidance and requirements of the NPPF.

#### 4. The impact on highways safety and acceptable car parking levels

4.1 Paragraph 110 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. Paragraph 112 also sets out a list of criteria that applications for development should seek to achieve, these include, amongst other things, priority first to pedestrian and cycle movements and designed to enable charging of plug-in and other ultra-low emission vehicles.

4.2 The proposed redevelopment of the site would result in 36 apartments (24no. 1-bed units and 12no. 2-bed units) on the first, second, third and fourth floors with two commercial, business and service units at ground floor level.

4.3 The basement of the building will be converted and adapted to provide 21 car parking spaces. A 36 space cycle storage area would be provided in the basement also.

4.4 Vehicle access to the basement will be provided at street level via an existing service door which is accessed off Merrial Street.

4.5 The maximum parking standards set out within Policy T16 of the NLP for a residential development of this size is 48 off street car parking spaces.

4.6 The level of proposed car parking is a shortfall of 27 spaces but the site represents a highly sustainable location with high quality access to services and amenities, including regular bus services to destinations around the borough and beyond.

4.7 The Highway Authority (HA) has raised no objections to the application subject to conditions which secure the proposed parking spaces prior to occupation of the development, along with the prior

approval of a car park management scheme. The recommended conditions also seek to secure cycle storage provision for 36 cycles and a Construction Environmental Management Plan (CEMP).

4.8 Whilst not a highway safety matter, the development will also need to provide an acceptable level of electric vehicle charging provision within the basement. In other similar developments the Local Planning Authority has secured electric vehicle charging points for 25% of the car parking spaces with the remaining 75% of the car parking spaces being provided with passive wiring to allow future charging point connection. This can be secured by condition.

4.9 Subject to the advised conditions by the HA it is accepted that the application has demonstrated that the proposed development is acceptable and in accordance with the guidance of the NPPF.

## 5. Planning obligations and financial viability

5.1 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 36 (one and two bed) apartments and 9 of the units will need to be affordable to make the development accord with policy.

5.2 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.

5.3 The Landscape Development Section (LDS) has requested a financial contribution of £185,340 towards Public Open Space and Public Realm in the vicinity of the site.

5.4 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

5.5 The applicant has advised that the scheme cannot support the requested policy compliant contributions towards affordable housing and public open space and public realm. They have submitted a financial viability appraisal to support their case and this identifies that there are two factors that affect the financial viability of the scheme, these are high build costs and low sales values.

5.6 Your officers have sought their own independent financial advice from Butters John Bee (BJB) and their report has been received. The report also concludes that the scheme cannot support any level of financial contribution or affordable housing. In reaching this conclusion BJB advises that the financial viability of this scheme is affected by three significant factors;

- i. Sales Values – Apartment values in North Staffordshire are not strong and have seen little capital growth in the last 20 years. Whilst the unit values on this scheme are relatively high value for the area, and indeed the scheme is well suited to the site, the values will still be underpinned by low sales values for apartments in the wider area;
- ii. Build Costs – This is an ambitious project and the build costs are not cheap. The applicant is a known local contractor and is able to deliver the scheme at a lower cost than the build costs indicated by BCIS, which makes the scheme viable to the Applicant. To most other developers, the build costs would make this scheme wholly unviable; and
- iii. Profit – The Applicant has accepted a lower than normal profit margin of 15% and accordingly deems the scheme to be viable. To most developers who would require 20% then this scheme would be wholly unviable.

5.7 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. The scheme does provide benefits, which include the redevelopment of a prominent town centre site which will contribute and complement other developments and regeneration projects in the area. The development also represents a good quality design that would replace an existing dated building and would contribute to housing supply in the Borough and provide 36 apartments in a highly sustainable area. These benefits are considered to outweigh the harm caused by the additional demand created by the development and the lack of affordable housing provision.

5.8 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 12 months of the grant of the permission, and alterations then made to the level of obligations if the scheme is then evaluated to be able to support higher contributions. This would need to be secured via a Section 106 agreement.

## 6.0 Reducing Inequalities

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

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

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

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

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

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

6.5 With regard to this proposal it is 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 CSP1:	Design Quality
Policy CSP2:	Historic Environment
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 H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11:	Demolition in Conservation Areas
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy C4:	Open Space in new housing areas
Policy C22:	Protection of Community Facilities
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[Newcastle-under-Lyme Town Centre SPD](#) (2009)

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

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

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

[Relevant Planning History](#)

The application is supported by a Heritage asset Statement which sets out the detailed history of the site.

Fundamentally, the existing building on the site has been operating as a library until the facility was located within Castle House in recent years.

### Views of Consultees

The Council's **Urban Design and Conservation Officer** initially advised that the existing building is not particularly successful at fitting in with the existing townscape but the initial design which was proposed for the site needed to be improved and be more interesting. However, it was accepted that the corner can handle an increase in height, given the location.

Following the submission of amended plans, the proposal is now more modern and honest in its approach and responds better to the local vernacular of the streetscene on Ironmarket. It is no longer trying to match in with the historic Georgian proportions and horizontal banding which was impossible to do with a building of this scale, height and massing. The brick sections of the design have a verticality which is respectful of the historical pattern of development of the town especially on Ironmarket - namely a Georgian façade with narrow medieval linear plots. The recessed brick panel sections give a sense of the horizontal banding present on adjacent buildings and nods to the character of the previous library building. The design however is clean and modern and has a simplistic art deco feel and whilst it is quite safe and could go further the concept is likely to be satisfactory to the market town conservation area and appeal to members. The brick could be smoother than proposed to give a crisp modern line as there are concerns over the proposed heavily textured brickwork. Subtle architectural lighting could be added for further interest, within the design, not as an afterthought. The fussy awning details have also been amended following CAWPs comments. The proposed brick colours will hopefully add interest and character to this prominent gateway site. The recessed panels of brickwork and deep window reveals will present a higher quality building also. The active frontages with proposed café on the corner ground floor with outdoor seating will also be a positive addition to this part of the town. A condition for the bricks and other materials, any bonding, the depth of the windows reveals, would all ensure that the quality of the build follows through from the design phase and granting of permission. Details and materials of the mansard roof.

The **Conservation Advisory Working Party (CAWP)** objects to the height of the proposal and advise that it needs to be reduced by at least one storey and they would prefer for the mansard roof to be removed from the scheme as it has an overbearing scale and therefore has a harmful effect on the streetscene and the character of the conservation area. The design and colour of the scheme was supported and they were happy with the brickwork and thought that it had better symmetry and interest. There was some concern over the proposal to use textured brick which may not be the right approach for Ironmarket given the context of the existing vernacular and the group wanted to have the exact details of the projecting brick patterned panels as this was not clear in the visuals. They felt that the configuration of different sizes of awnings were a fussy and unnecessary impractical detail and needed some alteration.

**Historic England** advises that they do not wish to offer any comments on the planning application.

The **Highways Authority** raises no objections subject to conditions that secure matters relating to the following;

- Car parking provided prior to occupation of the development,
- Submission and approval of a car park management scheme,
- Submission and approval of cycle parking for 36 cycles, and
- Submission and approval of a Construction Management Plan (CMP).

The **Landscape Development Section (LDS)** raises no objections subject to a contribution of £185,340 towards Public Open Space and Public Realm in the vicinity of the site.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** advises that they object to the application on the basis that there are no details which show how unauthorised access to the building and basement car parking will be restricted. An extensive set of guidance and recommendations have also been set out in their response.



The **Education Authority** advises that an education contribution is not requested because there are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

The **Economic Regeneration Section** supports the application on the basis that the redevelopment of this site for town centre apartments would help to enliven the town and bring greater footfall to the town centre. Additionally, it is important that town centre development enhances the public enjoyment of the town centre and the scheme does this.

Comments were also invited from the Council's **Housing Strategy Section, Environmental Health Division** and the **Planning Policy Section** but 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

No letters of representation have been received.

#### Applicant's/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/21/00903/FUL>

#### Background papers

Planning files referred to

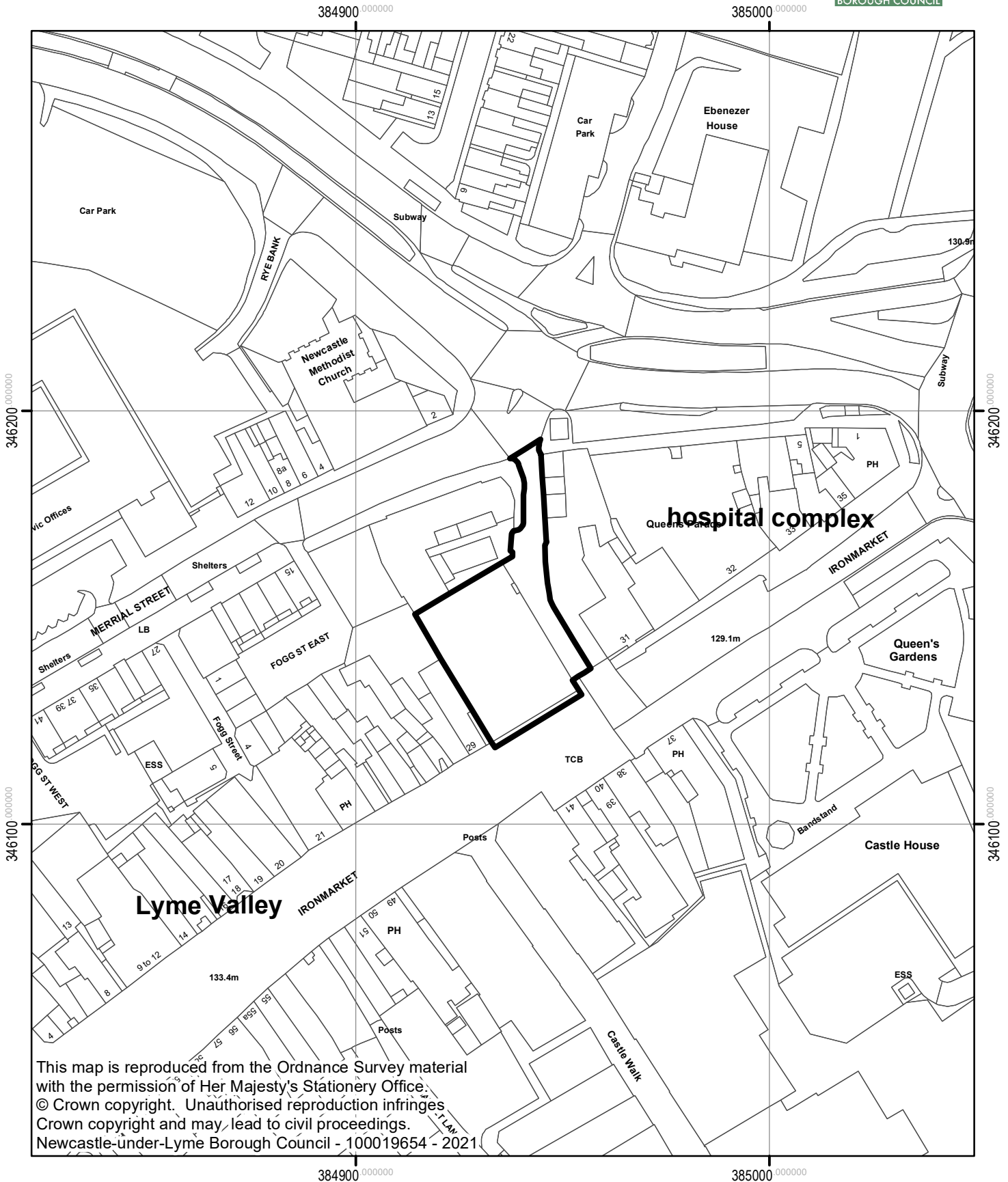
Planning Documents referred to

#### Date report prepared

19<sup>th</sup> January 2021

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21/00903/FUL  
Former Newcastle Library, Ironmarket  
Newcastle-under-Lyme  
ST5 1AT



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**57-59 STAFFORD CRESCENT, CLAYTON**  
**EDGELEY BUILDERS – ANTHONY PODMORE**

**21/01095/FUL**

The application seeks full planning permission for the demolition of Nos.57 and 59 Stafford Crescent and their replacement with 4 No. 2 bed townhouses. The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The application has been brought to the committee at the request of two Councillors due to concerns regarding overdevelopment, materials out of character with existing properties and precedent.

**The 8 week determination period expires on the 1<sup>st</sup> February, however an extension of time has been agreed until the 4<sup>th</sup> February 2022.**

**RECOMMENDATION**

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

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Hard and soft landscaping**
- 6. Provision of parking and driveways**
- 7. Construction hours**
- 8. Electric vehicle charging provision, and**
- 9. Waste storage and collection arrangements**

**Reason for Recommendation**

The location of the proposed townhouses represents a sustainable location for new residential development within the Borough and is therefore acceptable in principle. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of existing and future occupiers or cause highway safety implications. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

The development is considered to be a sustainable form of development in accordance with the National Planning Policy Framework and therefore no amendments have been sought.

**KEY ISSUES**

The application seeks full planning permission for the demolition of Nos.57 and 59 Stafford Crescent and their replacement with 4 No. 2 bed townhouses. The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. A separate application for the erection of 2no bungalows has been submitted to the rear of the application site under planning application reference 21/01094/FUL.

The main issues in the consideration of the application are:

- The principle of residential development in this location;
- Design and impact on the character and form of the area,
- Impact on residential amenity levels of neighbouring occupiers,
- Parking and impact on highways safety

### **The principle of residential development in this location:**

Policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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.

The NPPF 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. This site is located in an established residential area of the Borough with good links to the shops and services of Newcastle town centre and there are regular bus services that run frequently and close to the site.

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 1st April 2020. Development for residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for residential development.

### **Design and impact on the character and form of the area**

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

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

Policy R3 of the Urban Design Supplementary Planning Document (SPD) 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 site characteristics. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line". R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

No.57 and no.59 Stafford Crescent form part of a row of semi-detached two storey dwellings which have a uniform appearance. The proposed town houses have a more traditional appearance than the existing properties along Stafford Crescent and include some detailing around the proposed fenestration, which is welcomed in design terms. The proposed townhouses respect the established building line of the street scene and the general height and massing of the proposed properties is not dissimilar to other dwellings found in the area.

Whilst it is recognised that demolition of the properties and their replacement with a more traditionally designed group of townhouses would lead to some contrast of the application site with the neighbouring dwellings, it must be recognised that the existing properties to be demolished are of a limited architectural quality which do not positively contribute to the character of the area.

Subject to conditions which secure acceptable facing materials and boundary treatments it is considered that the design of the proposal is acceptable and in accordance with development plan policies and the guidance and requirements of the NPPF.

#### Impact on residential amenity

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.

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

The distance between the proposed townhouses and nearby properties would accord with the requirements of the Council's Space around Dwellings SPG, and it is therefore considered that there would be no significant adverse impact on the amenity of the occupiers of the existing nearby dwellings.

Whilst it is recognised that the townhouses would have a garden length less than the existing dwellings, notwithstanding this, an acceptable level of outdoor space would be available for drying washing, sitting out and gardening and it is considered that the level of private amenity space would be sufficient for the proposed development and in all other respects the proposed development would comply with the Council's SPG.

#### Parking and impact on highway safety

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

The development site lies in a row of semi-detached properties and each townhouse will be served by 2 parking spaces which meets the requirements of the Council's parking standards. No representations have been received from the Highway Authority however the proposed driveway arrangements would not be dissimilar to that of other nearby properties. In the absence of any evidence to suggest that the proposal would create or aggravate on street parking or traffic problems and subject to suitable conditions relating to surfacing materials, it is considered that the proposed development is acceptable in highway safety terms and in accordance with the guidance and requirements of the NPPF.

#### Reducing Inequalities

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

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

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

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

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

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



## APPENDIX

### **Policies and proposals in the Development Plan relevant to this decision:**

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

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

Newcastle under Lyme Local Plan 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements

### **Other Material Considerations**

National Planning Policy

National Planning Policy Framework (2021)

Planning Practice Guidance (2018)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

21/01094/FUL Erection Of Two Bungalows – pending consideration

Consultation Responses

The **Environmental Health Division** raise no objections regarding land contamination.

No comments have been received from the **Highway Authority**.

Representations

One objection has been submitted by a neighbouring property, who raises the following concerns:

- Impact on residential amenity
- The proposal is overdevelopment of the site
- Visual impact
- Impact on residential amenity

Applicants/agents submission

The requisite plans and application forms including a supporting statement have 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/21/01095/FUL>

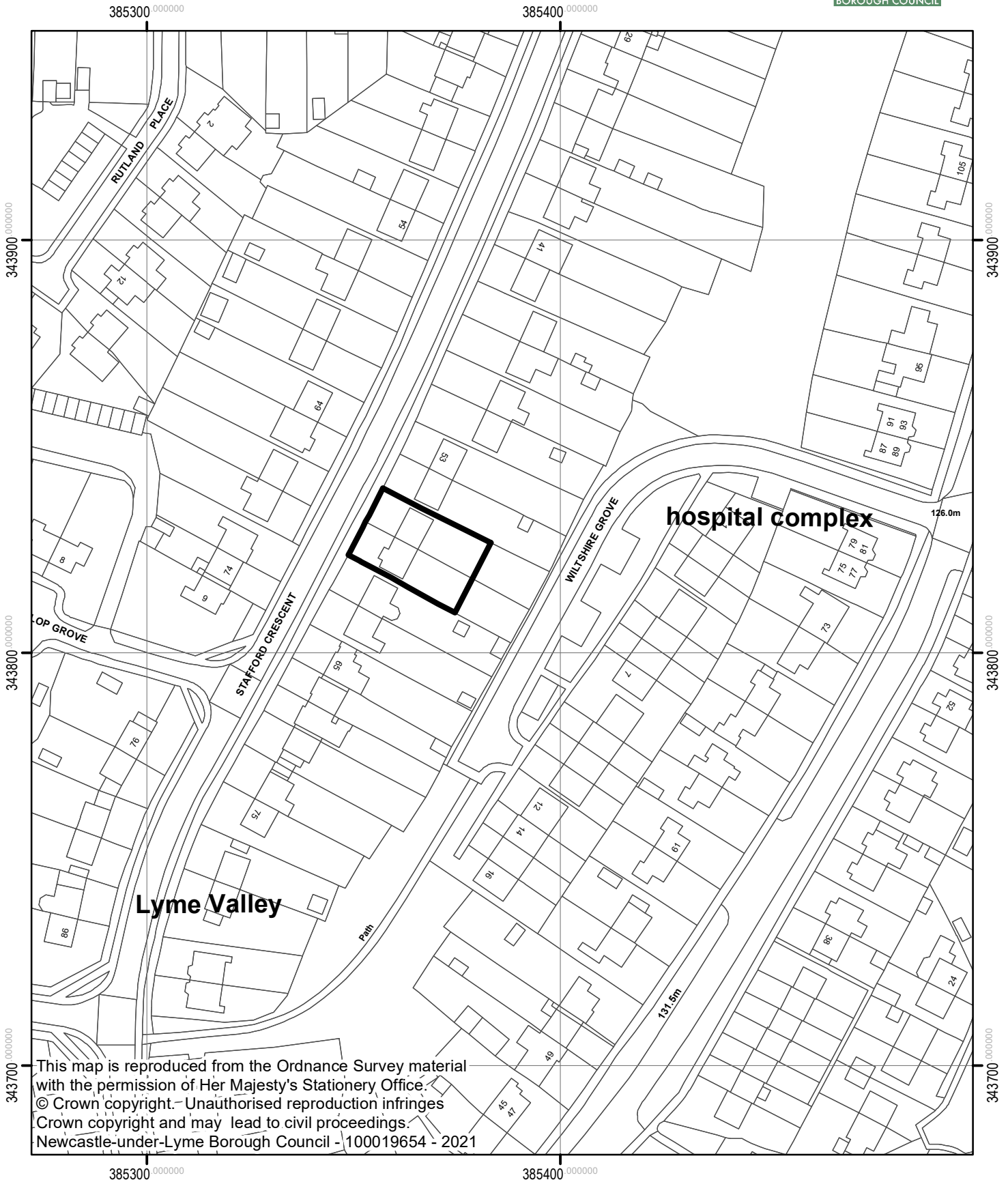
Background Papers

Planning files referred to  
Planning Documents referred to

Date report prepared

20<sup>th</sup> January 2022

21/01095/FUL  
57-59 Stafford Crescent  
Clayton, ST5 3DZ



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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 9<sup>th</sup> December 2021, of the progress in relation to the pursuance of breaches of planning obligation secured through planning permission reference 11/00284/FUL for the erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale.

**RECOMMENDATION**

**That the information be received.**

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

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

Officers will provide an update at the meeting with regard to how the Council's case has been advanced through correspondence and conversation with the parties concerned.

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

Date report prepared: 21<sup>st</sup> January 2021

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**APPEAL BY DR SHAMYLLA SAMAD AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR A 2 STOREY SIDE EXTENSION AT 1 BERESFORD CRESCENT, NEWCASTLE**

<b><u>Application Number</u></b>	<b>21/00569/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 20 August 2021</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Costs Decision</u></b>	<b>Refused</b>
<b><u>Date of Decisions</u></b>	<b>18 January 2022</b>

## Appeal Decision

The Inspector identified the main issue as the effect of the development on the character and appearance of the area. The conclusions of the Inspector are summarised as follows:

- The proposed extension would appear subordinate to the host dwelling due to the roofline not protruding above the roofline of the existing dwelling, the setback, the width of the proposal being less than the width of the host dwelling, and there being sufficient space on site to accommodate the proposed extension's footprint.
- The proposal is not an overdevelopment of the plot or out of character with the surrounding area. Due to the spacious plot size, the proposal would not appear as a dominant mass and would not infringe the building line. Its design would be in keeping and its size would be similar to other extensions in the surrounding area.

## Costs Decision

The appellant considers that the approach of the Council has been unreasonable in its conduct in the decision to call in the application to Planning Committee and the reason for refusal was manifestly unsound. The Inspector reached the following conclusions:

- The Council has followed their adopted call in procedure and has therefore acted reasonably in their decision to call in the application.
- The Council gave reasons as to why it was concerned that the proposal, by virtue of its design and massing, would be contrary to the principles of good design set out in the National Planning Policy Framework and would be harmful to the character and appearance of the area. These matters involve a degree of judgement and while, on balance, the Inspector did not agree with the Council's decision, sufficiently robust evidence was submitted to show that it did not apply its judgement in an unreasonable manner.

The planning decision setting out the reasons for refusal and the Appeal and Costs Decisions in full can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00569/FUL>

## **Recommendation**

That the appeal and costs decision be noted.

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