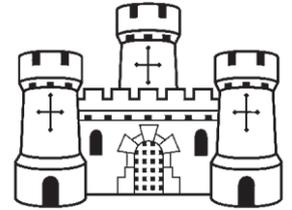


# Public Document Pack

**Date of meeting** Tuesday, 26th April, 2022  
**Time** 7.00 pm  
**Venue** Garden & Astley Rooms - Castle  
**Contact** Geoff Durham 742222



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

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

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 APOLOGIES
- 2 DECLARATIONS OF INTEREST  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S) (Pages 5 - 12)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - GREAT OAK FARM, BIGNALL END. ROBIN WARD. 21/00408/FUL (Pages 13 - 22)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - CROFT FARM, STONE ROAD, HILL CHORLTON. DAVID JAMES DEVELOPMENTS LIMITED. 22/00046/REM (Pages 23 - 32)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - ASHFIELDS GRANGE, HALL STREET, NEWCASTLE. ASPIRE HOUSING. 22/00126/FUL (Pages 33 - 40)
- 7 APPLICATION FOR OTHER DEVELOPMENT - 15 MORSTON DRIVE, CLAYTON, NEWCASTLE-UNDER-LYME. MR AND MRS P EVANS. 22/00204/FUL (Pages 41 - 46)
- 8 APPLICATION FOR OTHER DEVELOPMENT - LAND TO EAST OF CONEYGRAVE LANE, WHITMORE. HIGH SPEED TWO (HS2) LIMITED. 22/00153/SCH17 (Pages 47 - 54)

- 9 APPLICATION FOR OTHER DEVELOPMENT - BT TELEPHONE EXCHANGE, FAIRGREEN ROAD, BALDWINS GATE. EE LTD. 22/00262/TDET (Pages 55 - 62)
- 10 5 BOGGS COTTAGE, KEELE. 14/00036/207C3 (Pages 63 - 64)
- 11 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2 (Pages 65 - 66)
- 12 QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO (Pages 67 - 70)
- 13 APPEAL DECISION - 2 HAWTHORN GARDENS, TALKE. 21/00532/FUL (Pages 71 - 72)
- 14 APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - NEWCASTLE LODGE, KEELE UNIVERSITY. 21/22004/HBG (Pages 73 - 74)
- 15 URGENT BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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# Agenda Item 3

*Planning Committee - 29/03/22*

## PLANNING COMMITTEE

Tuesday, 29th March, 2022  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Councillor Andrew Fear (Chair)

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

Apologies: Councillor(s) Sue Moffat and Mark Holland

Substitutes:

Officers:	Rachel Killeen	Senior Planning Officer
	Elaine Moulton	Development Management Team Manager
	Nick Bromley	Senior Planning Officer
	Becky Allen	Landscape Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Jeff Upton	Interim Head of Planning

Also in attendance:

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 1 March, 2022 be agreed as a correct record.

3. **APPLICATION FOR MAJOR DEVELOPMENT - HAMPTON'S SCRAP YARD AND ADJACENT FIELD, KEELE ROAD. PERSIMMON (NORTH WEST) LTD. 21/00616/FUL**

**Resolved:** That a decision on the application be deferred to allow further time for matters of concern to be resolved.

[Watch the debate here](#)

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF BRADWELL HOSPITAL, TALKE ROAD, BRADWELL. SEDDON HOMES LIMITED. 21/00470/REM**

## Planning Committee - 29/03/22

**Resolved:** That the Head of Planning be given the delegated authority to determine the application subject to any comments that are received from Lead Local Flood Authority not raising any significant objections that cannot be overcome through the imposition of conditions, the application be permitted subject to the undermentioned conditions:

- (i) Link to outline planning permission and conditions;
- (ii) Approved plans;
- (iii) Facing and roofing materials;
- (iv) Boundary treatments;
- (v) Hardstandings;
- (vi) Soft landscaping;
- (vii) Ecology mitigation and enhancements including the provision of bat roosts in buildings/and or erection of bat boxes in retained trees; and the re-inspection prior to felling of any category 2 trees (as identified in the Preliminary Ecological Appraisal) to confirm bats remain absent;
- (viii) Provision of internal roads, private drives and parking areas;
- (ix) Provision of visibility splays;
- (x) Prior approval of surfacing materials and surface water drainage for the driveways and private drives;
- (xi) Garages retained for the parking of motor vehicles;
- (xii) Prior approval of secure cycle storage for plots without a garage;
- (xiii) Prior approval of bin storage and collection arrangements for Plots 40 – 44 and plots 82 – 85;
- (xiv) Trees and hedgerows shown as retained shall be retained and protected throughout construction;
- (xv) Surface water drainage;
- (xvi) Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application.

A note to be appended do the decision notice, urging the developer to speak to residents of Knype Way and agree the provision of a single shared boundary treatment to avoid a potentially problematic strip of land between boundaries..

Councillor Jones also requested clarification of evidence of any Ash die-back.

[Watch the debate here](#)

### 5. APPLICATION FOR MAJOR DEVELOPMENT - DUPRE MINERALS, SPENCROFT ROAD, CHESTERTON. MR DAVID CHALLINOR. 21/00654/FUL

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

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Colour of cladding
- (iv) Prior approval of existing and proposed parking arrangements

- (v) Provision of sound insulation
- (vi) Construction hours
- (vii) Electric vehicle charging provision
- (viii) Flood risk mitigation measures and Sustainable Drainage Strategy
- (ix) Unexpected land contamination remediation

[Watch the debate here](#)

**6. APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS. WAIN HOMES WEST MIDLANDS. 21/00975/FUL**

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

- (i) Variation of condition 2 to list the revised plans
- (ii) Any other conditions attached to planning permission 21/00975/REM that remain relevant at this time.

[Watch the debate here](#)

**7. APPLICATION FOR MAJOR DEVELOPMENT - LAND WEST OF PIT HEAD CLOSE, LYMEDALE BUSINESS PARK. PEVERIL SECURITIES LTD AND AVER PROPERTY LTD PARTNERSHIP. 21/01131/REM**

**Resolved:** That the Head of Planning be given the delegated authority to determine the application subject to the Lead Local Flood Authority not raising any significant objections that cannot be overcome through the imposition of conditions following their consideration of additional information submitted in response to their latest comments, the application be permitted subject to the undermentioned conditions:

- (i) Link to outline planning permission and conditions;
- (ii) Approved plans;
- (iii) Facing and roofing materials;
- (iv) Boundary treatments, including acoustic fencing;
- (v) Hardstandings;
- (vi) Provision of parking, servicing and turning areas;
- (vii) Prior approval of surfacing materials, surface water drainage and delineation of the parking spaces and servicing areas;
- (viii) Provision of cycle and smoking shelter;
- (ix) Soft landscaping/ approved masterplan;
- (x) Prior approval of noise validation report;
- (xi) Waste storage and collection arrangements
- (xii) Surface water drainage strategy; and
- (xiii) Coal mining remedial / mitigation measures.

A note to be appended to the decision notice urging the developer/operator to provide facilities for lorry drivers.

[Watch the debate here](#)

**8. APPLICATION FOR MAJOR DEVELOPMENT - MADELEY MANOR NURSING HOME, HEIGHLEY CASTLE WAY, MADELEY. MR GERALD EMERY. 21/01175/FUL & 21/01176/LBC**

**Resolved:** That a decision on the application be deferred to allow further time for the consideration of the issue of financial viability

A request was made that details of a Public Right of Way be included when the application was brought back to committee

[Watch the debate here](#)

**9. APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN. 21/01064/FUL**

*Additional recommendation regarding the specified two year period proposed by Cllr Northcott and seconded by Cllr Maxfield*

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

- (i) Temporary two year consent for the additional use of the building as proposed
- (ii) Implementation of the parking management scheme approved under 18/00943/FUL when the gardens are open to visitors.
- (iii) Gardens to be open to visitors no more than 6 weekends per year.
- (iv) In addition to the use of the building for purposes incidental to the residential occupation of Betley Court, the building shall be used for pre-booked activities only at times when not in use in association with the opening of the gardens to visitors, subject to the following limitations:
  - It shall be used for no more than 320 activity hours per week (defined as the use of the building by one person for one hour);
  - A maximum of 20 people shall attend each event;
  - Events shall take place on no more than five days in any week (commencing on Monday).
  - No more than 2 events shall take place on any day.
  - Events shall be restricted to between the hours of 8.30am and 9.30pmAny additional use shall only take place with the express permission of the local planning authority.
- (v) A register providing the nature of each event that takes place, the date of that event and the number of attendees shall be kept at all times and shall be made available for inspection upon request (to enable compliance with condition 3 to be monitored).
- (vi) No cooking of food without the prior approval and implementation of details of any kitchen ventilation system and external plant.
- (vii) No amplified music or sound systems to be used.
- (viii) Restriction on the hours when deliveries and waste

collections can take place.

[Watch the debate here](#)

10. **APPLICATION FOR MINOR DEVELOPMENT - THE OLD COACH HOUSE, RECTORY LANE, WHITMORE. MR LEE SHELTON. 22/00022/FUL**

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Electric vehicle charging provision
- (v) Prior approval of parking and turning areas
- (vi) Tree protection measures

[Watch the debate here](#)

11. **APPLICATION FOR MINOR DEVELOPMENT - THE NOOK, NEWCASTLE ROAD, MADELEY. MRS JULIE MIROWSKI. 22/00061/FUL**

**Resolved:** That the application be refused for the following reason:

The submitted application fails to demonstrate that suitable visibility splays, measuring 2.4m by 43m in both directions, can be provided from the centre of the proposed vehicular access on land either within the control of the applicant or within the highway and as such the application fails to demonstrate that the access is safe and suitable and is contrary to the requirements of paragraph 110 of the National Planning Policy Framework.

[Watch the debate here](#)

12. **FIVE YEAR HOUSING LAND SUPPLY STATEMENT FOR THE BOROUGH OF NEWCASTLE-UNDER-LYME. 1 APRIL 2021 TO 31 MARCH 2026**

Consideration was given to a report regarding the Council's Five Year Housing Land Supply Statement which included an appendix.

- Resolved:**
- (i) That members note the content of the 5 year Housing Supply Statement and agree that it represents the current position of the Council.
  - (ii) That members note the significance of the 5 year supply position for Development Management decision making.

[Watch the debate here](#)

13. **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**

**Planning Committee - 29/03/22**

Consideration was given to a report updating Members on the current position regarding the breach of Planning Obligation

**Resolved:** That the information be received.

[Watch the debate here](#)

14. **APPEAL DECISION - LAND AT ROEBURNDALE, LEYCETT LANE, MADELEY HEATH. 21/00484/OUT**

**Resolved:** That the appeal decision be noted

[Watch the debate here](#)

15. **APPEAL DECISION - 11 GREENOCK CLOSE, NEWCASTLE-UNDER-LYME. 21/00643/FUL**

**Resolved:** That the appeal decision be noted

16. **APPEAL DECISION - MOSS HOUSE FARM, EARDLEY END ROAD, BIGNALL END. 17/00062/207C2**

**Resolved:** That the appeal decision be noted

17. **APPEAL DECISION- LAND TO THE NORTH OF THE A51, SOUTH OF CHORLTON MILL LANE AND WEST OF THE RAILWAY, STABLEFORD, NEWCASTLE-UNDER-LYME. 19/00961/OUT**

**Resolved:** That the appeal and costs decisions be noted

18. **APPEAL DECISION - LAND AT BLACKBROOK NURSERY, NEWCASTLE ROAD, BLACKBROOK. 20/00368/FUL**

**Resolved:** That the appeal decision be noted

19. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - ST PETERS CHURCHYARD RETAINING WALL, MAER. 21/22001/HBG**

**Resolved:** That the following grant be approved:

£ 3,966 Historic Building Grant be given towards repairs and reinstatement of the historic churchyard wall.

[Watch the debate here](#)

20. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - AUDLEYS CROSS FARMHOUSE, LOGGERHEADS. 21/22003/HBG**

**Resolved:** That the following grant be approved:-

£ 2,666 Historic Building Grant be given towards new timber windows on the front and rear of the farmhouse.

[Watch the debate here](#)

21. **TREE PRESERVATION ORDER - FORMER CLAYTON LODGE HOTEL, CLAYTON. TPO 217**

**Resolved:** That Tree Preservation Order No 217 (2021), Land at Clayton Lodge Hotel, Clayton, be confirmed with amendments and that the owners of the site be informed accordingly.

[Watch the debate here](#)

22. **URGENT BUSINESS**

There was no Urgent Business.

**Councillor Andrew Fear  
Chair**

Meeting concluded at 9.25 pm

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**GREAT OAK FARM, BIGNALL END  
ROBIN WARD**

**21/00408/FUL**

The application seeks full planning permission for a new dairy unit consisting of a milking parlour barn, two cattle housing barns, a general purpose building, silage clamp, slurry lagoon and associated hard standing areas which is to replace the existing 3 farm buildings associated with the land.

The application site falls within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt.

**The 8 week determination period expires on the 16th of December 2021, however an extension of time has been agreed until the 29<sup>th</sup> of April 2022.**

## **RECOMMENDATION**

**Subject to the Lead Local Flood Authority not raising objections that cannot be addressed through the use of conditions, the Head of Planning be given the delegated authority to PERMIT subject to conditions relating to the following matters:-**

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Accordance with Tree protection plan**
- 5. Submission of a Arboricultural Method Statement**
- 6. Submission of a landscaping scheme**
- 7. Accordance with submitted drainage scheme**
- 8. Verification report for completion of the slurry lagoon**
- 9. Lighting scheme**
- 10. Any condition as required in response to the comments of the Staffordshire Flood Team**

**The Coal Authority's Standing Advice be provided within the Decision Notice.**

## **Reason for Recommendation**

The location of the application site represents a sustainable location for new agricultural development within the Borough and is considered to be an accepted form of development within the Green Belt. 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 and the amenity of nearby properties, or cause any drainage or 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**

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

## **KEY ISSUES**

The application site lies within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt. The main issues in the consideration of the application are:

- The principle of development
- 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,
- Impact on controlled waters
- Drainage and flood risk,
- Impact on trees,
- Impact on Public Right of Way,
- Reducing Inequalities

### **Principle of Development**

In the context of Paragraph 149 of the NPPF, a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Nevertheless, an exception to this includes buildings for agriculture. Paragraph 150 identifies other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations such as those required to construct a silage clamp and slurry lagoon which in this case are considered to appropriate development.

In addition to the above, saved NLP Policy S3 indicates that “*non-residential development may be permitted in the Green Belt if the applicant demonstrates that it is essential for the efficient operation of agriculture or forestry in the locality, cannot reasonably be located other than in the Green Belt and so long as its siting, access, layout, landscaping and design are acceptable*”.

The proposed barns, silage clamp and slurry lagoon are to be used in connection with Great Oak Farm, and will provide additional functions required for the diversification of the business. The requirement for the proposed development is therefore considered to be both justifiable and reasonable and would clearly be classed as agricultural development as required by the NPPF. The proposal will also help to support and diversify the rural economy as encouraged by paragraph 84 of the NPPF.

Considering the above, it is considered that siting of the agricultural buildings, silage clamp and slurry lagoon within the Green Belt represents appropriate development that is justified, however the visual impacts of the proposal must still be considered to see whether these would adversely impact the openness of the Green Belt.

### **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 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.

The proposal consists of four new barns, two of which will be used for the housing of cattle whilst the others will provide space for a milking parlour and general purpose unit, the application also seeks permission for the creation of a slurry lagoon and silage clamp.

The two cattle housing barns would feature typical dual pitched roof arrangements which would have ridge heights of 7m and eaves height of 5.5m, both barns would be constructed of concrete panels and timber cladding which are materials commonly used on agricultural buildings of this type. The general storage unit and milking parlour barns would have similar design styles to the cattle housing units but would have slightly lower ridge heights at approximately 6.5m and it should be noted that the milking parlour building would have open side elevations which would give it some visual permeability.

The visual impacts of the proposal would be most noticeable from the south and east of the application site along Great Oak Road, and to a lesser extent along Bignall End Road, however the proposed buildings would be largely screened from view when seen from the west and north due to the rising topography of the site which slopes gently from north to south but also due to the large number of mature trees which surround the site.

Although the combined visual impacts of all the proposed buildings would result in a clear visual change to the application site, the proposed barns will not be significantly higher than the existing structures on the site, which will ensure they do not appear overly dominant when seen within context of the wider landscape. Whilst there would be some loss to the openness of this part of the Green Belt, there is an accepted precedent for agricultural buildings within the Green Belt and agricultural buildings of the scale are not uncommon within the Borough. The impacts of the proposal will also be offset by the planting of 100 new trees which proposed as part of the application.

There are no objections on visual grounds to the slurry lagoon which would be 5m deep and would cover an area of 60 x 20m given that the lagoon would be excavated from the existing ground level, and would therefore not have any perceivable visual impact on the wider area. There are also no objections to the proposed silage clamp which would be surrounded by a 3m high concrete walls which would only have a negligible visual impact given the size of the application site and the level of screening that surrounds it.

With regards to the existing barns which are to be removed from the site to facilitate the development, these older structures are somewhat dated and do not have any architectural or historic character and there are no objections to their demolition. Subject to conditions which secure acceptable facing materials it is considered the design of the proposal is acceptable and will result in an adverse impact to Green Belt or the Area of Landscape Enhancement and is therefore 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.

The proposed works would involve large numbers of cattle being kept at the site and would also involve the creation of a silage clamp and slurry lagoon, therefore consideration must be given to whether the proposal would result in any adverse impact to the residential amenity of nearby properties. One objection has been raised by the occupants of the property known as 'Dair Nua Barn' which is located on the opposite side of Great Oak Road, who raise concerns relating to noise, odour and light pollution as well as issues relating to highway safety.

Detailed lighting, ammonia and noise assessments have been provided in support of the application which concluded that the proposed development, subject to the use of condition relating to lighting restrictions, would not give rise to any significant issues relating to these matters. These reports have been reviewed by the council's Environmental Protection team who have raised no objections to the proposal subject to the submission of a lighting scheme. Whilst the concerns of the nearby resident is noted, in light of the evidence provided within the submitted reports and in the absence of any objections from the council's Environmental Protection team, it is concluded that subject to appropriate conditions that the proposal would not result in any significant or harmful impacts to the residential amenity of nearby properties and therefore meets the requirements of the NPPF.

### **Parking and impact on highways 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.

Whilst the proposal would likely see some intensification of traffic movements to and from the site, the proposal will be served by the existing access off Great Oak Road and the Highways Authority have

confirmed that their records do not show any personal injury collisions within 215 metres either side of the existing access for the last five years. A certain level of traffic to and from the site could already be expected from the existing agricultural business and there will be ample areas within the site for the turning and parking of agricultural vehicles. In the absence of any objections from the Highways Authority it is considered that the proposed development is acceptable in highway safety terms and in accordance with the guidance and requirements of the NPPF.

### **Impact on controlled waters**

Paragraph 174 of the NPPF states that development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

The Environment Agency has noted that groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer and within a Nitrate Vulnerable Zone. Concerns were initially raised by the EA that the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.

In response to this concern the agent of the application has provided a lagoon permeability testing report, calculation details for the proposed lagoon and additional information relating to slurry and waste details. These details have been reviewed by the Environment Agency who have now withdrawn their objection subject to a condition being added to any permission requiring that a verification report demonstrating the completion of works set out in the accepted application documents be submitted to, and approved in writing, by the Local Planning Authority. Subject to the above condition, it is considered that the proposal would not lead to any harm to local groundwater quality.

### **Drainage and flood risk**

Paragraph 169 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The Lead Local Flood Authority have requested that a drainage strategy and flood risk assessment be submitted in support of the proposal to demonstrate that surface water runoff can be effectively managed. In response to these concerns the agent of the application has provided a Drainage Strategy, however the Lead Local Flood Authority have maintained their objections on the basis that the Drainage Strategy lacked the required labels and dimensions needed for it to be cross-referenced with the hydraulic model report and calculations.

These additional technical details have now been provided by the agent of the application and the comments the comments Lead Local Flood Authority are awaited. Subject to the LLFA withdrawing their objections and subject to the use of conditions requiring that the development is completed in accordance with the provided flood details, it is considered that there would be no increase from surface water flooding as a result of the development.

### **Impact on Trees**

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

An arboricultural assessment has been submitted in support of the application which has been reviewed by the council's landscape who have raised no objections to the proposal subject to conditions requiring the submission of a Tree protection plan, an Arboricultural Method Statement and a landscaping scheme. Subject to the use of the requested conditions the proposal impact on trees within the application site is considered to be acceptable.

### **Impact on Public right of Way**

Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

A Public Right of No. 26 Audley Parish runs through to the application site, however this has not been shown on the submitted plans. The County Council's PRow officer advises that if the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence.

Whilst the above concerns are noted, it must be recognised that any planning permission granted does not construe the right to divert, extinguish or obstruct any part of the public path. The applicant will need a separate form of consent to alter or remove the footpath and an advisory note will be added to the permission of the application drawing their attention to this point.

### **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 \(CSS\) 2006-2026](#)

Policy ASP6: Rural Spatial Policy

Policy CSP1: Design Quality

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

Policy S3: Development within the Green Belt

Policy T16: Development – General Parking Requirements

Policy N17: Landscape Character: General Considerations

Policy N20: Areas of Landscape Enhancement

### **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](#)

None.

[Consultation Responses](#)

**United Utilities** recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy

**Audley Parish Council** support the proposal, subject to the all outstanding matters and information being supplied and resolved.

No representations have been received from the **Environmental Health Division**

The **Highway Authority** has no objection to the proposal and notes that Public Footpath No.26 in the Parish of Audley Rural runs adjacent the site and no works should be undertaken which might adversely affect the rights of users.

**The County Minerals Officer** raise no objections to the proposal

The **Environment Agency** initially objected to the application but have withdrawn that objection following consideration of additional information and now request that the following condition is applied to any permission:

- Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the accepted application documents and reports and, the effectiveness of the works pursuant to the successful creation of an in-ground slurry lagoon shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved reports to demonstrate that the lagoon End 2 permeability criteria have been met.

The **Coal Authority** note that application site does not fall within the defined Development High Risk Area but request that Coal Authority's Standing Advice be provided within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

**Staffordshire Flood Team** objects to the proposal on the basis that the proposal needs to be supported by a drainage strategy and flood risk assessment. Further information has been submitted to address these concerns and the further comments of the Flood Team have been sought and will be reported.

The **Landscape Team** request that any permission should be subject to submission of a detailed construction phase Tree Protection Plan (to include hedges) and Arboricultural Method Statement to BS5837:2012, including details of special engineering measures. Permission should also be subject to a detailed landscaping scheme and any plants which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by plants of similar size and species.

**Public Rights of Way Officer** notes that Public Footpath No. 26 Audley Parish runs immediately adjacent to the proposed site. The PROW officer also notes that if the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

The views of **Staffordshire Wildlife Trust** were sought, but as they did not respond by the due date it is assumed that they have no comments.

#### Representations

One objection has been submitted by the occupants of a nearby residential property, who raises the following concerns:

- There will be a significant increase in the number of lorries and farm vehicles
- There will be a significant increase in noise levels from both machinery and 350 cattle,
- The dark sky particularly to the north will be affected.
- The increase in bad smells and potentially noxious fumes from slurry, silage and ammonia from
- Wish to know why they were not consulted on the application by the LPA

#### Applicants/agents submission

The following documents have been submitted in support of the application:

- Supporting Statement
- Noise Assessment
- Ecological Report,
- Ammonia Report
- Odour Assessment
- Lighting Scheme.
- Coal Mining Risk Assessment
- Drainage Scheme
- Lagoon Permeability Testing Report
- Tre Constraints Plan
- Arboricultural Impact Assessment

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/21/00408/FUL>

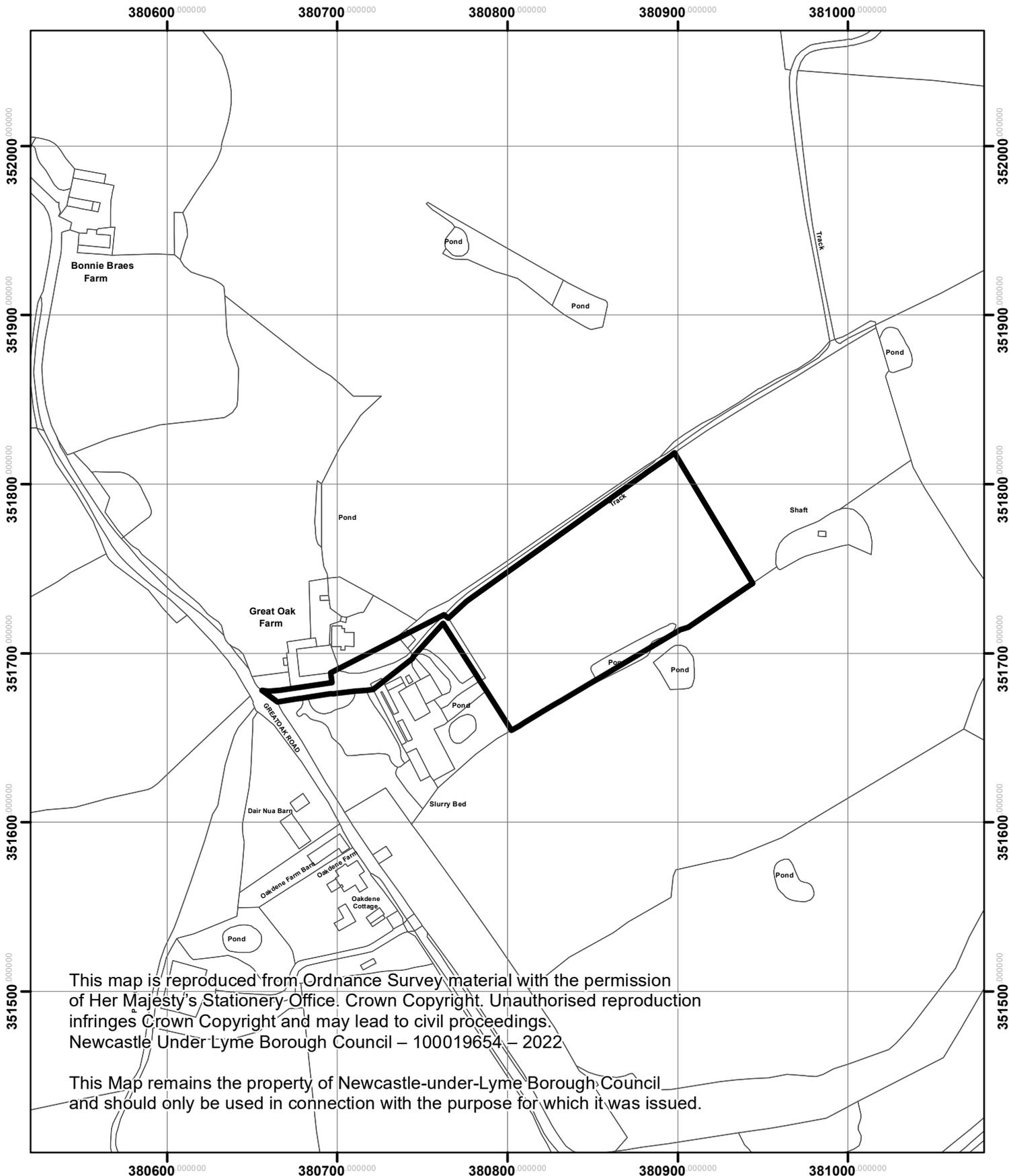
#### Background Papers

Planning files referred to  
Planning Documents referred to

Date report prepared

12<sup>th</sup> April 2022

# Great Oak Farm, Great Oak Road



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**CROFT FARM, STONE ROAD, HILL CHORLTON  
DAVID JAMES DEVELOPMENTS LIMITED**

**22/00046/REM**

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of the erection of a replacement farmhouse and 11 bungalows at Croft Farm.

This application for the approval of reserved matters follows the granting of an outline planning permission in August 2019 (18/00507/OUT). Details of the access from the highway network were approved as part of the outline consent and a subsequent non-material amendment to the access was granted last year (18/00507/NMA).

The application site, which measures 0.9 hectares, lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expires on 21<sup>st</sup> April but the applicant has agreed to extend the statutory period until 29<sup>th</sup> April 2022.**

## **RECOMMENDATION**

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

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Tree protection plan**
- **Arboricultural method statement**
- **Schedule of works for retained trees**
- **Provision of access, parking and turning areas**
- **Details of materials**
- **Details of boundary treatments**

## **Reason for Recommendation**

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable and to be in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout and subject to conditions, the proposed landscaping is considered acceptable. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Additional and amended information has been sought from the applicant where necessary and obtained and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

## **Key Issues**

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of the erection of a replacement farmhouse and 11 bungalows at Croft Farm. The principle of the residential development was established by the granting of outline planning permission 18/00507/OUT in August 2019 and details of the access from the highway network were approved as part of that outline consent. A subsequent non-material amendment to the access was granted last year (18/00507/NMA).

The application site lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The principle of residential development and the details of the access to the site from the highway have already been concluded to be acceptable. It is not considered that the application raises any issue of impact on trees and the Landscape Development Section raises no objections to the proposed landscaping. Although they request a financial contribution towards Public Open Space, this was dealt with in consideration of the outline application and cannot be sought at this stage.

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

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Other matters

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, 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 CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

Policy DC2 of the CHCMAW Neighbourhood Plan details a number of criteria that new development should meet if it is to be supported. This includes, amongst other things, that the development reflects local character, maintains and enhances the character and appearance of the landscape and responds sensitively to local topography.

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

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

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

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

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

CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This

policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The site is within an Area of Landscape Restoration and Policy N21 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The development would comprise a 2-storey dwelling and 11 bungalows laid out around a central area of open space. The density of the development would be approximately 12 dwellings per hectare. In allowing the appeal for the outline scheme, the Inspector acknowledged that the density would be low and concluded that it would reflect the surrounding development and sympathise with its rural setting. Although the development would not follow the general surrounding linear pattern of development, in allowing the appeal, the Inspector stated as follows:

*“..given that there are only a small number of neighbouring properties within the immediate vicinity, I do not consider that this is a strong defining character of the area. Due to the lower site levels and the likely lower profiles of the proposed dwellings compared to the surrounding two-storey properties, in addition to the screening effect of hedgerows, the proposal would only be readily visible from localised views. The linearity of the surrounding development is only discernible when traveling along the A51, from which the site would only be visible through glimpsed views.”*

Bungalows tend to have a greater footprint than 2-storey dwellings and in this case, the applicant states that the dwellings have been designed to be future-proofed in their energy requirements, with, for example, 200mm cavities (almost double the requirement) which increases the size of each bungalow. However, the distance between the properties varies considerably and with the addition of the substantial central area of open space, it is considered that the development would be sufficiently spacious and would be appropriate in this rural location.

The dwellings would provide a mix of traditional cottage styles, with timber porches and red brick, along with more modern aspects. Selected features (such as Staffordshire blue roof tiles) have been used to reflect those in the local area, while at the same time including new detailing (such as glazed gables) to give the development its own identity. The details are replicated throughout to provide a cohesive development but with individual dwelling design. The ‘farmhouse’ is a traditional design, which uses materials to tie in with both the local vernacular and the rest of the site.

Some of the dwellings would have a garage and parking would generally be to the side of the properties to avoid parking to the front.

In the plans as originally submitted, the height of the bungalows varied between 5.8m and 6.2m. Although in allowing the appeal, the Inspector did not consider it necessary to impose a condition limiting the height of the bungalows, the applicant has made reference to the Residents’ Group’s comments on the outline application, in which they stated that, if development is permitted, the ridge height of the bungalows should be no more than 6 metres. In response to this, the heights of all of the bungalows have been reduced to be below 6m.

The Parish Council refers to the development having a greater landscape impact than the outline scheme due to an increase in the height of the dwellings. However, given that scale was reserved for subsequent approval, any details in the outline proposal were only illustrative.

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

#### Would there be any adverse impact on residential amenity?

The NPPF states at paragraph 127 that planning 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.

### *Existing occupiers' amenity*

Given the orientation of the existing dwellings, the limited height of the proposed bungalows and the existence of landscaping along the site boundary, it is considered that there would be no significant adverse impact on the amenity of the occupiers of the existing dwellings.

### *Amenity of future occupiers of the development*

The distance between the proposed dwellings would comply with the recommendations of the Council's Space Around Dwellings SPG and an acceptable level of outdoor space would be available for each property for drying washing, sitting out and gardening. It is considered that the level of private amenity space would be sufficient for the bungalows and the farmhouse, providing an appropriate level of amenity for future occupiers.

### Is the internal road layout and parking provision acceptable in highway safety terms?

The means of access to the site was determined at the outline stage. Therefore, although objections have been received from both residents and the Parish Council on the grounds of highway safety impact, in particular that the access is unsafe and that its design is flawed, such objections could not now be sustained.

The Highway Authority has no objections to the detail of the proposal and the proposal is considered acceptable in terms of impact on highway safety.

### Other matters

Concerns have been raised by both the Parish Council and residents regarding the drainage of the site. In allowing the appeal for the outline scheme, the Inspector concluded that there was no substantive evidence that the proposal would have any significantly harmful effect on flooding and he imposed conditions requiring the submission of a detailed surface water drainage design along with drainage plans for the disposal of foul and surface water flows. The conditions require the submission and approval of details prior to commencement of development and are considered sufficient to ensure satisfactory drainage facilities will be provided.

### 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 ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets

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

Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4:	Development and Nature Conservation – Use of Local Species
Policy N17:	Landscape Character – General Considerations
Policy N21:	Areas of Landscape Restoration
Policy T16:	Development – General Parking Requirements

#### [Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan \(CHCMAWNDP\) 2019](#)

Policy NE1:	Natural Environment
Policy NE2:	Sustainable Drainage
Policy DC2:	Sustainable Design
Policy DC3:	Public Realm and Car Parking
Policy DC5:	Impact of Lighting
Policy DC6:	Housing Standards
Policy DC7:	Renewable Energy
Policy HG2:	Housing Mix

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

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

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

#### [Supplementary Planning Guidance/Documents](#)

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

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

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

#### Relevant Planning History

17/00630/FUL	Extensions and alterations	Approved
17/00776/FUL	Erection of a replacement dwelling	Approved
18/00507/OUT	Outline planning for the demolition of existing buildings, 1 replacement farmhouse, erection of 11 bungalows, access, parking and amenity space	Approved
18/00507/NMA	Minor amendment to re-position the access road approximately 4.1m eastwards, whilst keeping the access road width and all other details the same	Approved

### Views of Consultees

The **Highway Authority** has no objections subject to a condition requiring the development to be carried out in accordance with the approved details.

The **Landscape Development Section** has no objections subject to conditions regarding tree protection, an arboricultural method statement and a schedule of works for retained trees. A financial contribution of £5,579 per dwelling is sought towards off-site open space.

The **Crime Prevention Design Advisor** states that the development should be a very attractive one within a good setting designed to foster a strong sense of community amongst residents. A number of security recommendations are made.

**Chapel and Hill Chorlton Parish Council** is strongly opposed to the application on the following grounds:

- The development is contrary to Policy HG1 of the Neighbourhood Plan (NP).
- The development would have a greater landscape impact than the outline scheme due to an increase in the height of the dwellings.
- The surface water run-off would be substantially greater than what was calculated at the outline stage.
- Part of the boundary hedge has been felled impacting upon wildlife and the local landscape.
- Concerns regarding drainage and the capacity of the pond to avert flooding. A new SUDs report must be submitted and reviewed prior to determination of this application.
- The design and layout fails to complement the local character by introducing a cul-de-sac development beyond the existing linear development.
- The ridge heights are excessive and unacceptable.
- The boundaries should be replanted with native mixed species.
- More tree planting is required.
- Covenants should be added on all properties restricting residents from removing hedges or erecting fencing.
- No details of exterior lighting have been submitted.
- There should be no street lighting.
- There is no reference to internet connectivity.
- The access is unsafe and the design is flawed.
- Impact on neighbouring properties.
- Waste Management should be consulted.
- Impact on pedestrians.
- A Management Company should be set up to maintain the open space and pond.
- There is a safety issue of future residents living directly under these power lines.

No comments have been received from the **Environmental Health Division** and given that the consultation period has ended, it must be assumed that they have no observations to make.

### Representations

Three letters of representation have been received. Objection is made on the following grounds:

- Impact on view
- The plans have deviated vastly from the original plans
- Contravenes the Neighbourhood Plan
- Highway safety
- Poor drainage

### Applicant's/Agent's submission

The application is accompanied by a Design & Access Statement and a Tree Report.

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/22/00046/REM>

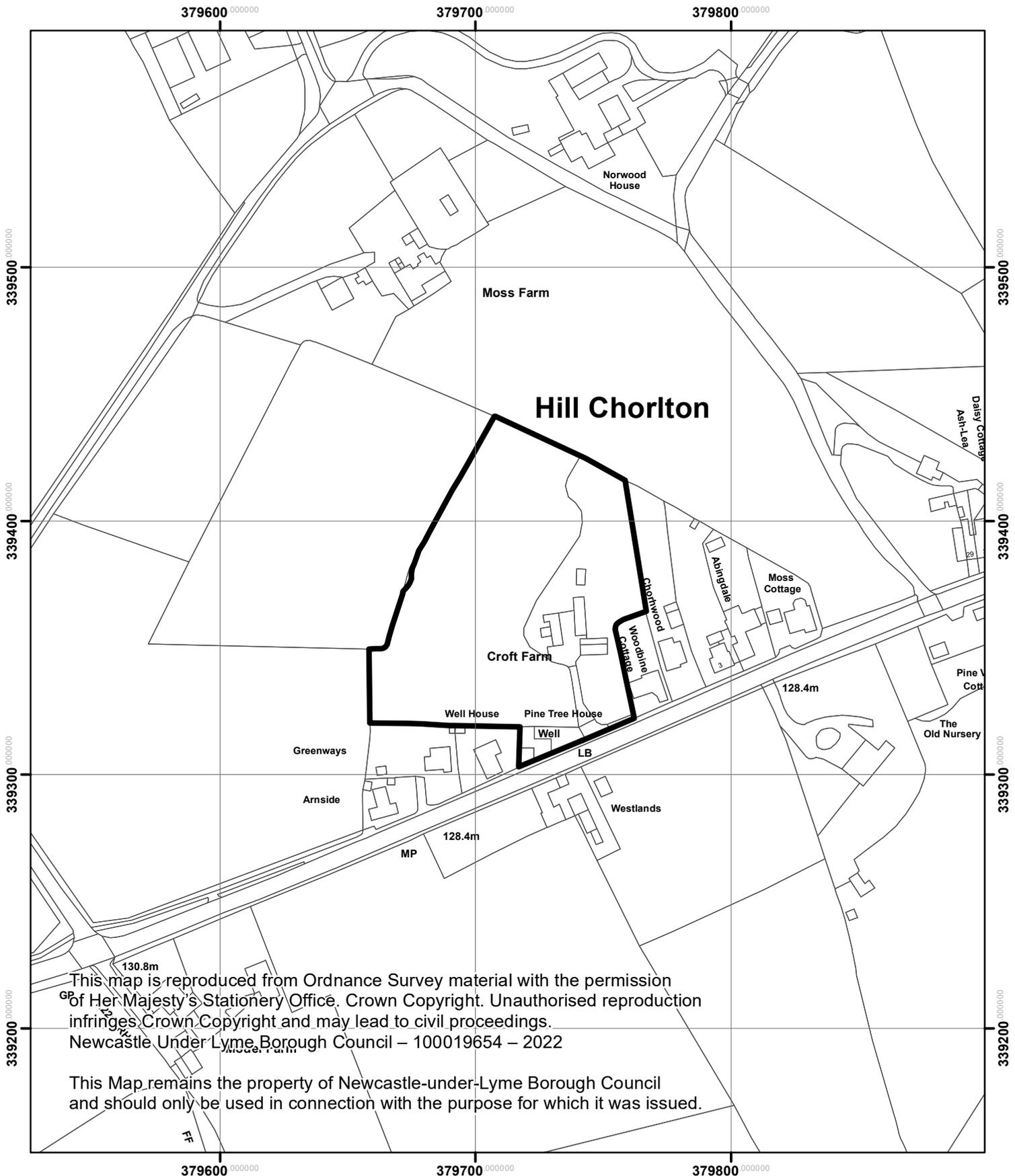
Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

12<sup>th</sup> April 2022

# Croft Farm, Stone Road, Hill Chorlton



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Newcastle Under Lyme Borough Council – 100019654 – 2022

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**ASHFIELDS GRANGE, HALL STREET, NEWCASTLE**  
**ASPIRE HOUSING**

**22/00126/FUL**

The application seeks a variation to conditions 1 and 24 of planning permission 20/00609/FUL to substitute approved plans with revised plans to secure amendments to the design of roof parapets of the building and the landscape design of the third floor roof terrace. The application also seeks to secure changes to the electric vehicle charging provision.

The application site is currently under redevelopment with the construction of a building containing 89 supported living apartments (C3 use class), along with communal facilities, car parking, landscaping and amenity space, granted under 20/00609/FUL.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as adjoining the Northern Gateway. The site area is approximately 0.96 hectares.

**The 13 week period for the determination of this application expires on the 30<sup>th</sup> May 2022.**

**RECOMMENDATION**

**PERMIT the variation of Conditions 1 and 24 of planning permission 20/00609/FUL to substitute approved plans with revised plans to secure amendments to the design of roof parapets and the landscape design of the third floor roof terrace, along with the rewording of condition 24 to read as follows;**

***“Prior to the occupation of the development hereby approved the following Electric Vehicle Charging Provision shall be made available on site and maintained for the lifetime of the development;***

- ***12 of the 48 parking spaces must be provided with a fully operational electric vehicle charging point, which shall include 1 disabled space and 1 staff parking space***
- ***All other parking spaces shall be provided with duct infrastructure to allow future charging point connection.***
- ***Charge points are to be a minimum of 32Amp with Type 2 Mennekes connections, Mode 3 (on a dedicated circuit) or equivalent.***

***Reason: To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, in accordance with the requirements of the National Planning Policy Framework 2021.”***

**and subject to the imposition of all other conditions attached to planning permission 20/00609/FUL that remain relevant at this time, amended as necessary.**

**Reason for Recommendation**

The revised details are acceptable and the proposed development is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

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

Officers have engaged with the applicant and the development is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

## **Key Issues**

The application seeks a variation to conditions 1 and 24 of planning permission 20/00609/FUL to substitute approved plans with revised plans to secure amendments to the design of roof parapets and the landscape design of the third floor roof terrace, along with the rewording of condition 24 to secure changes to the electric vehicle charging provision.

The application site is currently under redevelopment with the construction of a building containing 89 supported living apartments (C3 use class), along with communal facilities, car parking, landscaping and amenity space, granted under 20/00609/FUL. The construction works are at an advanced stage.

Application 20/00609/FUL was also for the variation of condition 2 of the original planning permission 19/00614/FUL. The amendments to condition 2 as approved under 20/00609/FUL was the substitution of the approved plans with revised plans showing a substation, generator and bin store. It was permitted in October 2020.

An application such as this is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

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

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission where they remain relevant.

Given the above, the main issues for consideration in the determination of this application are:-

1. The design and impact on the visual amenity of the proposed changes,
2. The impact on the amenity of the area, including noise and air quality of the proposed changes, and
3. The acceptability of electric vehicle charging.

### 1. The design and impact on the visual amenity of the proposed changes

The NPPF sets out at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

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. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The proposal is to substitute approved plans with revised plans to amend the design of the roof parapets of the building and the landscape design of the third floor roof terrace.

The revised parapet design will increase the overall height of the building by 900mm. This is primarily for health and safety purposes. The parapet of a smaller roof terrace on the northern aspect of the building will also be increased in height by 450mm and will no longer be accessed by residents. It will instead become a service area for air conditioning units.

In the context of the overall design and scale of the building the changes are considered minor and the overall appearance of the building would be similar to the previously approved scheme. Therefore, subject to appropriately worded conditions the design of the scheme is still in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

## 2. The impact on the amenity of the area, including noise and air quality of the proposed changes

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.

As discussed, the proposed amendments to the scheme would increase the scale of the building by 900mm but the changes are considered minor and the overall appearance of the building would be similar to the previously approved scheme.

The proposed changes to the scale of the building and third floor roof terrace would not adversely affect nearby neighbouring dwellings on Bailey Street and the location of air conditioning units would be a substantial distance from these properties also.

Subject to the conditions of the previous permission being proposed it is accepted that the amenity of the area can be protected in accordance with the guidance and requirements of the NPPF.

## 3. The acceptability of electric vehicle charging

Condition 24 of planning permission 20/00609/FUL set out that;

*“Prior to the occupation of the development hereby approved the following Electric Vehicle Charging Provision shall be made available on site and maintained for the lifetime of the development;*

- *12 of the 48 parking spaces must be provided with a fully operational electric vehicle charging point, which shall include 1 disabled space and 1 staff parking space*
- *All other parking spaces shall be provided with passive wiring to allow future charging point connection.*
- *Charge points are to be a minimum of 32Amp with Type 2 Mennekes connections, Mode 3 (on a dedicated circuit)*

*Reason: To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, in accordance with the requirements of the National Planning Policy Framework 2019.”*

The applicant has now advised that they are unable to satisfy the element of the condition that requires all other parking spaces shall be provided with passive wiring to allow future charging point connection. They state technical reasons for this and that the technology is rapidly changing. They believe that the best way to satisfy this condition would be to allow for a duct infrastructure from the substation to be installed and once the future demand is established the electrical supply can then be connected via the duct infrastructure.

Your officers are content that the condition can be varied on the basis that 12 spaces would be provided with a fully operational electric vehicle charging point and future provision can be secured appropriately. This would still meet the objectives of the NPPF which seeks to promote the use of ultra-low emission vehicles in safe, accessible and convenient locations.

## **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 CSP1: Design Quality

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

None

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

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

[Planning Practice Guidance](#)

[Supplementary Planning Guidance/Documents](#)

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

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

### **Relevant Planning History**

Planning permission was originally granted in January 2020 for demolition of all existing buildings and the development of 89 supported living apartments (C3 use class), along with communal facilities, car parking, landscaping and amenity space reference 19/00614/FUL.

A subsequent application, reference 20/00609/FUL, for the variation of condition 2 of planning permission 19/00614/FUL to substitute the approved plans with revised plans that show a proposed substation, generator and bin store, was permitted in October 2020.

### **Views of Consultees**

Comments were also invited from the **Environmental Health Division (EHD)** 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/22/00126/FUL>

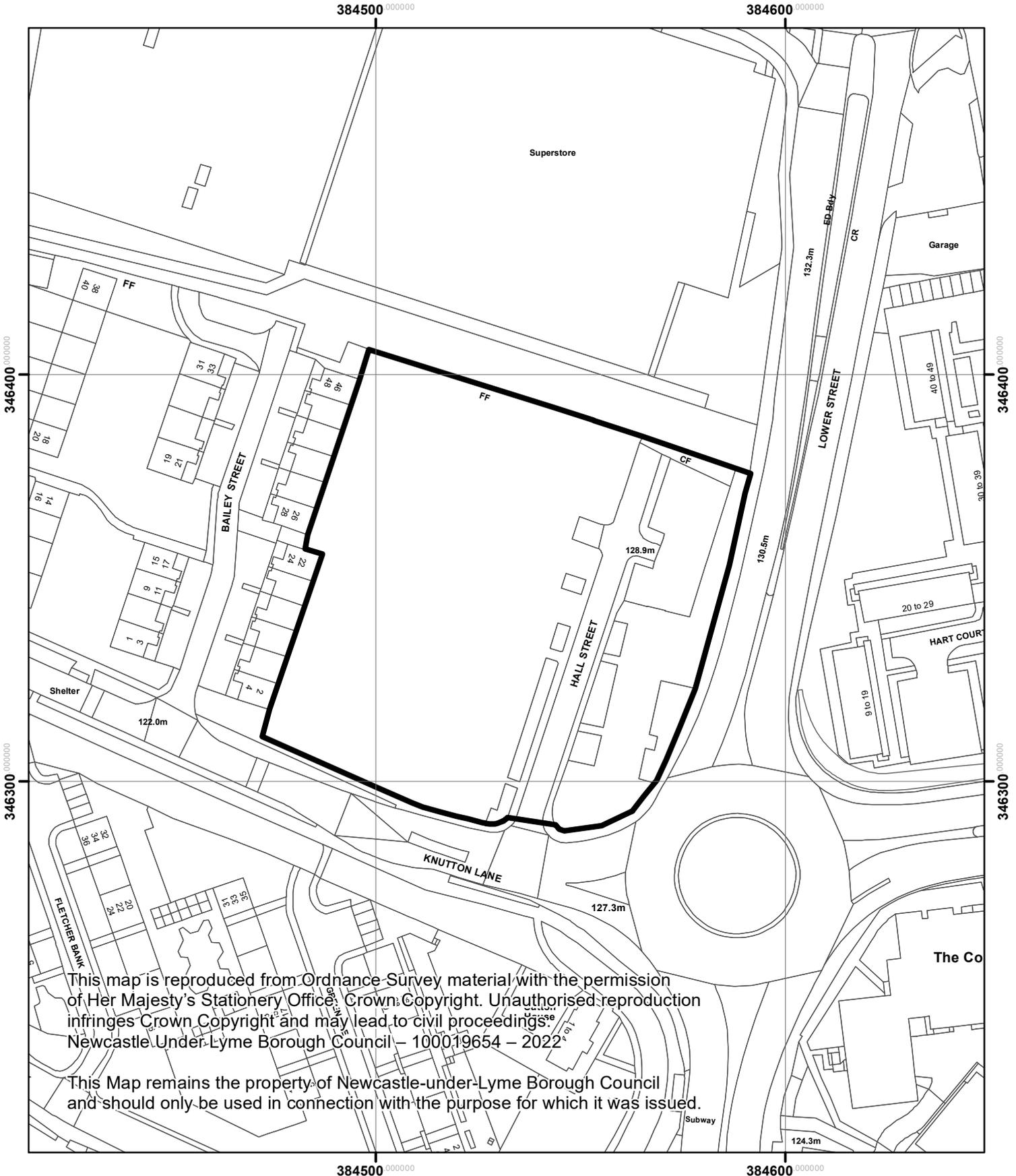
### **Background papers**

Planning files referred to  
Planning Documents referred to

### **Date report prepared**

12<sup>th</sup> April 2022

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**15 MORSTON DRIVE, CLAYTON, NEWCASTLE-UNDER-LYME**  
**MR AND MRS P EVANS**

**22/00204/FUL**

The application is for full planning permission for a single storey rear extension.

The site is located within the Urban Area, as identified within the Local Development Framework Proposals Map.

The application is to be determined by the Committee as the applicant is an employee of the Council.

**The 8 week period for the determination of this application expires on 4<sup>th</sup> May 2022.**

## **RECOMMENDATION**

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

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**

## **Reason for Recommendation**

The proposed extension is modest in its proportions and appropriate in its design and overall appearance. It represents a subordinate addition to the property and so accords with the provisions of policies within the National Planning Policy Framework and Policies of the Development Plan.

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

The proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework and no amended plans or additional information has been sought.

## **Key Issues**

Planning permission is sought for a single storey rear extension at No. 15 Morston Drive. The application site is located within an established residential area in the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The key issues to be considered in the determination of the application are;

- The design of the proposal, and
- The impact upon residential amenity.

## **The design of the proposal**

Paragraph 126 of the National Planning Policy Framework (NPPF) 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 NPPF lists six 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 Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

Policy H18 of the Local Plan is concerned with the design of residential extensions, and states that the form, size and location of extensions should be subordinate to the original dwelling, and that extensions should not detract from the character and appearance of the original dwelling, or from the character of the wider street scene.

Currently the existing rear elevation of the dwelling hosts a conservatory extension. It is proposed to remove this and replace it with a traditional brick extension which would have a flat roof construction. The extension would have the dimensions of 4.8m width x 5m depth x 3m height.

While larger than the existing conservatory, the proportions and design of the extension are considered to comprise a subordinate addition to the property. The use of brickwork to match the existing dwelling would ensure that the works integrate well with the appearance of the property.

Therefore for the reasons outlined above the proposal is considered to be appropriate in design, scale and form and so would comply with Policy H18 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the provisions of the NPPF.

#### The impact upon neighbouring properties in terms of amenity.

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

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations. There would be no breach of the guidance contained within the Space Around Dwellings SPG.

Therefore in light of the above, the proposal meets the criteria in NPPF and supplementary guidance and is not considered to have any adverse impact on the residential amenity of surrounding properties.

#### 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Policy CSP1: Design Quality

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

Policy H18: The Design of Residential Extensions, Where Subject to Planning Control

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

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Space around Dwellings Supplementary Planning Document \(2004\)](#)

[Relevant Planning History](#)

17/00472/FUL - Erection of detached building to be used for a dog grooming business – Permitted

[Views of Consultees](#)

None

[Representations](#)

None received

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

The submitted plans for the development can be viewed on the Council's website using the following link: <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/22/00204/FUL>

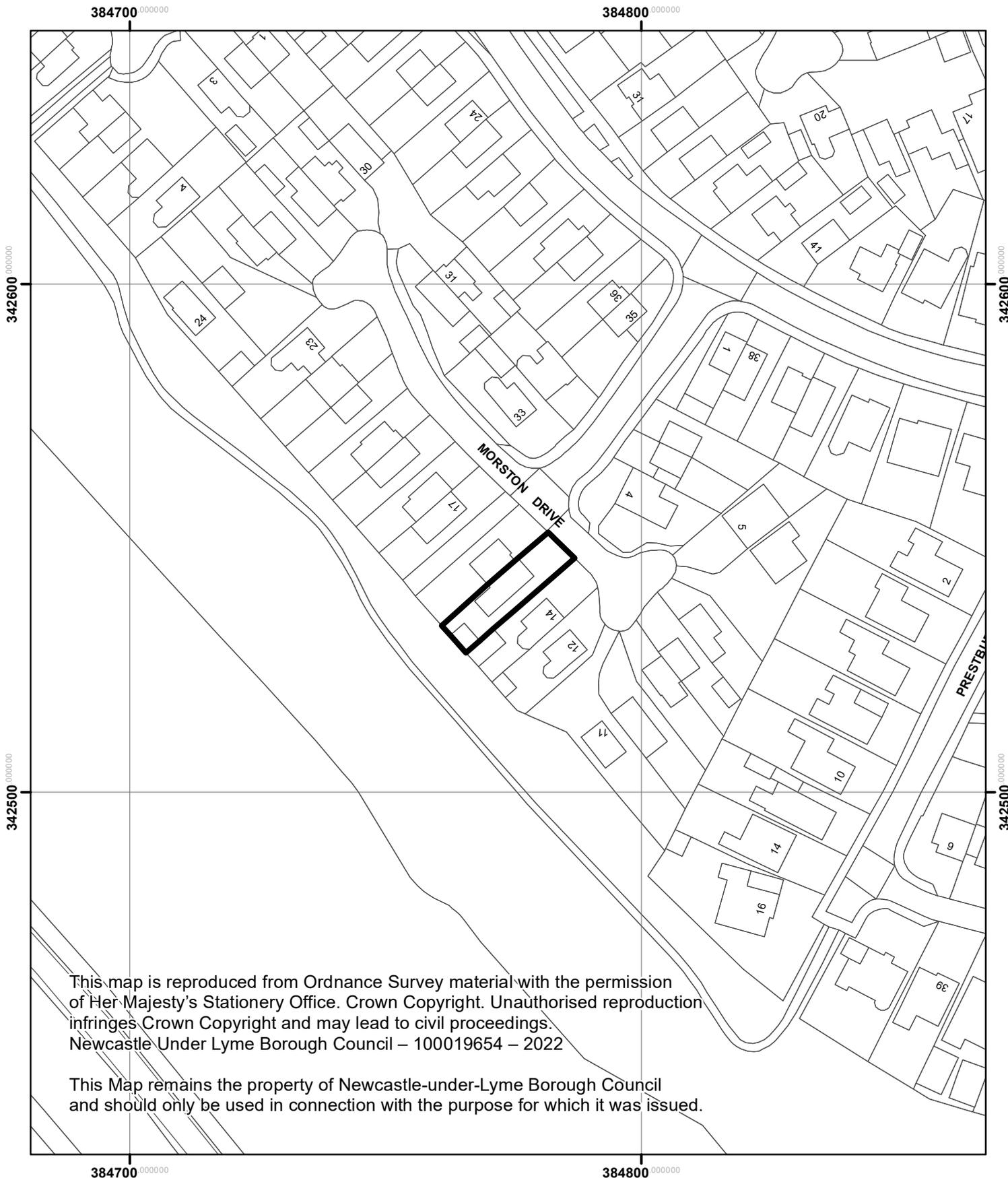
[Background papers](#)

Planning files referred to

Planning Documents referred to

[Date report prepared](#)

12<sup>th</sup> April 2022



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**LAND TO EAST OF CONEYGREAVE LANE, WHITMORE**  
**HIGH SPEED TWO (HS2) LIMITED**

**22/00153/SCH17**

This application seeks approval of the plans and specifications under Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act 2021 for the creation of two ecological mitigation ponds, two associated bunds and the installation of a permanent vehicular access gate on land to the east of Coneygreave Lane.

The site lies within the open countryside, which is designated as being within the Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

**The 8 week determination of this application is 7<sup>th</sup> May 2022.**

**RECOMMENDATIONS**

**That the Schedule 17 application be granted subject to conditions relating to the following:**

- 1. Carried out in accordance with the approved plans.**
- 2. Any conditions as recommended by consultees which relate to the grounds set out in the legislation**

**Reason for Recommendation**

Subject to confirmation from the Landscape Development Section that the works can be carried out without loss of, or harm to, the hedgerow and trees surrounding the site or that any loss can be suitably mitigated through replacement planting, the proposed works preserve the local environment and local amenity. In addition the works do not result in any prejudicial effect on road safety or on the free flow of traffic in the local area and would not adversely affect a site of archaeological or historic interest or nature conservation value. As such there are no design and appearance reasons to refuse to approve the application or grounds to argue that the development ought to, and could reasonably be carried out on, other land.

**KEY ISSUES**

**Consideration of Schedule 17 Applications**

Section 17 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase 2a and associated works (“the Works”) between West Midlands and Crewe, but some of the detailed design and construction are subject to further approval. Schedule 17 to the Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organisation on whom the powers to carry out the works are conferred) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act, requests for approval under Schedule 17 are not planning applications.

In passing the Act, Parliament has judged such impacts to be acceptable when set against the benefits to be achieved by the Phase 2a scheme.

The purpose of Schedule 17 is not therefore to eliminate all prejudicial impacts on, or to secure the complete preservation of, any sites within the various categories identified in the schedule (set out below). On the contrary, the operation of Schedule 17 is such that there will be cases where a submission must be approved notwithstanding an identified negative impact, unless there are modifications that are reasonably capable of being made.

Accordingly, it is not open to the planning authorities under Schedule 17 to refuse in principle works or development which is covered by the Environmental Statement and approved by Parliament. The impacts have been assessed and planning permission has been granted on that basis. Instead,

Schedule 17 offers planning authorities an opportunity to seek modifications to the details submitted that they consider reduce the impacts of a submission if such modifications can be justified.

The Schedule sets out that the Council can only refuse to approve the application, or impose conditions, in the following circumstances:

- (a) The design or external appearance of the works ought to be modified
  - (i) To preserve the local environment or local amenity;
  - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or
  - (iii) To preserve a site of archaeological or historic interest or nature conservation value; and is reasonably capable of being so modified; or
- (b) Where the Council consider that the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.

(a) Consideration of the Design and External Appearance of the Proposal

This Schedule 17 application seeks approval for two ecological mitigation ponds, two associated bunds and the installation of a permanent vehicular access gate on land to the east of Coneygreave Lane.

*Impact on the local environment and local amenity*

The proposal involves the formation of two ecological mitigation ponds (maximum depth of 1.5m) in a position close to the boundary of the site, a field, with Coneygreave Lane. The ponds are to provide replacement habitat for reptiles and amphibians, within an area of grassland habitat creation. The scale and setting of the ponds have been designed with advice from ecology specialists.

The soil obtained from the pond excavations would be used to create 2 bunds which would be designed with an asymmetric profile and be planted with the same proposed habitat planting as for the adjacent areas. They would be a maximum height of 1m.

To secure the site a permanent vehicle access gate is required in the northern part of the site.

The existing hedgerows and hedgerow trees are to be retained and protected. The submission sets out that where excavation is required within root protection areas it will be undertaken manually with existing ground levels retained to avoid causing root damage.

Subject to confirmation from the Landscape Development Section that the works can be carried out without loss of, or harm to, the hedgerow and trees surrounding the site or that any loss can be suitably mitigated through replacement planting it is considered that the proposals will not have an adverse impact on the local environment and local amenity.

Environmental management arrangements during construction do not form part of the request for approval of plans and specification under Schedule 17. As such consideration cannot be given to any impact on the local environment arising during construction of the ponds and bund.

*Road safety and the free flow of traffic in the local area*

No new permanent access or other highway elements are proposed. As such the works would not have any detrimental impact on road safety or the free flow of traffic in the local area.

Measures to control road safety and traffic impacts arising from the construction of the ponds are separately covered and do not fall to be considered with this application.

*Impact on archaeological or historic interest or nature conservation value*

The site is not within, or close to, a known site of archaeological or historic interest or nature conservation value. Notwithstanding this a Location Specific Written Scheme of Investigation has

been drawn up in consultation with the County Archaeologist which details the methodology for archaeological surveys and investigations to be implemented prior to construction. Should any heritage assets of such significant be identified during construction that warrant preservation in situ there is a commitment to redesign the submission to avoid impacting the assets leading to a revised Schedule 17 approval request.

(b) Ought the development, and could it reasonably, be carried out elsewhere on land within the Act limits.

As there are no design and appearance reasons to refuse to approve the application, there are no grounds to argue that the development ought to, and could reasonably be carried out on, other land.

### 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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy S3: Development in the Green Belt  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N21: Area of Landscape Restoration

#### [Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan \(CHCMAWNDP\) Made October 2021](#)

Policy NE1: Natural Environment  
Policy DC2: Sustainable Design

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

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

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

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

#### [High Speed Rail \(West Midlands – Crewe\) Act 2021](#)

#### [High Speed Rail \(West Midlands – Crewe\) Act 2021 Schedule 17 Statutory Guidance \(May 2021\)](#)

#### [Equality Act 2010](#)

#### [Supplementary Planning Guidance/Documents](#)

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

#### Relevant Planning History

21/00634/SCH17 Approval of plans and specifications under condition imposed by Schedule 17 to the High Speed Rail (West Midlands - Crewe) Act 2021 - Withdrawn

#### Views of Consultees

**Whitmore Parish Council** has no objection providing that all necessary steps are taken by HS2 and its contractors to ensure that the A53 is kept clean and free of mud and soil at all times.

**Cadent** has no objection to the proposal.

The views of the **Landscape Development Section** have been sought and if received will be reported.

No comments have been received from the **Environmental Health Division**, the **Highway Authority**, **County Ecologist** and the **Environment Agency** and given that the period for comment has ended, it must be assumed that they have no observations on the application.

### Representations

None

### Applicant/agent's submission

The applicant has submitted, in addition to plans, the following:

- Submission Letter
- Proforma
- Written 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/22/00153/SCH17>

### Background Papers

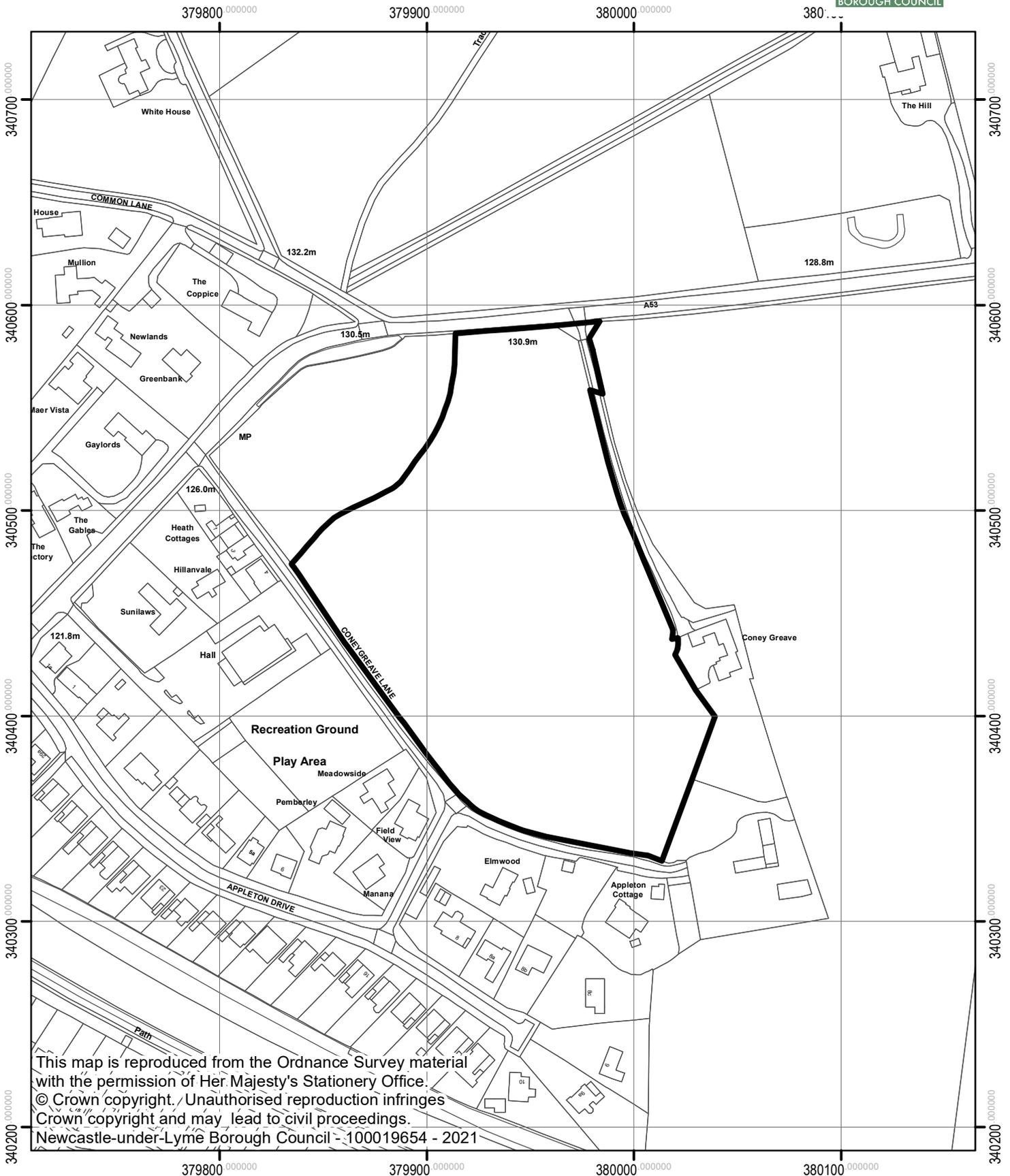
Planning File referred to  
Planning Documents referred to

### Date report prepared

13<sup>th</sup> April 2022

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# 22/00153/SCH17 Land To East Of Coneygreave Lane Whitmore



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**BT TELEPHONE EXCHANGE, FAIRGREEN ROAD, BALDWINS GATE**  
**EE LTD**

**22/00262/TDET**

The proposal is for the installation of a 20m high monopole and associated ancillary works at land within the existing BT Telephone Exchange on Fairgreen Road.

The application site lies within the Village Envelope of Baldwin's Gate, as defined on the Local Development Framework Proposals Map.

**Unless a decision on this application is communicated to the developer by 19 May 2022 the development will be able to proceed as proposed.**

**RECOMMENDATIONS**

**Following the expiry of the consultation period, the Head of Planning be given the delegated authority to confirm:**

**(a) That prior approval is required, and**

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

**The siting, scale and external appearance of the proposal development would be harmful to the visual appearance of the area and contrary to Policy CSP1 of the Core Spatial Strategy 2006-2026, Policy T19 of the Newcastle-under-Lyme Local Plan 2011, Policy DC2 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan and the aims and objectives of the National Planning Policy Framework 2021.**

**Reason for Recommendation**

The proposed mast at 20m tall would be incongruous in its residential setting. Whilst it would be sited within the grounds of a telephone exchange, and adjacent to some mature trees, there is no comparable infrastructure of this scale within the immediate area and the existing trees would offer no screening from views within Fairgreen Road. It is considered that the mast would have a dominant and harmful appearance in the locality which would also impact upon the wider street scene. Whilst the benefits of the proposal are recognised, the proposal is considered to conflict with the requirements of Policy CSP1 of the Core Spatial Strategy 2006-2026, Policy T19 of the Newcastle-under-Lyme Local Plan 2011, Policy DC2 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan and the aims and objectives of the National Planning Policy Framework 2021.

**KEY ISSUES**

The proposal is for the installation of a new 20m high monopole with 3 ground based cabinets. The development would be sited in the northern corner of the existing BT Telephone Exchange site which is accessed off Fairgreen Road.

The application site lies within the village envelope of Baldwin's Gate, as defined on the Local Development Framework Proposals Map.

The Council must initially decide whether prior approval is or is not required for the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted.

Paragraph 118 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent

competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Is prior approval required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The proposal comprises a new mast and equipment that would be clearly visible within the street scene of a residential area. It is considered that prior approval is therefore required.

Should prior approval be granted?

Paragraph 114 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections.

Paragraph 115 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The proposal comprises a 20m high monopole and 3 ground based cabinets in grey steel. The development would be sited in the northern corner of the BT Telephone Exchange which is accessed from Fairgreen Road. To the north of the site is an expanse of green open space which also contains a band of mature trees. This area extends up to the boundary with the A53 and so forms an attractive area of open land at this prominent highway junction.

Development within Fairgreen Road and immediately opposite the site along the A53 is predominantly residential in nature. Properties are comprised of mainly two storey houses, with some bungalows and one and a half storey properties also present.

Views when approaching the site from the east along the A53 would largely be screened by the belt of dense tree cover adjacent to the site. However, when entering Fairgreen Road the proposed development would appear as a stark and incongruous addition within this residential area. The 20m height of the monopole would far exceed the heights of the nearby properties and would also sit approximately 6m taller than the highest levels of the tree canopies present next to the telephone exchange.

It is accepted that the applicant has attempted to find the most functional and suitable siting for the structure, which is driven by other technical requirements but whilst the works would be sited within the grounds of the Telephone Exchange, there is no comparable infrastructure in place within the site that would offset the stark appearance of the structure.

Within their supporting statement the applicant has identified that the development is required to support on-board connectivity for users of the Avanti West Coast services which operate on the railway to the north east of the site. They also note that other benefits include improvements to connectivity within the local area and for emergency services.

The public benefits of the scheme are not questioned, however the siting and scale of the development within this predominantly residential area is considered to be harmful to the surrounding

street scene and visual amenities of the area. As a result the works would be directly in conflict with Policy CSP1 of the Core Spatial Strategy 2006-2026, Policy T19 of the Newcastle-under-Lyme Local Plan 2011, Policy DC2 of the CHCMWA Neighbouring Plan as well as the aims and objectives of the National Planning Policy Framework.

### Reducing Inequalities

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

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

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

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

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

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

## **APPENDIX**

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

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

Policy CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns

Policy T20: Telecommunications Development – Required Information

[Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan](#) Made October 2021

Policy DC2: Sustainable Design

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

*[National Planning Policy](#)*

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

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

*[Supplementary Planning Guidance/Documents](#)*

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

Relevant Planning History

None

Views of Consultees

The **Environmental Health Division** has no objections subject to a condition that restricts construction hours.

Comments are awaited from **Whitmore Parish Council**, and the **Highway Authority**.

Representations

None received at the time of producing this report.

Applicant/agent's submission

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

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00262/TDET>

Background Papers

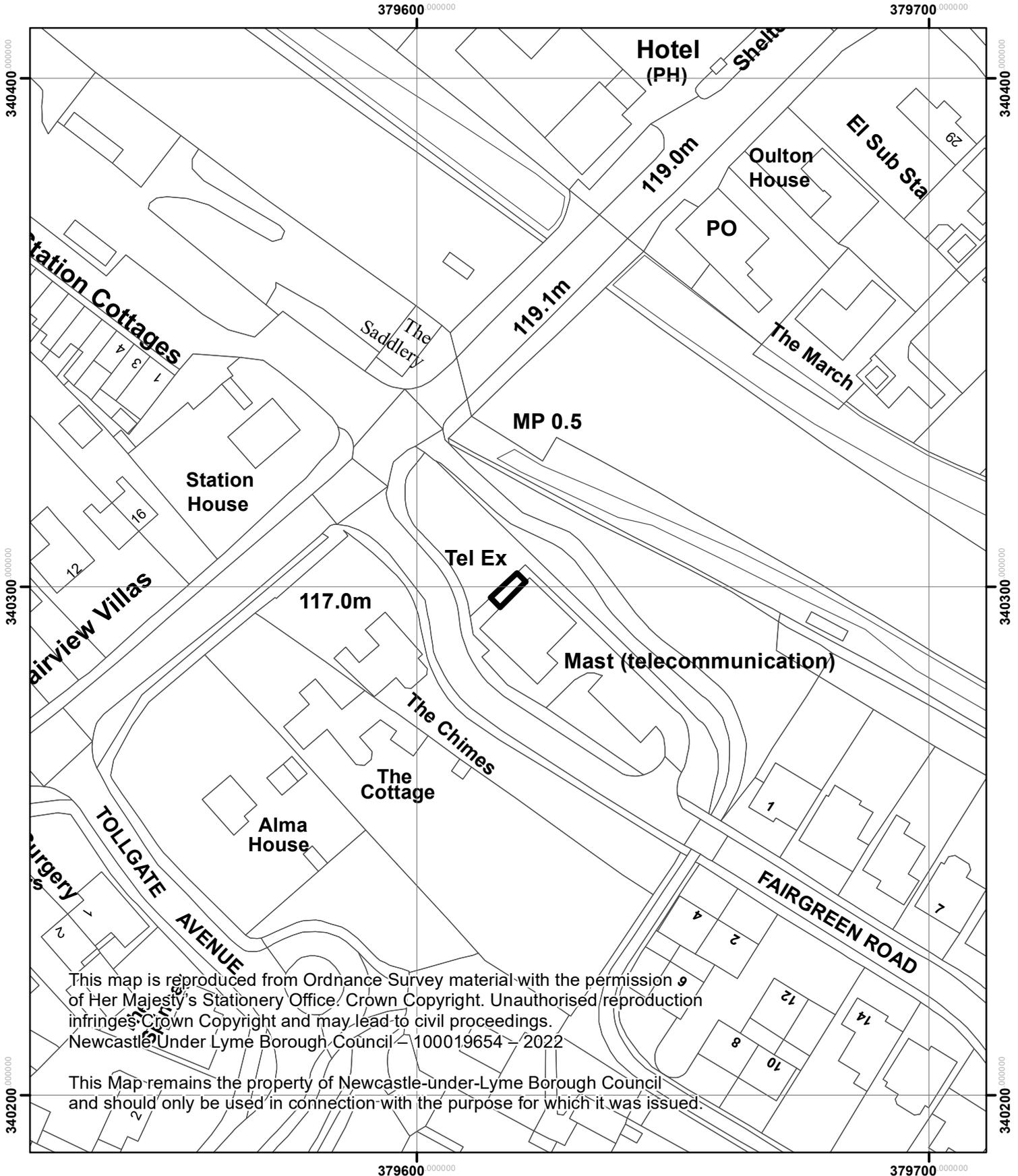
Planning File referred to

Planning Documents referred to

Date report prepared

12<sup>th</sup> April 2022

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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 3<sup>rd</sup> 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 12<sup>th</sup> July 2022.

Date report prepared: 14<sup>th</sup> April 2022

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

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

### **RECOMMENDATION**

**That the information be received.**

### Latest Information

An update report was prepared for the 1<sup>st</sup> March planning committee which set out that works to the track, approved under planning permission 21/00286/FUL, were largely complete and there was 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.

Your officers have carried out a recent site visit when it was observed that the landowner is preparing the land for reseeded so that he can complete the approved landscaping works.

Whilst a recent complaint has been received about HGV movements to the site, these movements are associated with the agricultural activities of the land, which are taking place as normal and are not a breach of planning control.

The landowner has again been reminded of all of the planning conditions of the planning permission.

This site continues to be monitored and any complaints are being investigated accordingly.

Date Report Prepared – 11<sup>th</sup> April 2022

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

### Purpose of the Report

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

### Recommendations

**a) That the report be noted**

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

### Introduction

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

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

This report covers the period between 9<sup>th</sup> November 2021 (when the Committee last received a similar report) and the date of the preparation of this report (14<sup>th</sup> April).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or in subsequent agreed extensions, and extensions have been agreed with respect to some 3 applications.

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

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

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

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

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

Details of the applications involved are provided below:-

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

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

A DoV was not completed by the 20<sup>th</sup> August and whilst there have been delays on behalf of all parties, steady progress has been made and a draft has been in circulation for a number of weeks. Your Officer has recently agreed to extend the period by which the DoV should be completed by to the 6<sup>th</sup> May 2022.

Some 44 weeks have now passed since receipt of the application.

**(2) Land NE Eccleshall Rd SE Pinewood Rd NW Lower Rd 21/00393/FUL**

This application for full planning permission for a residential development of 22 dwellings came before the Planning Committee at its meeting on the 7<sup>th</sup> December (at around week 21). The resolution of the Committee required an obligation to secure financial contributions of £80,562 towards public open space and £33,244 towards secondary school education places. The resolution included the requirement that the agreement should be completed by the 28<sup>th</sup> January 2022.

The agreement was not completed by the 28<sup>th</sup> January due delays related to land ownership. A draft agreement is now in circulation and your officer has recently agreed to extend the period by which the Obligation should be completed by to the 6<sup>th</sup> May 2022.

Some 46 weeks have now passed since receipt of the application.

**(3) Former Newcastle Library 21/00903/FUL**

This application for full planning permission for the partial demolition, extension and change of use of the former library building to provide 36 no. apartments came before the Planning Committee at its meeting on the 1<sup>st</sup> February (at around week 19). The resolution of the

Committee required an obligation 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. The resolution included the requirement that the agreement should be completed by the 11<sup>th</sup> March 2022.

The agreement was not completed by the 11<sup>th</sup> March but it has been at an advanced stage for a number of weeks. Delays on behalf of the Council have been encountered. Therefore, your officer has agreed to extend the period by which the Obligation should be completed by to the 18<sup>th</sup> April 2022.

Some 29 weeks have now passed since receipt of the application.

Date Report prepared

14<sup>th</sup> April 2022

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**APPEAL BY MR JOHN BROWN AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE AND EXTENSION OF EXISTING GARAGE AT SUB GROUND FLOOR LEVEL AND NEW PORCH AT GROUND FLOOR LEVEL AT 2 HAWTHORN GARDENS, TALKE**

**Application Number** 21/00532/FUL

**LPA's Decision** Refused on 25<sup>th</sup> May 2021 under delegated authority

**Appeal Decision** Dismissed

**Date of Decision** 23<sup>rd</sup> March 2022

**Appeal Decision**

The Inspector identified the main issues to be the effect of the proposed development on the character and appearance of the area.

The Inspector considered that the development would appear prominent and incongruous in the street-scene and would unacceptably harm the existing sense of design symmetry across the seven terraced bungalows in Hawthorn Gardens.

The Inspector concluded that the proposal would cause significant harm to the character and appearance of Hawthorn Gardens. Therefore, it would not accord with the design, character and appearance requirements of policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, policy H18 of the Newcastle-under-Lyme Local Plan 2011 (adopted 2003) and Chapter 12 of the National Planning Policy Framework 2021.

For this reason the appeal was dismissed

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00532/FUL>

**Recommendation**

That the appeal decision be noted.

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**Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Newcastle Lodge, Keele University (Ref: 21/22004/HBG)**

**RECOMMENDATION:**

**That the following grant be approved:-**

- 1. £ 5,000 Historic Building Grant be given towards essential fabric repairs**

**Purpose of report**

To enable members to consider the application for financial assistance.

The application is for assistance to help carry out essential fabric repairs, comprising of: conservation masonry repairs including specialist stone repairs & replacements, repointing and new rainwater downpipes to Newcastle Lodge.



The Keele estate saw the construction of 4 lodges within the grounds between 1832 and 1847. The lodges were strategically located and influenced by development within the grounds at this time. Newcastle Lodge is located at the northern boundary of the estate.

The heritage statement sets out the historical development of the estate and influence of the Sneyd family as well as a full architectural description of the building.

The Lodge is currently and has historically been used as short-term tenanted accommodation for staff/lecturers associated with the University.

It is proposed that the Lodge will be used by Keele Medical Faculty as a simulation training facility for Paramedics and Midwifery, allowing lecturers and trainers to set up realistic scenarios in real domestic situations to aid with the training of medical students.

The lodge is predominantly red brick with stone quoins, blue diaper brick work and stone banding.

Competitive tender quotations have been received based on full and comprehensive schedule of repairs undertaken by conservation accredited architects. This work has been considered. The total cost of this is £101,343.20 including VAT.



The Lodge is a Grade II Listed Building, and the work is eligible for 20% grant towards the cost of the works. Due to the significant amount of essential repairs needed, this would be over £20,000 but the grant fund enables applicants help up to a maximum of £5,000. On this basis therefore the maximum grant of £5,000 can be offered towards works at the lodge.

The Conservation Advisory Working Party will consider the grant at its next meeting on 19<sup>th</sup> April 2022 and its views will be reported to the committee.

There is sufficient funding to meet this grant application with a little over £12,000 in the Fund; allowing for commitments.