

# Public Document Pack

**Date of meeting** Tuesday, 10th November, 2020  
**Time** 7.00 pm  
**Venue** via video conference with live online broadcast via YouTube.  
**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 - LAND TO THE NORTH OF THE A51, SOUTH OF CHORLTON MILL LANE AND WEST OF THE RAILWAY, STABLEFORD, HILL CHORLTON. SKYE PROPERTY GROUP LIMITED (MR ADRIAN SYKES). 19/00961/OUT** (Pages 13 - 26)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WATERMILLS ROAD, CHESTERTON. CARDEN DEVELOPMENTS LTD. 20/00463/FUL** (Pages 27 - 40)  
This item includes a supplementary report
- 6 APPLICATION FOR MAJOR DEVELOPMENT - KINGS SCHOOL, FIRST AVENUE, KIDSGROVE. THE WADE FEDERATION GOVERNING BODY. 20/00670/FUL** (Pages 41 - 52)

This item includes two supplementary reports.

- 7     **APPLICATION FOR OTHER DEVELOPMENT - ST GEORGES CHAMBER, MERRIAL STREET, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 20/00851/DEEM3**                     **(Pages 53 - 60)**

This item includes a supplementary report

- 8     **5 BOGGS COTTAGE, KEELE. 14/00036/207C3**                     **(Pages 61 - 62)**

- 9     **LAND AT DODDLESPOOL, BETLEY. 17/00186/207C2**                     **(Pages 63 - 64)**

- 10    **RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY. 17/00258/207C2**                     **(Pages 65 - 68)**

This item includes a supplementary report.

- 11    **UPDATE ON BREACHES OF PLANNING OBLIGATIONS**                     **(Pages 69 - 72)**

This item includes a supplementary report.

- 12    **QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED**                     **(Pages 73 - 78)**

- 13    **REPORT ON OPEN ENFORCEMENT CASES**                     **(Pages 79 - 80)**

- 14    **APPEAL DECISION - 12 CHAPEL LANE, MOW COP. 19/00766/OUT**                     **(Pages 81 - 82)**

- 15    **REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - 2020 REVIEW**                     **(Pages 83 - 84)**

- 16    **URGENT BUSINESS**                     **(Pages 85 - 90)**

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

*The following item is considered urgent due to the time constraints for commenting on the application which ends before the date of the December Planning Committee*

**JUMBO SKIPS LTD, PLOT D, HOWLE CLOSE. JUMBO SKIPS LTD  
SCC REFERENCE N.20/03/2014 W (NULBC REF 20/00823/CPO)**

**Members:**     Councillors Andrew Fear (Chair), Marion Reddish (Vice-Chair), John Williams, Paul Northcott, Gillian Williams, Silvia Burgess, Dave Jones, Jennifer Cooper, Helena Maxfield, Sue Moffat, 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:	Stephen Sweeney	Sylvia Dymond
	Bert Proctor	Mike Stubbs
	Simon Tagg	June Walklate
	Barry Panter	

*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.

#### ONLINE JOINING INSTRUCTIONS

This meeting will be held virtually using Zoom.

#### Watching the Meeting

You can attend the meeting in the following ways:

Web: <https://zoom.us/j/91354501077>

#### Using the Zoom App

Telephone: 0330 088 5830 or 0131 460 1196

The Conference ID for telephone and Zoom App users is: 913 5450 1077

You do not require a password or pre-registration to access this committee meeting.

Please note, as an attendee you will only be able to watch the meeting. You will not be able to vote, ask questions or discuss the materials presented to the committee.

#### Questions and Representations

If you would like to ask a question or make a representation during the meeting, please inform our Planning Services team by emailing [geoff.durham@newcastle-staffs.gov.uk](mailto:geoff.durham@newcastle-staffs.gov.uk). All requests to ask questions or make representations should be submitted by 12 noon on the Thursday before the meeting.

In your email, please include details of the item you would like to speak on and, if you are asking a question, the question itself. If you cannot be identified to ask your question during the meeting, the meeting Chairperson will ask the question for you.

When joining the webinar using the App or Web link, please ensure that you enter your full name as your screen name, so that you can be identified during the meeting and asked to speak at the appropriate time.

If you will be joining the webinar by phone please ensure that you inform our Committee Services team of the number you will be using and make sure that your Caller ID is not blocked – this will allow us to identify you during the meeting and facilitate you speaking to the committee.

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**PLANNING COMMITTEE**

Tuesday, 13th October, 2020  
Time of Commencement: 7.00 pm

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

<b>Councillors:</b>	Marion Reddish	Silvia Burgess	Sue Moffat
	John Williams	Dave Jones	Mark Holland
	Paul Northcott	Jennifer Cooper	Kenneth Owen
	Gillian Williams	Helena Maxfield	

<b>Officers:</b>	Elaine Moulton	Development Management Team Manager
	Nick Bromley	Senior Planning Officer
	Becky Allen	Landscape Manager
	Shawn Fleet	Head of Planning and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
David Elkington	Head of Customer and Digital Services	

**Note:** In line with Government directions for the CV-19 pandemic, this meeting was conducted using a hybrid method through video conferencing and attendance in person, whilst observing social distancing - in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

Councillor Northcott declared an interest in applications 20/00369/FUL and 20/00609/FUL (Agenda items 4 and 5) as a member of the Aspire Board.

**3. MINUTES OF PREVIOUS MEETING(S)**

**Resolved:** That the minutes of the meeting held on 15 September, 2020 be agreed as a correct record.

**4. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CROSS STREET, CHESTERTON. ASPIRE HOUSING GROUP. 20/00369/FUL**

Councillor Northcott, who had declared an interest in this item, took no part in the discussions and abstained from voting.

**Resolved:** A. That, subject to the applicant first entering into a

Section 106 agreement by the 13<sup>th</sup> January 2021 to secure a travel plan monitoring fee of £2,443 (index linked) and a review mechanism of the scheme's ability to make a policy compliant financial contribution of £5,579 for each family home, and £4,933 for each older persons accommodation that is provided (index linked) towards public open space nearby and, if the development is not substantially commenced within 12 months from the date of the grant of the planning permission, and the payment of such contribution if then found financially viable,

the application be permitted subject to the undermentioned conditions:-

- (i) Time limit for the implementation of Phase 1, the submission of applications for approval of reserved matters and the commencement of development.
- (ii) Approved plans
- (iii) Construction environmental and traffic management plan for the full and outline applications
- (iv) Prior approval of a scheme for the 25% provision of affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.
- (v) Facing and roofing materials to be in accordance with approved plans for Phase 1
- (vi) Boundary treatments to be in accordance with approved plans for Phase 1
- (vii) Provision of access, parking, turning and servicing areas for Phase 1
- (viii) Surfacing materials, means of surface water drainage and delineation of the parking bays for Phase 1
- (ix) Implementation of Travel Plan Framework
- (x) Dwellings on Audley Road not to be occupied until TRO has been implemented
- (xi) Prior approval of a tree protection plan
- (xii) Reserved matters application to include replacement tree planting
- (xiii) Prior approval of a surface water drainage design
- (xiv) Prior approval of a foul drainage plan
- (xv) Waste and storage collection arrangements
- (xvi) Sound insulation of facades of properties facing Audley Road.
- (xvii) Noise mitigation measures in accordance with the submitted acoustic report
- (xviii) Overheating mitigation where required.
- (xix) Assessment of noise from kitchen extraction and

- other equipment in the supported living apartments
- (xx) Control of noise and odour from kitchen facilities in the supported living apartments
- (xxi) Submission, with reserved matters application, of an assessment of the impacts of noise arising from the Red Lion public house
- (xxii) Electric vehicle charging
- (xxiii) Land contamination conditions
- (xxiv) Land contamination investigations and mitigation measures
- (xxv) Reserved matters application to include wildlife and habitat enhancements
- (xxvi) No commencement of development until a Stage 1 Road Safety Audit of the proposed scheme to widen Gibson Grove carriageway has been approved. The highway works to proceed in accordance with the approval.
- (xxvii) Provision of accesses and visibility splays in accordance with the approved plans prior to the development being brought into use.
- (xxviii) Prior approval of layout, surfacing materials, and surface water drainage.
- (xxix) Alignment of utility apparatus
- (xxx) Arboricultural Method Statement (detailed)
- (xxxi) Schedule of works to retained trees
- (xxxii) Approval of landscaping proposals
- (xxxiii) Replacement tree planting to be undertaken with at least as many trees that are removed and that the replacement trees be semi-mature.
- (xxxiv) Provision of gates in accordance with approved plans for Phase 1 and retention for the lifetime of the development.

- B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for off-site open space should financial circumstances then permit; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

**5. APPLICATION FOR MAJOR DEVELOPMENT - ASHFIELDS GRANGE, HALL STREET, NEWCASTLE. ASPIRE HOUSING. 20/00609/FUL**

Councillor Northcott, who had declared an interest in this item, took no part in the discussions and abstained from voting.

**Resolved:** That the variation of Condition 2 of 19/00614/FUL to substitute

approved plans with revised plans to show a proposed substation, generator and bin store be permitted, subject to conditions to secure details to assess the noise and air quality impact from the proposed generator, along with all other conditions attached to planning permission 19/00614/FUL that remain relevant at this time and amended as necessary.

**6. APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, LONDON ROAD, NEWCASTLE. ABODE RESIDENCIES. 20/00557/FUL**

- Resolved:**
- A. That, subject to the applicant entering into a planning obligation by 17th November that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL, 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 16/01106/FUL that remain relevant at this time
  - B. Failing completion by the date referred to in the above resolution (A) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that without such an obligation the development would not achieve appropriate open space provision and/or highway safety/adequate sustainable transport provision interests; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

**7. APPLICATION FOR MAJOR DEVELOPMENT - THE MET (FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB), THE MIDWAY, NEWCASTLE. PRIMUS ALLIANCE NEWCASTLE LTD. 20/00532/FUL**

**Resolved:** That the variation of Condition 9 be permitted so that it reads as follows:

9. The development hereby approved shall be occupied by any person (student or non-student) until 31st July 2022 after which date it shall only be occupied by students unless otherwise agreed in writing by the Local Planning Authority.

and subject to conditions requiring tenancies to be managed in accordance with the submitted details and the submission and approval of a revised Travel Plan and the imposition of all other conditions attached to planning permission 18/00483/FUL that remain relevant at this time.

The Chair asked the Council's legal team to look at how this is to be managed.



8. **APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN AND OTHERS. 20/00685/FUL & 2/00686/LBC**

Application 20/00685/FUL and 20/00686/LBC

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

- (i) Time limit.
- (ii) Approved plans.
- (iii) Prior approval of the bricks, including the provision of samples, to be used in this repair.
- (iv) Notwithstanding the submitted details, Vermont green slates shall be used on the forward facing slopes to the road and garden (south and east) in diminishing courses, with Welsh slate on other slopes.
- (v) In all other respects the permitted repairs and alterations shall be carried out in accordance with the submitted details.

9. **APPLICATION FOR MINOR DEVELOPMENT - BETLEY COURT, MAIN ROAD, BETLEY. DR NIGEL BROWN AND OTHERS. 20/00729/FUL & 2/00730/LBC**

**Resolved:**

*Application 20/00729/FUL*

That the application be permitted subject to the undermentioned conditions:

- (i) Time limit.
- (ii) Approved plans.
- (iii) Dismantling of wall to be undertaken in accordance with submitted methodology unless otherwise agreed
- (iv) Reinstatement of wall when restoration of building completed in accordance with details that shall have been approved beforehand using original materials or materials that have been approved.
- (v) Removal of construction compound and restoration of site when restoration of building completed.
- (vi) Approval of a Dimensioned Tree Protection Plan (BS5837:2012) to be implemented during dismantling and rebuilding of the wall.
- (vii) Approval of an Arboricultural Method Statement (BS5837:2012) for works within the RPAs of retained trees (including ground protection for T4 Yew)
- (viii) Full landscaping proposals to include replacement tree planting. (ix) Tree Constraints Plan to match the General Arrangement Plan
- (x) The temporary access and construction compound shall be used in accordance with the Construction Management Plan at all times.
- (xi) Prior approval of details of wheel wash facility and surfacing and drainage of the access and turning area.

*Application 20/00730/LBC*

That the application be permitted subject to the undermentioned conditions:

- (i) Time limit.

- (ii) Approved plans.
- (iii) Dismantling of wall to be undertaken in accordance with submitted methodology unless otherwise agreed
- (iv) Reinstatement of wall when restoration of building completed in accordance with details that shall have been approved beforehand using original materials or materials that have been approved.

**10. APPLICATION FOR MINOR DEVELOPMENT - BROOKHOUSE FARM, NEWCASTLE ROAD, MADELEY. MR PETETER WAKELIN. 20/00619/FUL**

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

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Materials
- (iv) Restriction on outside storage areas
- (v) External lighting

**11. APPEAL DECISION - CROSSWINDS, WOOD LANE, NEWCASTLE-UNDER-LYME. 20/00002/FUL**

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

**12. APPEAL DECISION - BUILDING NORTH OF THE OLD STABLE AND TAWNEY COTTAGE, BARTHOMLEY ROAD, AUDLEY. 19/01016/FUL**

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

**13. APPEAL DECISION - LAND ADJACENT 50 AND 52 HIGH STREET, HARRISEAHEAD. 19/00463/OUT**

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

**14. CROSS BOUNDARY CONSULTATION - LAND AT RAVENSDALE, CHEMICAL LANE, TUNSTALL. STAFFORDSHIRE WASTE LTD. SOTCC REF 64513/FUL (NULBC REF 348/268)**

**Resolved:** That the City Council be informed that the Borough Council has no objections to the proposed development subject to any appropriate conditions that the City Council deem necessary, with particular regard to highway matters and air quality. In addition, if the site was formerly the sports fields to Johnsons Tiles consideration should be given to the recommendations of Sport England and if required that any playing fields that are lost are suitably replaced.

**15. CROSS BOUNDARY CONSULTATION - FORMER SEVERN TRENT WATER SITE, HAREWOOD STREET, TUNSTALL, STOKE-ON-TRENT. LAND RECOVERY LIMITED. SOTCC REF 65226/FUL (NULBC REF 348/272)**

**Resolved:** That the City Council be informed that the Borough Council comments remain as set out in response to the previous consultation, that it has no objections to the proposed development subject to any appropriate conditions that the City Council deem necessary, with particular regard to highway matters and air quality.

16. **URGENT BUSINESS**

There was no Urgent Business.

**Chair**

Meeting concluded at 8.40 pm

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**LAND TO THE NORTH OF THE A51, SOUTH OF CHORLTON MILL LANE AND WEST OF THE RAILWAY, STABLEFORD, HILL CHORLTON**

**SKYE PROPERTY GROUP LIMITED (MR ADRIAN SYKES)**

**19/00961/OUT**

The application is for outline planning permission for 11 open market dwellings (including 9 self-build) and 21 affordable dwellings (including 13 self-build bungalows and 2 self-build houses). All matters of detail (appearance, landscaping, layout, scale and access) are reserved for subsequent approval.

The application site, which measures 2.74 hectares, lies within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

**The 13 week determination period expired on the 25<sup>th</sup> June 2020 but an extension of time to 13<sup>th</sup> November has been agreed.**

**RECOMMENDATION**

**REFUSE for the following reasons:**

- **The proposal represents an unsustainable development due to the reliance on the use of private motor vehicles, by reason of the site's location, and the loss of best and most versatile agricultural land.**
- **The development would have an urbanising effect on the open countryside and would have a significant adverse impact on the character and appearance of the area.**
- **In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.**
- **In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.**

**Reason for Recommendation**

The proposal would extend built development into the open countryside and would have a significant adverse impact on the character and appearance of the area. Due to the location of the site away from a higher level of services, employment and public transport links, residents would be dependent on the use of private motor vehicles. The development of the site would also result in the loss of best and most versatile agricultural land.

The proposed development would result in additional pressure on school places and in the absence of a financial contribution, such an adverse impact would not be appropriately mitigated against. A planning obligation is also required to secure affordable housing in accordance with policy. Whilst the applicant has confirmed a willingness to enter into a planning obligation, no agreement is currently 'on the table'.

**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 information has been sought and received but it is considered that the applicant is unable to overcome the principal concerns in respect of this development.

**KEY ISSUES**

The application is for outline planning permission for 11 open market dwellings (including 9 self-build) and 21 affordable dwellings (including 13 self-build bungalows and 2 self-build houses). All matters of detail (appearance, landscaping, layout, scale and access) are reserved for subsequent approval.

The application site, which measures 2.74 hectares, lies within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

Although concerns have been raised by residents and the Parish Council regarding drainage and flooding, Staffs County Council Flood Authority are satisfied that subject to conditions, it would be feasible to achieve an acceptable Sustainable Urban Drainage Scheme design within the proposed development. Subject to conditions, the application raises no issues of impact on residential amenity, trees or wildlife and therefore the main issues for consideration in the determination of this application are:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development have a significant adverse impact on the character and appearance of the area or the wider landscape?
- Would the proposed development have any material adverse impact upon highway safety?
- What, if any, planning obligations are necessary to make the development policy compliant?

Is the principle of residential development on the site acceptable?

The application site lies within the Rural Area of the Borough in the open countryside.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Policy HG1 of the CHCMAW Neighbourhood Plan states that new housing development will be supported in sustainable locations. These are;

- Within the village envelope of Baldwin's Gate
- As a replacement dwelling, or limited infill housing or within a built frontage of existing dwellings; or
- In isolated locations in the countryside only where circumstances set out in paragraph 79 of the NPPF apply.

It also goes on to state that to be in a sustainable location, development must;

- Be supported by adequate infrastructure, or provide necessary infrastructure improvements as part of the development
- Not involve the loss of best and most versatile agricultural land;
- Avoid encroaching onto or impacting on sensitive landscape and habitats;
- Not involve the loss of any important community facility

Paragraph 11 of the NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant

development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

(Para 11(d))

Footnote 7 to paragraph 11d states that for applications involving the provision of housing, this includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2019.

CSS Policies SP1 and ASP6, and Local Plan Policy H1 are concerned with meeting housing requirements, but Inspectors in a number of previous appeal decisions, have found that these policies do not reflect an up to date assessment of housing needs, and as such are out of date. However, the overall strategy of directing new development to the larger settlements, which have access to a wider range of facilities, reflects the environmental objective in the NPPF which seeks to protect and enhance our natural environment and make efficient use of land.

Paragraph 103 of the Framework seeks to actively manage patterns of growth to locations which allow a choice of sustainable transport modes, whilst recognising that such options vary between urban and rural areas. Policies SP1, ASP6 and H1 provide for development in the larger rural settlements, which have access to a wider range of facilities. In this way, the policies allow for development to meet rural needs whilst limiting the need for travel. Whilst out of date in respect of detailed housing requirements, the policies are part of an overall strategy which remains consistent with the Framework. In a very recent appeal decision (Ref. 19/00700/FUL) the Inspector gave these policies significant weight.

Policy HG1 of the CHCMAW Neighbourhood Plan which is also concerned with meeting housing requirements cannot be considered to be out of date.

On the basis of the above, NPPF paragraph 11(d) is not engaged.

The applicant submits that given that a large proportion of the development has been allocated to affordable housing, it constitutes a Rural Exception Affordable Housing Site pursuant to paragraph 77 of the NPPF.

Paragraph 77 of the Framework states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this. The NPPF defines rural exception sites as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. It states that rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Policy CSP6 of the CSS indicates that within the rural area, where published evidence of need highlights a local need not capable of being met through normal housing provision policy, sites may be released as rural exception sites. It goes on to state that: if such a site cannot be accommodated within an existing village then a site immediately adjoining the village may be deemed appropriate; that the scale of development should not exceed the level of need identified; that schemes should be able to be afforded by local people identified as having housing need; and that they should remain affordable in perpetuity. In dismissing an appeal for 6 dwellings in Mow Cop (Ref. 18/00921/OUT), the Inspector considered that this policy is consistent with the Framework.

In terms of whether there is an affordable housing need, the applicant asserts, using the Strategic Housing Market Assessment (SHMA), that there is an unmet need for affordable housing in the Borough. Whilst it is accepted that there is a need for affordable housing, in terms of whether the site meets the requirements of CSP6, this site is not within a defined village boundary or immediately adjoining a village.

The applicant also argues that there is significant shortfall of self-build development opportunities in the Borough and that this development would go some way to meet the demand.

Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Footnote 26 to paragraph 61 states that under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

Notwithstanding the requirements of paragraph 61 and its footnote, the NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities. The NPPF sets out that there is a presumption in favour of sustainable development.

Turning to the sustainability and accessibility of the site, it is accepted that given the development surrounding the site, the proposed dwellings would not be isolated. However Stableford has no facilities and the shops and services of Baldwin's Gate are approximately a 3km walk away via public footpaths over agricultural land. The nearest bus stop is approximately a 2.3km walk away along the A51 with no lighting and a footway along only part of the route.

The applicant makes reference to an appeal that was allowed last year for 12 dwellings at Croft Farm (Ref. 18/00507/FUL). That site is approximately a 10-15 minute walk from Baldwin's Gate via a public footpath that is well maintained and therefore the Inspector considered that it would be a realistic and attractive walking route for the occupants of the development. In contrast, the current site is much further away from Baldwin's Gate and the public footpath is unsuitable for walking during or following inclement weather and at any time for wheelchair users and those with pushchairs.

Owing to the lack of alternative options, it is likely that occupiers of the proposed dwellings would need to make use of private motor vehicles for most, if not all, trips and therefore would not have adequate access to services by an acceptable choice of modes of travel. The proposal would conflict with Policy HG1 of the CHCMAW Neighbourhood Plan which states that new housing development will be supported in sustainable locations and Core Strategy Policies SP1 and ASP6, and Local Plan Policy H1, all of which direct residential development to larger urban and rural centres which have access to a range of services and facilities. There is further conflict with Core Strategy Policy SP3, which seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

As stated above, Policy HG1 of the CHCMAW Neighbourhood Plan states that to be in a sustainable location, development must, amongst other things, not involve the loss of best and most versatile agricultural land.



The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. An Agricultural Land Quality Assessment based upon a field survey in December 2019 has been submitted with the application which concludes that the majority of the site comprises Grade 2 agricultural land (very good quality) with a small area of Grade 3b agricultural land (moderate quality).

On this basis also, the development is not in a sustainable location.

Would the proposed development have a significant adverse impact on the character and appearance of the area or the wider landscape?

Paragraph 124 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 127 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

Policy NE1 of the CHCMAW Neighbourhood Plan states that new development will be supported that complements the landscape setting and character of the area, preserves or enhances and does not cause significant harm or degradation to the intrinsic rural character and ecological and environmental features of the area. Policy DC2 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.

RE5 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) 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.

R12 of that same document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area. 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.

Although an indicative layout has been submitted to show how the site may be developed, layout, scale, appearance and internal access arrangements are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted. Up to 32 dwellings are proposed comprising a variety of house types. The density of the proposed scheme would be approximately 12 dwellings per hectare. Your Officer's view is that given the location of the site, the density of the proposed scheme is appropriate.

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.

Supplementary Planning Guidance to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as being within a 'Sandstone Hills and Heaths' landscape character type. It states that this is a landscape varying from intensive arable and pastoral farming. The SPG was used in the NLP to set policies for landscape consideration. This site is within a Landscape Maintenance Area and NLP Policy N19 states that within such an area it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The site is an open agricultural field within an undulating open landscape with the field patterns, hedgerows and mature trees reinforcing the character of the area. The application is accompanied by a Landscape Assessment which states that the site has medium/high landscape sensitivity to development due to potential loss of its open character. It states that the openness of the site is enjoyed by several local properties on the immediate site boundary that overlook the site and users of public rights of way that cross the site. It asserts that the immediate visual envelope is small and views into site are restricted but acknowledges that the site is partially visible from several viewpoints that are up to 200m away, particularly the northern and central portion which are identifiable by the rising topography and line of mature trees respectively.

The Assessment recommends landscape mitigation measures comprising retention of all the existing boundary hedgerows and site trees and the addition of native tree planting. Screening should be considered from views into the site, in particular those views identified from receptors to the south and east of the site. It concludes that a comprehensive Landscape Scheme would have the potential to reduce the impacts of the development and help mitigate for the loss of openness on the public footpaths crossing the site.

The proposed development would be highly visible from the public footpaths that cross the site and would be visible from various wider views. Although the application asserts that the character of the site is negatively influenced by the detracting elements of the overhead power lines that run across the site and the railway line and its associated infrastructure, your Officer disagrees. A development of this size is at odds with the character of this rural area and therefore would be a very incongruous addition. The change to the rural character of the site would impact adversely upon the character of this part of the countryside.

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

The NPPF states that safe and suitable access to the site should be achieved for all users. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around Town Centres and high streets.

The application is accompanied by a Transport Statement (TS) which includes a traffic speed survey and information regarding visibility splays. The TS concludes that appropriate visibility can be achieved in both directions and that the small amount of vehicular movements associated with the development can safely be accommodated onto the highway network. The document concludes that the impact of the proposed development on the highway network cannot be considered severe.

The Highway Authority considers that the proposed development is acceptable in terms of the likely impact on the local highway network. However, they recommend that the application is refused on the grounds that the proposed development fails to provide a safe all weather all season pedestrian route to local facilities, services and public transport facilities and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger.

Whilst it is not considered that a highway safety reason for refusal could be sustained on such grounds, the lack of access to services by an acceptable choice of modes of travel is considered in detail above.

What planning obligations are considered necessary and lawful?

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

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

Certain contributions are required to make the development acceptable. These are the provision of 25% affordable housing and a contribution of £142,578 towards education provision. These contributions are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

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

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

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

Policy H1:	Residential Development - Sustainable Location and Protection of the Countryside
Policy 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 N19:	Landscape Maintenance Area
Policy T16:	Development – General Parking Requirements
Policy C4:	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

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

Policy NE1:	Natural Environment
Policy NE2:	Sustainable Drainage
Policy COM3:	Developer Contributions
Policy DC2:	Sustainable Design
Policy DC3:	Public Realm and Car Parking
Policy DC4:	Connectivity and Spaces
Policy DC5:	Impact of Lighting
Policy DC6:	Housing Standards
Policy DC7:	Renewable Energy
Policy HG1:	New Housing
Policy HG2:	Housing Mix
Policy HG3:	Local Play, Sports and Recreational Facilities

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

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

[Affordable Housing SPD \(2009\)](#)

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

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

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

[Staffordshire County Council Education Planning Obligations Policy](#)

#### Relevant Planning History

None

#### Views of Consultees

The **Environment Agency** has no objections subject to a condition regarding contamination of controlled waters.

The **Lead Local Flood Authority** raises no objection subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme.

The **Highway Authority** states that the application is acceptable in terms of the likely impact on the local highway network but objects on the grounds that the proposed development fails to provide a safe all weather all season pedestrian route to local facilities, services and public transport facilities and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger.

Staffordshire County Council as the **Public Rights of Way Authority** states that there are public footpaths which run through the site and which do not appear on the site plan. The documents indicate that the intention is to divert the footpaths. The applicant should be aware that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public paths.

The **Landscape Development Section** has no objections in principle to the submitted additional arboricultural information subject to conditions regarding a construction phase tree protection plan, arboricultural method statement, details of special engineering within RPAs and any other relevant construction details, all to BS5837:2012. Open space and play provision should be to Fields In Trust LEAP and LAP standard, and management proposals should be submitted. Concern is raised that the strategic site layout as outlined is fragmented and disjointed. The areas beneath power lines have not been effectively utilised, resulting in what appears to be meaningless vacant areas that are likely to be unusable and visually detractive. The woodland, ecological areas and footpaths should be better integrated into the overall scheme and the play area should be overlooked for natural surveillance. This should be addressed at the outline stage and a comprehensive landscape framework agreed, but if permission is granted then a landscaping scheme should be conditioned that addresses these issues.

The **Environmental Health Division** has no objections subject to conditions regarding a Construction Environmental Management Plan, noise levels, electric vehicle charging points and a lighting scheme.

The **Waste Management Section** states that the layout is very unclear about what surfaces are adopted or to highway standard, and no swept path analysis has been provided. Unless the surface to the properties is adopted or to highway standard, no collections will be made from the front of the individual properties, and instead a collection point will be required where the arms meet the main road through the site. Collection points cause problems where containers cause visibility problems for drivers and pedestrians, but mean that containers tend to be left out between collections, leading to complaints from neighbours. In addition, unless it is clear that a collection freighter can turn around in the development, collection points at the adopted highway will certainly be required.

The **Education Authority** states that the development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. In determining whether there is a need for the

developer to mitigate the impact of this development it was calculated that 28 dwellings would require 6 primary school places and after discounting RSL dwellings from secondary (in line with our Education Planning Obligations Policy) it was calculated that 18 dwellings would require 3 secondary places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7-year groups for Primary and 5-year groups for secondary. There are projected to be an insufficient number of school places at Baldwins Gate CE (VC) Primary and Madeley School to mitigate the impact of this development at both primary and secondary phases of education.

The primary school education contribution has been calculated as follows: £14,402 (cost multiplier) x 6 (number of places required for development) = £86,412

The secondary education contribution has been calculated as follows: £18,722 (cost multiplier) x 3 (number of places required for 21 dwellings) = £56,166

This gives a total contribution of £142,578.

The **Housing Strategy Section** states that 25% of the dwellings should be affordable housing, with 15% social rented and 10% shared ownership. The units should be integrated sufficiently within the development and should be built to the same standard as the other units on the site.

**Severn Trent Water** has no objections subject to conditions regarding submission of details of foul and surface water flows.

**Staffordshire Police** do not foresee any obvious crime or disorder issues arising from the development of this site along the lines of the layout drawing within this application. The area is generally a low crime one and the development would be set back from the main road partially behind a woodland buffer. A number of recommendations are made to reduce criminal opportunity.

**Chapel and Hill Chorlton Parish Council** objects to the proposed development on the following grounds:

- The site is not in a sustainable location and would be completely dependent on vehicle use to access services.
- There is no safe, adequately lit pedestrian access along the A51 to the nearest bus stop.
- The idea that residents could access Baldwin's Gate via the public rights of way is not practical as this is over agricultural land totally unsuitable in the dark.
- For such an isolated site to be considered, paragraph 79 of the NPPF must apply and be in a sustainable location.
- The proposed pavement to link to Stableford would only serve to link to a small settlement with very limited facilities. Vehicle use is the only practical form of transport in the area.
- There is no bus service and the nearest bus stops are 1.3 miles away.
- The site is a single large field in agricultural use and an agricultural report shows the land to be best and most versatile.
- Drainage from the site could pose a risk of pollution to the Meece Brook.
- There would be a loss of habitat and harm to the night time environment and nocturnal wildlife from light pollution.
- There is no evidenced need for the dwellings.
- New housing should be directed to more sustainable locations in the urban area.
- The layout and design are not in keeping with a rural character.
- Part of the site is prone to flooding.
- The proposal ignores public footpaths that run through the site.
- The Parish Council is disappointed that the developers made no attempt to engage with them and clarity is sought regarding the geographical extent of engagement with local residents.

### Representations

Letters of objection have been received from the occupiers of 8 properties, The Stableford Management Company and the Steering Group for the Chapel & Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan. A summary of the comments made is as follows:

- Contrary to policy including the Neighbourhood Plan
- Unsustainable location due to lack of local services and facilities
- Unsuitable pedestrian links to Baldwin's Gate
- Increased flooding
- Highway safety
- Lack of infrastructure
- Loss of agricultural land
- Impact on wildlife
- Adverse visual impact on rural character of the area
- Impact on rights of way
- Lack of meaningful engagement with the local community
- Inaccuracies in the application
- Light pollution
- Failure to demonstrate that the development is a Rural Exception Site

#### Applicant/agent's submission

The application is accompanied by the following documents:

- Travel Statement
- Transport Statement
- Design & Access Statement
- Phase 1 Contaminated Land Assessment
- Arboricultural Impact Assessment
- Landscape Assessment
- Noise Impact Assessment
- Agricultural Report
- Design Review Panel Report
- Tree Survey
- Preliminary Ecological Appraisal
- Minerals Safeguarding Statement
- Community Statement
- SUDs Report

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/19/00961/OUT>

#### Background Papers

Planning files referred to  
 Planning Documents referred to

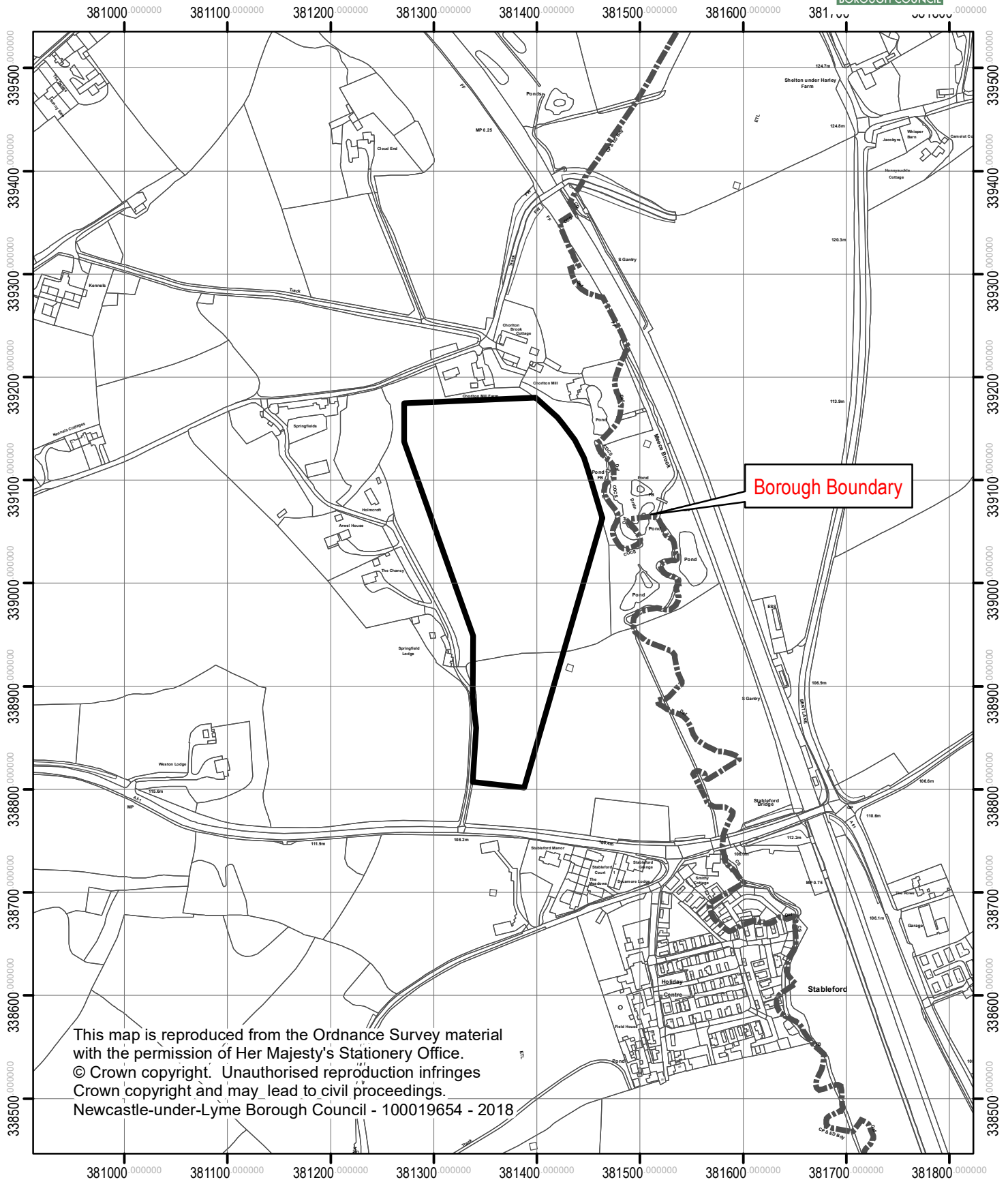
#### Date report prepared

28 October 2020

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Land To The North Of The A51, South Of Chorlton Mill Lane  
And West Of The Railway, Stableford, ST5 5JQ



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Newcastle-under-Lyme Borough Council - 100019654 - 2018

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**LAND OFF WATERMILLS ROAD, CHESTERTON**  
**CARDEN DEVELOPMENTS LTD**

**20/00463/FUL**

The application is for full planning permission for 67 dwellings.

The site as shown on the Local Development Framework Proposals Map lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

The site measures approximately 1.42 hectares.

**The 13 week period for the determination of this application expired on 17<sup>th</sup> September but the applicant has agreed an extension to the statutory period until 13<sup>th</sup> November.**

**RECOMMENDATION**

**A. Subject to the applicant first entering into a Section 106 agreement by 18<sup>th</sup> December to require:**

- i. In perpetuity, the provision of 25% of the dwellings as affordable units**
- ii. A financial contribution of £373,793.00 towards the enhancement of public open space nearby**

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

- 1. Time limit for commencement of development**
- 2. Approved plans**
- 3. Construction environmental management plan**
- 4. Prior approval of noise mitigation measures**
- 5. Permanent closure of windows facing Ibstock Brickworks**
- 6. Details of facing and roofing materials**
- 7. Boundary treatments**
- 8. Drainage plans for the disposal of foul and surface water flows**
- 9. Retention of trees as shown in Arboricultural Report**
- 10. Prior approval of a tree protection plan**
- 11. Landscaping proposals**
- 12. Submission and approval of a sustainable drainage strategy**
- 13. Electric vehicle charging**
- 14. Land contamination**
- 15. Remediation strategy regarding controlled waters**
- 16. Revised details showing removal of traffic calming scheme and provision of bin collection areas**
- 17. Provision of visibility splays**
- 18. Provision of access, internal roads and private drives**
- 19. Parking spaces to be a minimum of 5m x 2.5m**
- 20. Details of surfacing materials for private drives and parking areas**

**B. Should the matters referred to in (i) and (ii) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to make an appropriate contribution towards the development, improvement and maintenance of public open space and an appropriate level of affordable housing; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.**

**Reason for Recommendation**

Given the highly sustainable location of the site, it is considered that the principle of residential development on this site is acceptable. The design and appearance of the dwellings, and their siting,

is considered to be acceptable in this location and subject to conditions, it is not considered that there would be any adverse impact on residential amenity, highway safety, drainage issues, trees or protected species.

Subject to a number of conditions and a S106 agreement to secure affordable housing and a contribution to Public Open Space, the development represents a sustainable form of development and should be supported.

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

Amendments and additional information have been sought where necessary to progress the determination of the application and this is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

### **Key Issues**

The Application is for full planning permission for 67 dwellings. The site as shown on the Local Development Framework Proposals Map lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

Outline planning permission for up to 65 dwellings was allowed at appeal in 2015 (Ref. 13/00974/OUT) but a subsequent application for the approval of reserved matters for 60 dwellings was subsequently refused and an appeal dismissed in 2019 (Ref. 18/00017/REM). The period for submission of reserved matters has now ended.

The issues for consideration are:-

- Is the principle of the development acceptable?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would an acceptable level of residential amenity be achieved?
- Car parking and highway safety
- Is the amount, type and location of the affordable housing acceptable?
- Is the proposed landscaping and open space provision acceptable?
- Surface water drainage matters
- Would there be any adverse impact on minerals extraction?
- Would there be any significant impact upon any protected species?

### **Is the principle of residential development acceptable?**

The site is within an area covered by Policy E9 of the Local Plan which relates to the renewal of planning permissions for employment development. That policy states that on a number of sites (including Rowhurst), for which planning permission has already been granted for employment development, it is the Council's policy that permission would be renewed during the plan period, broadly in the same terms as currently given, unless new factors or other material considerations indicate otherwise. Policy E9 also states that in the case of Rowhurst any viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4 & 5.

Policy E11 of the Local Plan refers to the development of employment land for other uses. It states that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The policy outlines the criteria for considering what constitutes 'good quality' including accessibility, size, condition, location and relationship to adjoining uses. The supporting text to the policy states that the overriding priority is to preserve the stock of land and buildings attractive to Class B users, so that opportunities for inward investment and for the modernisation of existing local businesses can be maximised.

CSS Policy SP2 states that the spatial principles of economic development include improvement in the levels of productivity, modernisation and competitiveness of existing economic activities, whilst attracting new functions to the conurbation, especially in terms of service-based industries. These policies are considered to be consistent with the NPPF.

Paragraph 120 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

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

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

The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2019. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

The Council refused the original outline application for residential development on this site (Ref. 13/00974/OUT) on the grounds that in the context of the shortage of employment land in the Borough and in the absence of any convincing evidence to demonstrate that it is unlikely that the site will be developed for employment, the loss of this good quality employment site would have an adverse impact upon the economic growth of the Borough. In allowing the appeal against that decision, the Inspector concluded as follows:

*The site has been available for employment purposes for a considerable period of time, including both periods of significant economic growth as well as periods of recession. During this time extensive marketing of the site has taken place. Notwithstanding this the site has remained undeveloped. Given this I am satisfied that there is no reasonable prospect of it being used for employment purposes.*

In terms of sustainability, the site is located within 500m of the District Centre of Chesterton which has a number of shops and services, and bus stops are located at the junction of Audley Road and Watermills Road. Chesterton has a number of public transport links to the major urban areas beyond. It is considered that this site represents a sustainable location therefore.

Notwithstanding that the Council is currently able to demonstrate a 5 year supply of housing, given the conclusions of the Inspector and given the highly sustainable location of the site, it is considered that the principle of residential development on this site should be supported.

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 124 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 127 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. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 of that same document (in the section dealing with residential design) states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. 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.

67 dwellings are proposed which would give a density of approximately 47 dwellings per hectare. There is a mix of dwelling size and style in the area and the density proposed appropriately reflects the character of the locality. A mix of 2 and 3-bed dwellings are proposed comprising detached, semi-detached and townhouses. All the dwellings would be 2-storey. The site is separated from Audley Road by a substantial landscaped bund but the dwellings on the north eastern side of Audley Road are the closest reference and they are predominantly semi-detached or terraced and it is considered that the layout proposed would respect local character in terms of housing type and density.

The previous reserved matters scheme for this site (Ref. 18/00017/REM) was refused partly on the grounds that to achieve appropriate noise mitigation due to the proximity to Ibstock Brickworks, a substantial bund and acoustic fence was required along the boundary of the site with the road and the dwellings fronting Watermills Road were inward-facing. It was considered that the scheme would have a significant adverse impact on the character and appearance of the area.

Alternative noise mitigation has now been incorporated resulting in the removal of the bund and the dwellings along Watermills Road now front the highway.

The materials would comprise render, timber larch cladding and cement board cladding resulting in a contemporary, simple and unfussy design. Properties would generally be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of the majority of dwellings although the dwellings fronting Watermills Road would have their parking to the rear of the dwellings.

The design and appearance of the dwellings, and their siting, is considered to be acceptable in this location.

Would the level of residential amenity achieved be acceptable?

Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

Sufficient distances are proposed between dwellings to ensure an acceptable level of privacy for the occupiers and the amount of private amenity space proposed for the dwellings would be sufficient for the small family dwellings proposed.

As referred to above, the site is opposite Ibstock Brickworks. The application is supported by a Noise Assessment and various other noise models, communications and calculations relating to noise at the development. The Environmental Health Division (EHD) states that it is unclear as to what exactly is proposed at the site and what the noise levels and BS4142 rating arising from the operation of Ibstock Brick Ltd would be and therefore a number of conditions are recommended to require provision of the specification of the glazing and ventilation systems to be used.

Subject to the imposition of appropriate conditions, it is not considered that an objection could be sustained on the grounds of noise impact.

#### Car Parking and Highway Safety

Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it not in accordance with the Framework. The Framework indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In a Ministerial Statement of March 2015 the then Secretary of State indicated that the government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.

The NPPF, at paragraph 109, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The proposed access to the site is in the same location as in the previously approved outline scheme. The application is accompanied by a Transport Statement which concludes that traffic generated by this development will have no significant impact upon the highway network. The level of parking provision is considered to be sufficient.

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

#### Is the amount, type and location of the affordable housing acceptable?

Policy CSP6 of the CSS states that for new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

The affordable units would be a mix of 2-bed and 3-bed properties and in terms of the nature of the affordable housing, 10 would be affordable/discounted rent and 6 would be shared ownership. This accords with the requirements of both the Section 106 and the Council's Affordable Housing SPD.

In terms of design and layout requirements, the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one

cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and sustainable communities whilst also taking into account housing management and overall site development issues.

The affordable units are proposed in several small groups across the site and your Officer's view is that they are sufficiently distributed across the site to ensure that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing provision. The Housing Strategy Section raises no objections.

Is the proposed landscaping and open space within the site acceptable?

The Landscape Development Section (LDS) is satisfied that subject to conditions, the site can be developed without harm to any existing trees.

An area of open space is proposed in the southern corner of the site but it is very small and not centrally located and therefore the LDS advises that a contribution for off-site public open space is required. The financial contribution would be used for improvements to facilities at either Waterhayes (Audley Road Site) which is 715m away, or Crackley Play Area which is 435m away. This requirement is considered to meet the tests set out in Section 122 of the CIL Regulations (i.e. it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development). This could be secured by a planning obligation.

Surface water drainage matters

Paragraph 165 of the NPPF advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

The application is supported by a Drainage and Flood Risk Assessment but Lead Local Flood Authority (LLFA) has indicated that the submission does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for sustainable urban drainage.

The applicant has submitted further information to address the concerns of the LLFA and their further comments are awaited. It is anticipated that the matters will be resolved prior to the committee meeting. However, a condition which secures acceptable details can be imposed that would ensure that an acceptable sustainable drainage strategy for the site is achieved prior to development commencing.

Would there be any adverse impact on minerals extraction?

One of the considerations of LP Policy E9 is that any viable reserves of Etruria Marl should be proved and provision made for their extraction prior to development occurring, in accordance with Mineral Local Plan Policies 4 and 5. Only Policy 5 has been saved and therefore remains relevant. During consideration of the previous applications for this site, the Council's Property Section confirmed that there were no remaining clay deposits as they were extracted at the time of the reclamation of the land and therefore the conclusion reached then was that there was no conflict with Policy E9 in this regard. It is not considered that there is any reason to reconsider this issue now.

Would there be any significant impact upon any protected species?

An Ecological Assessment that accompanies the application concludes that the habitat of the site is of low/moderate ecological value. Mitigation measures are recommended and should be secured via an appropriate condition.



## APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets  
Policy CSP5: Open Space/Sport/Recreation  
Policy CSP6: Affordable Housing  
Policy CSP10: Planning Obligations

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy E9: Renewal of Planning Permissions for Employment Development  
Policy E11: Development of Employment Land for Other Uses  
Policy T16: Development - General Parking Requirements  
Policy C4: Open Space in New Housing Areas  
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

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

[National Planning Policy](#)

[National Planning Policy Framework](#) (2019)

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

[Supplementary Planning Guidance/Documents](#)

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

[Affordable Housing SPD](#) (2009)

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

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

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

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

#### Relevant Planning History

18/00017/REM	Reserved matters application for the scale, layout, appearance and landscaping for 60 dwellings (Amended description and plans) – Dismissed at appeal July 2019
13/00974/OUT	Residential development of up to 65 dwellings including means of access – Allowed at appeal January 2015

### Views of Consultees

Staffordshire County Council as **Minerals and Waste Planning Authority** has no objection.

**Staffordshire County Council Flood Risk Team** currently objects on the grounds that the submitted information does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for SuDS.

The **Highway Authority** has no objections subject to conditions regarding removal of traffic calming measures, provision of bin collection areas, visibility splays, provision of the access, internal roads and private drives, parking spaces, surfacing and drainage for the private drives and parking areas and a Construction Environmental Management Plan.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, a Construction Environmental Management Plan, electric charging points, prior approval of noise mitigation measures and permanent closure of windows facing Ibstock Bricks.

Staffordshire County Council as the **Rights of Way Authority** states that no Public Rights of Way cross the application site and that no application has been received to add or modify the Definitive Map of Public Rights of Way which affects the land in question.

The **Education Authority** states that no education contribution is required as there are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

The **Crime Prevention Design Advisor** is concerned regarding security but recommends a number of measures to reduce vulnerabilities. These include additional windows to overlook parking areas and open space, lighting and robust boundary treatments.

The **Landscape Development Section** states that the new development has no linear/woodland walkway, village green space or on site play provision. A commuted sum of £373,793.00 (£5,579 per dwelling) is sought for off-site open space. Either Waterhayes (Audley Road site) or Crackley Play Area could benefit. Conditions regarding retention of trees, a Tree protection plan, landscaping proposals and boundary treatment are recommended.

The **Housing Strategy Section** has no objections.

**Severn Trent Water** has no objections subject to a condition requiring plans for the disposal of foul and surface water flows.

The **Environment Agency** has no objections subject to a condition requiring a remediation strategy regarding controlled waters.

The **Coal Authority** has no objections.

The **Waste Management Section** states that in locations where properties do not face directly onto the highway, containers are frequently left out between collections causing long term visual blight and leading to complaints and neighbourhood disputes. The layout also designs in two sets of reverses at cul-de-sac ends and the Health and Safety Executive requires these to be designed out wherever possible in favour of safer circulatory designs.

### Representations

None

### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design, Planning & Access Statement
- Highway Access & Transport Statement
- Drainage and Flood Risk Assessment
- Noise Report
- Phase II Geoenvironmental Site Assessment
- Arboricultural Report
- Tree Planting and Management Report

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/20/00463/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

22 October 2020

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**10<sup>th</sup> November 2020**

**Agenda Item 5**

**Application Ref. 20/00463/FUL**

**Land off Watermills Road, Chesterton**

Since the publication of the main agenda further comments of the **Lead Local Flood Authority (LLFA)** have been received. They state that whilst the additional information submitted goes a significant way to addressing their previous concerns, details of pollution mitigation for the roads and evidence of a discharge agreement are required.

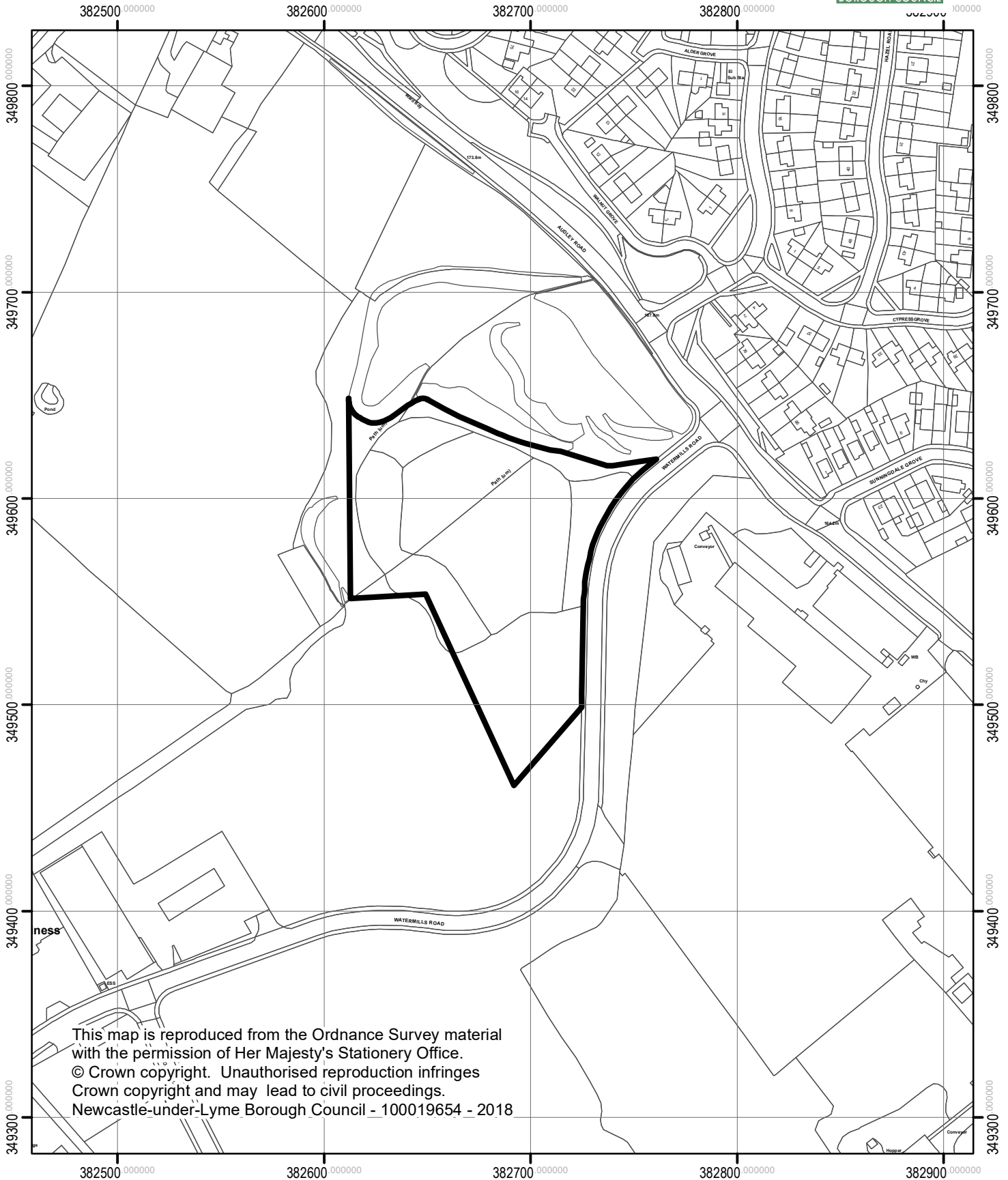
Officer's comments

It is considered that condition 12 of the main agenda report will ensure that further details are submitted to the satisfaction of the LLFA.

**The RECOMMENDATION remains as set out in the main agenda report.**

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Land off Watermills Road,  
Chesterton, ST5 7ET



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**KINGS SCHOOL, FIRST AVENUE, KIDSGROVE**  
**THE WADE FEDERATION GOVERNING BODY**

**20/00670/FUL**

The application seeks full planning permission for the refurbishment of external synthetic turf pitch, tarmac courts and the creation of a 3G synthetic turf facility and resurfaced macadam courts with associated perimeter fencing and the installation of new LED floodlighting system.

The site is an established school located within the Newcastle and Kidsgrove Urban Neighbourhood, as identified on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expires on 10<sup>th</sup> December 2020.**

**RECOMMENDATION**

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

- 1. Time limit condition**
- 2. Approved plans**
- 3. Joint community use agreement**
- 4. Confirmation that the Artificial Grass Pitch meets FIFA standards**
- 5. Restriction on floodlighting hours to 8am-10pm from Monday to Friday and 9am-7pm on Saturdays and Sundays.**
- 6. Restriction on construction hours**
- 7. Floodlight management plan**
- 8. Noise management plan**
- 9. Construction environmental management plan**

**Reason for Recommendation**

The proposed development is considered to represent a sustainable form of development that would improve existing sporting facilities and encourage outdoor opportunities for sport and physical activity. Subject to appropriately worded planning conditions, the development would make a positive contribution to the health and wellbeing of the community. Any adverse harm caused to neighbouring occupiers can be overcome, controlled and managed to an acceptable level. The proposed development therefore accords with the guidance and requirements of the NPPF.

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

The applicant sought to submit further information during the consideration of the application and officers have allowed this. Information has now been submitted and the development is considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

**Key Issues**

The application seeks full planning permission for the refurbishment of the existing synthetic turf pitch, tarmac courts and the creation of a 3G synthetic turf facility and resurfaced macadam courts with associated perimeter fencing and the installation of new LED floodlighting system.

The application site forms part of The King's CE (A) School facility which has been redeveloped in recent years but the existing facilities to be refurbished are not currently in use. .

The site is located within the urban area of Kidsgrove, as identified on the Local Development Framework Proposals Map.

The land is located within a High Risk Coal Mining area but the Coal Authority has raised no objections to this application. There are also no concerns with regards to highway safety matters,

subject to conditions, as advised by the Highways Authority. Therefore, the key issues for consideration in the determination of this planning application are;

- The principle of the development
- The design of the proposals and the impact on the visual amenity of the area,
- Impact on neighbouring residential amenity levels from noise, light and disturbance,

#### The principle of the development

The application site sits to the north-west of the main school building and is also immediately adjacent to the former Kidsgrove Sports Centre (KSC).

The planning permission for the school secured a number of planning conditions related to the sports facilities and playing pitches associated with the school, planning application reference 15/00577/FUL. In particular conditions 19-21 required a Joint Community Use Agreement (JCUA) to ensure the future provision of sustainable sports and leisure facilities in Kidsgrove. This concerned the use of KSC and the use of the school sports facilities including the Astro turf pitch, grass playing field, sports hall, car parking and toilets/changing facilities.

The conditions also required the provision of a grass playing field and that the Astro turf pitch, surrounding fencing and lighting, be maintained in a good condition, fit for purpose and in accordance with the requirements of the Community Use Agreement as secured by condition 19.

A JCUA has not been agreed and approved by the Local Planning Authority (LPA) and on this basis the school is in breach of conditions 19-21 of the planning permission. However, it must be noted that since the planning permission was granted for the replacement school KSC has closed. Furthermore, the current sports pitches, playing field and tarmac courts have also not been in use. Therefore, there is currently no community use of sports facilities associated with the school which is a significant concern.

The application is for the refurbishment of the existing outdoor synthetic turf pitch and tarmac courts and the creation of a 3G synthetic turf facility and resurfaced macadam courts with associated perimeter fencing and the installation of new LED floodlighting system.

The NPPF emphasises the importance of high quality open spaces and opportunities for sport and physical activity as an important contributing factor to the health and well-being of communities.

The proposed facilities would be a significant boost to the site and the sports facilities on offer to the community. They also form part of the Kidsgrove Town Deal and are associated with the re-opening of KSC.

The school has indicated that it is working with the Council to establish a community use agreement for the provision of external sports facilities on the site. However, in order to address the current breach of conditions 19 and 20 of the planning permission for the school the sports hall will also need to form part of the (JCUA) and be made available for community use.

Sport England (SE) have also raised concerns about the level of facilities being proposed and the need for a service road being placed between the courts and the 3G pitch which reduces the sporting capability at the site. SE indicate that an additional court could be provided within the existing footprint of the sporting facilities.

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The applicant has sought to address the concerns of SE and advises that there has always been vehicle access across the synthetic to the plant room of KSC. However, to avoid damage to the new pitch a service strip is required. Alternative options have been explored but none are feasible due to the constraints of the site.

Following the submission of the further information, SE have now withdrawn their holding objection. Therefore, following consultations held with a number of sporting national governing bodies they raise no objections to the application subject to conditions which secure a community use agreement which shall apply to the Kidsgrove Sport Centre, the macadam courts, 3G football pitch, grass playing field, sports hall, car parking, toilets and changing provision, and to ensure that the Artificial Grass Pitch meets FIFA standards and is registered by them.

On this basis and subject to a relevant and up to date JCUA being submitted for approval, in consultation with SE, prior to the use of the development, the proposal is considered to be an acceptable form of development that would be in accordance with the guidance and requirements of the NPPF and would promote opportunities for sport and physical activity, to the benefit of the community.

#### The design of the proposals and the impact on the visual amenity of the area

The site has existing external synthetic turf pitches, tarmac courts and associated flood lights and perimeter fencing. These are not currently in use and are in a state of disrepair.

The site is primarily located within a residential area with existing residential properties to the immediate north and west. To the south-east is the associated school buildings and to the south is the redundant KSC.

The proposed development would refurbish the existing facilities to a high standard with upgraded surfaces, flood lighting and perimeter fencing. This would significantly improve and enhance the appearance of the site, which would meet the guidance and requirements of the NPPF and policy CSP1 of the core spatial strategy which seeks to secure appropriate design. On this basis it considered that the proposals can be supported.

#### Impact on neighbouring residential amenity levels from noise, light and disturbance

Paragraph 127 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 NPPF further states at paragraph 180 that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The aim is to mitigate and reduce the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

As discussed, the proposal is to upgrade the existing facilities that are not currently in use. However, it is accepted that the lawful planning use of the site is sports pitches/ playing field, associated with the school.

The sports pitches and floodlighting was granted planning permission by the County Council in 1994, as the Planning Authority at the time, their reference N94/500.

The proposal is to upgrade the existing floodlights and provide 10 galvanised slimline columns with a height of 10 metres. The top of the columns would be fitted with LED lamps and the total number of lamps shared between the 10 columns would be 14. This is a reduction from the 24 lamps on the existing columns.

The previous planning permission included a condition which prevented use of the floodlights after 10pm.

The following hours are proposed for usage of the refurbished facilities;  
Monday to Friday: 0800 to 2200 hrs  
Saturday & Sunday: 0900 to 1900 hrs

The application is supported by a lighting impact statement and associated technical specification details.

A number of objections have been received from neighbouring residential properties raising concerns about the impact of the sports pitches on their residential amenity levels. In particular they raise concerns about noise and light impact and the operation of the floodlights to 10pm on weekdays and also their use on weekends.

It is acknowledged that there are a number of residential properties within close proximity to the application site but the application is for the upgrade of existing facilities and floodlights.

The Environmental Health Division has raised no objections to the application subject to conditions which control construction hours, floodlighting operation hours and the prior approval of a noise management plan. They have also requested a condition which secures precise details of the flood lighting. However, this requested information appears to form part of the application. This information has been highlighted to EHD and their further comments are awaited.

In addition to the conditions advised by EHD it is considered that the management of the floodlighting could also reduce the impact on neighbouring occupiers and the applicant has advised that certain floodlights could be switched off when not in use. This is supported and a floodlight management plan could be secured by condition.

Subject to conditions it is considered that the proposed refurbishment and the improvement of existing facilities would have no greater harm on the residential amenity levels of neighbouring occupiers than the existing facilities. On this basis the proposed development would comply with the guidance and requirements of the NPPF and is considered acceptable.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/ Sport/ Recreation

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

Policy C22: Protection of Community Facilities

**Other Material Considerations include:**

[National Planning Policy](#)

[National Planning Policy](#)

[National Planning Policy Framework](#) (February 2019)

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

Planning permission was granted by the County Council, as the Planning Authority, in 1994, for the construction of synthetic turf pitch together with 2.75 m. high fence and floodlight columns, reference N94/500 (NulBC reference 94/00500/CPO).

Planning permission has also been granted previously by the County Council and then latterly by the Borough for the demolition of existing school buildings and construction of new three storey Secondary School building, sports hall, playing field, hard play area, hardstanding and associated infrastructure.

The latest planning permission, NulBC reference 15/00577/FUL, for the variation of condition 1 of N.14/06 (approved by the County Council for new school buildings and associated infrastructure) to substitute approved plans with new plans for a proposed extension to the approved sports hall (3 court layout to a 4 court layout), which was permitted in October 2015.

[Views of Consultees](#)

**Sport England** initially submitted a holding objection on the grounds that the level of facilities was less than the existing due to a service road being placed between the courts and the 3G pitch which reduces the sporting capability at the site. However, following further information being submitted and their consultation with a number of sporting national governing bodies, they now raise no objections subject to conditions which secure a community use agreement which shall apply to the Kidsgrove Sport Centre, the macadam courts, 3G football pitch, grass playing field, sports hall, car parking, toilets and changing provision, and the Artificial Grass Pitch meets FIFA standards and is registered by them.

Within their consultation response they highlight a number of comments made by a number of sporting national governing bodies, which the applicant should consider.

The **Environmental Health Division** raises no objections subject to conditions which restrict construction hours, hours of use of the floodlights, the submission and approval of a noise management plan and full lighting details specification.

The **Landscape Development Section** raises no objections.

The **Highways Authority** raises no objections subject to a condition which secures a Construction Environmental Management Plan (CEMP) to minimise the impact of construction activity on the surrounding environment.

The **Environment Agency** indicate that they have no comments to make on the application.

The **Coal Authority** advises that on the basis that minimal groundworks will be required to facilitate the works proposed, and in light of the fact that the applicant appears to be aware of the recorded coal mining legacy risks present, that they have no objection to the application.

Comments were also invited from the **Staffordshire County Council as the Lead Local Flood Authority** and **Kidsgrove Town Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

**Eight** representations have been received raising the following objections;

- The operating hours until 10pm is unreasonable and should be restricted;
- The noise, traffic pollution will be unacceptable to neighbours;
- It will cause anti-social behaviour and security issues for residents;
- The Council should not be funding this project;
- This would have a detrimental impact on the Sports Centre;
- They will not ensure community usage;
- Impact on wildlife which has not been considered;
- There is no evidence submitted of a joint community use agreement in place;
- There is no evidence of an impact assessment on the leisure centre;
- There is no evidence that the leisure centre know about the application;
- There will be a loss of potential playing surface; and
- There are inaccuracies in the submission;

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

The application has been supported by a design and access statement along with a supporting floodlighting assessment. Information has also been submitted during the consideration of the application to address concerns. In particular a supporting statement has been prepared by the school which sets out the constraints of providing a community use agreement to date and the wider project works that the proposed development will contribute towards.

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/20/00670/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

28<sup>th</sup> October 2020

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**10<sup>th</sup> November 2020**

**Agenda Item 6**

**Application Ref. 20/00670/FUL**

**Kings School, First Avenue, Kidsgrove**

Since the publication of the main agenda two further objections have been received raising the following concerns;

- The school has a poor record of following agreements and planning requirements,
- If the facility is funded by Newcastle Borough Council then it should be owned by the Council,
- A signed and legally binding Joint Use Agreement should be presented before a decision is made,
- The development is contrary to Policy C22 - Protection of Community Facilities of the Local Plan on the basis that there is no Joint Usage Agreement with neighbouring Kidsgrove Sports Centre,
- The school has resulted in the closure of Kidsgrove Sports centre and is also contrary to Policy CSP5 of the Core Spatial Strategy, and
- The application should be deferred or refused without a signed Joint Use Agreement.

Officers Comments

The main agenda report sets out that the principle of the development will only be acceptable and in accordance with development plan policies and the guidance and requirements of the NPPF if a Joint Community Use Agreement (JCUA) is secured by a suitably worded condition – see condition 3 of the officer's recommendation.

In terms of when the JCUA needs to be in place (a signed and completed agreement), the standard condition drafted and recommended by Sport England requires that the use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement has been provided to the Local Planning Authority. On this basis there are no grounds to require the (JCUA) to be signed and completed before a decision is made. Furthermore, it will be the responsibility of the Local Planning Authority to enforce against any breach of this or any other condition should non-compliance take place.

**The RECOMMENDATION remains as set out in the main agenda report.**

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**SECOND SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**10<sup>th</sup> November 2020**

**Agenda Item 6**

**Application Ref. 20/00670/FUL**

**Kings School, First Avenue, Kidsgrove**

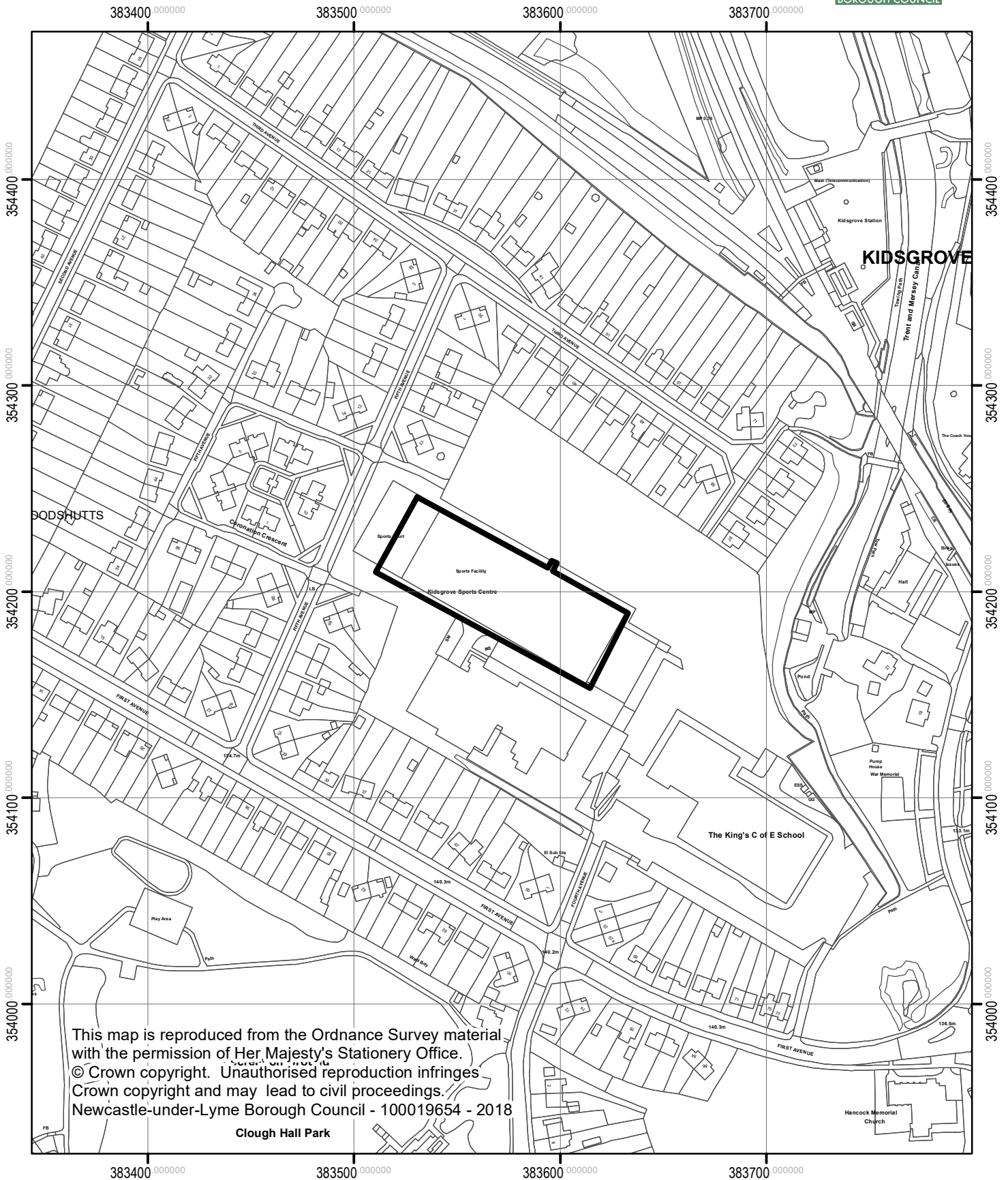
A further representation has been received after the guillotine for comments and additional information. On this basis, and whilst members of the planning committee have been sent a copy of this representation, it should not be taken into consideration because it is against planning committee protocol.

The **Environmental Health Division** has advised that the submitted flood lighting details are acceptable.

**The RECOMMENDATION remains as set out in the main agenda report.**

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The Kings School, First Avenue  
Butt Lane, Kidsgrove, ST7 1DP



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**ST GEORGES CHAMBER, MERRIAL STREET, NEWCASTLE**  
**NEWCASTLE BOROUGH COUNCIL**

**20/00851/DEEM3**

The application is for the change of use of existing offices to create additional temporary supported accommodation unit with emergency access for the winter period (November 2020 – March 2021) for up to 6 individuals.

The site lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area.

**The 8 week period for the determination of this application expires on 6<sup>th</sup> December 2020.**

**RECOMMENDATION**

**Subject to no issues being raised by consultees or by interested parties that cannot be addressed through conditions, PERMIT subject to conditions relating to the following:**

- 1. Time limit**
- 2. Approved plans**
- 3. Use to cease after March 2021**

**Reason for Recommendation**

The proposal is acceptable in principle and will preserve the character and appearance of the Conservation Area. The proposal will not result in an unacceptable impact on amenity or highway safety. Subject to conditions, the proposal represents a sustainable form of development, in accordance with the guidance and requirements of the NPPF.

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

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

**Key Issues**

The application is for the use of rooms 3-6 of St George's Chamber, currently vacant offices, as an additional temporary supported accommodation unit with emergency access. The use is for a temporary period over winter between November 2020 and March 2021. Up to six people would be accommodated during that period in severe weather conditions

The site is located within Newcastle Town Centre Conservation Area where local and national policies, as set out in the Appendix to this report, seek to preserve or enhance the character and appearance of the area. In addition it is within the Town Centre Historic Core, as identified in the Newcastle Town Centre Supplementary Planning Document (SPD). The SPD indicates that within such areas there must be attention not only to physical development but the effect any proposed activities will have on the character of the area.

No external alterations are proposed and the use proposed will be low key and the activities associated with it will not affect the character of the Conservation Area. As such the character and appearance of the area would be preserved and would accord with relevant heritage policies.

The proposed temporary use will not result in any amenity or highway safety concerns.

The proposal therefore represents a sustainable form of development, in accordance with the guidance and requirements of the NPPF.

The application is required for a temporary period and a condition which restricts the use until March 2021 is necessary and justified.

## **APPENDIX**

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

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

Policy ASP4: Newcastle Town Centre Area Spatial Policy  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP2: Historic Environment

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

Policy T17: Parking in Town and District Centres  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

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

[National Planning Policy Framework](#) (2019)  
[Planning Practice Guidance](#) (PPG) (March 2014)

#### 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 views of the **Environmental Health Division**, the **Highway Authority** and the **Crime Prevention Design Advisor** have been sought by the 11<sup>th</sup> November. Any comments received will be reported

#### Representations

None received to date. Publicity period ends 13th November.

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

The application is supported by a Heritage 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/20/00851/DEEM3>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

29<sup>th</sup> October 2020

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**10<sup>th</sup> November 2020**

**Agenda Item 7**

**Application Ref. 20/00851/DEEM3**

**St Georges Chamber, Merrial Street, Newcastle**

Since the publication of the main agenda the comments of the **Environmental Health Division** and the **Highway Authority** have now been received.

The **Environmental Health Division** (EHD) have no objections to the temporary change of use but would recommend conditions for a prolonged/permanent change of use as follows:

- A Noise Assessment and noise mitigation measures if required.
- Design measures to secure maximum noise levels
- Prior approval of arrangements for recyclable materials and refuse storage and collection.

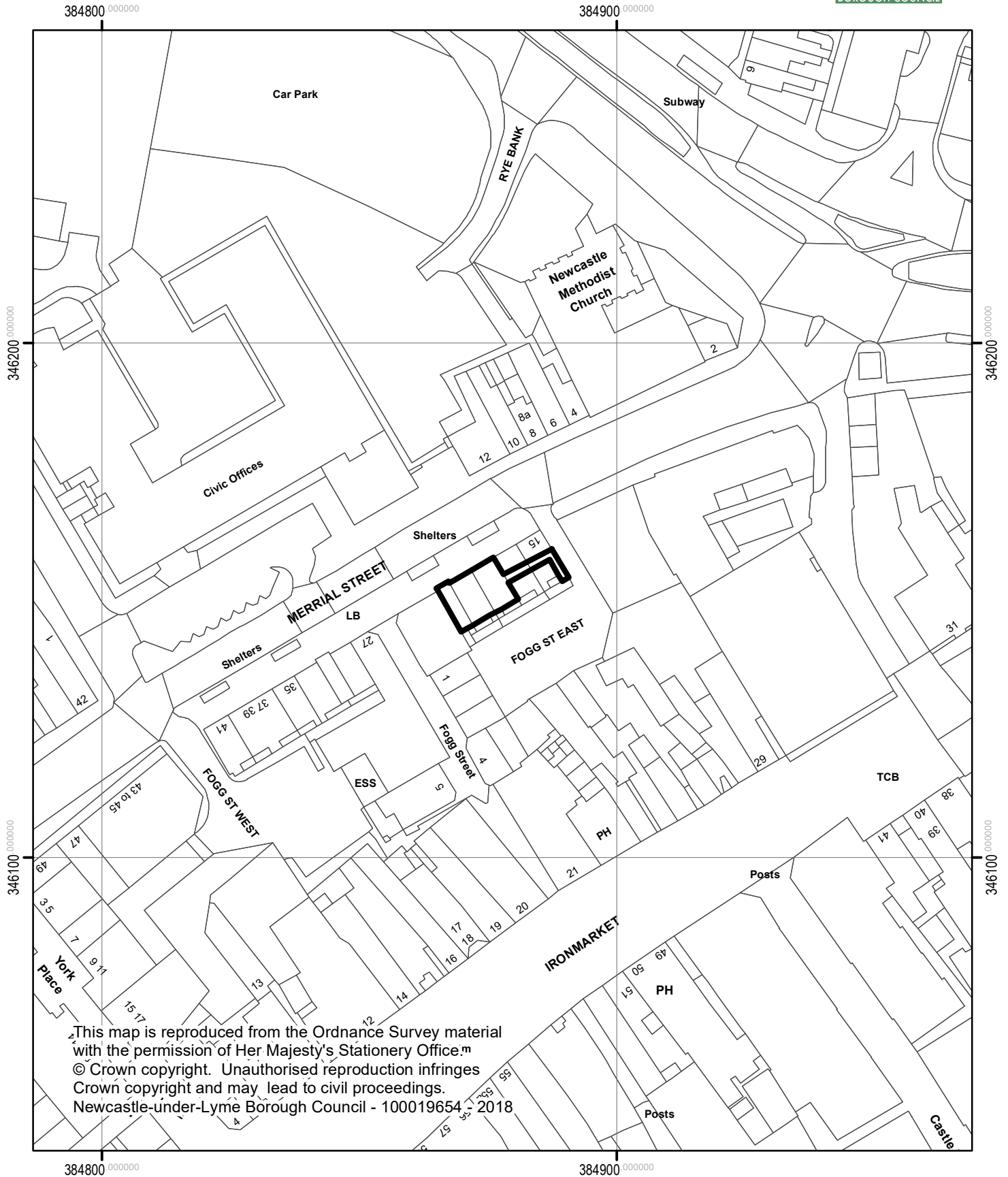
The **Highway Authority** have no objections.

As the proposal is for a short term, temporary use there is no requirement to impose the conditions recommended by EHD as such:

**The RECOMMENDATION remains as set out in the main agenda report.**

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Rooms 3-6, St Georges Chambers,  
Merrial Street, Newcastle-under-Lyme, ST5 2AE



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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.**

Since the last meeting, confirmation was received from the Planning Inspectorate that the appeal hearing that had been scheduled to take place on 6<sup>th</sup> October 2020 had been postponed and that it proposed to rearrange the hearing for February 2021. Further correspondence has been received indicating that they propose to hold a hearing on 4<sup>th</sup> February 2021. Confirmation of the date is yet to be received.

Date report prepared: 29<sup>th</sup> October 2020

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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 following a planning application for the retention and completion of a partially constructed agricultural track, reference 18/00299/FUL, which came before the Planning Committee on the 6<sup>th</sup> November 2018.

### **RECOMMENDATION**

**That the information be received.**

### Latest Information

A site visit with the owner was undertaken in mid-October and he has been reminded of the conditions of the planning permission, in particular condition 6, which prevents the importation of all material associated with the construction and completion of the track within 24 months from the date of the decision i.e. by the 8<sup>th</sup> November 2020.

It was observed at the site visit that whilst works to complete the track have been undertaken it is clear that further works are required and the track and associated works will not be complete by the 8<sup>th</sup> November 2020.

The owner advised your officers that he intends to complete the works but that circumstances have prevented him.

Your officers have advised the applicant to submit a planning application to extend the period for the completion of the track as a S73 variation of condition application. The acceptability of a further extension to complete the track will then be assessed by the Local Planning Authority.

It was requested that the S73 application is submitted in advance of the 8<sup>th</sup> November date.

Date Report Prepared – 28<sup>th</sup> October 2020

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**RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY**  
**Reference 17/00258/207C2**

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 28<sup>th</sup> April 2020 (since repeated), of the progress in relation to a breach of planning control at this location.

**RECOMMENDATION**

**That the information be received.**

Following refusal of a planning application to vary condition B8 of outline planning permission 06/00337/OUT which would have removed the requirement to provide a second Locally Equipped Area for Play (LEAP) on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.

Details of a revised play area were received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018. It was subsequently established that all the approved equipment has been provided within the second LEAP but not the six benches shown on the approved plans.

Your officers were working with the developer to secure the installation of the benches, however following consideration of representations regarding issues of anti-social behaviour at this LEAP Committee resolved, on 21<sup>st</sup> July, that only two of the benches would now be required to be installed rather than the six approved. In addition Committee resolved to request that the money saved as a result of not having to install four additional benches should be put towards the replacement of the basket swing on the site which is a focal point for the anti-social activity that has been reported.

Following that meeting, the developer has prepared and submitted the costs involved in the installation of the two benches, the removal of the basket swing and its replacement with another piece of equipment. This has demonstrated that the savings arising from the requirement to provide a reduced number of benches does not cover the cost of the replacement of the basket swing. Discussions are ongoing with the developer and the Parish Council to establish whether the Parish Council would be prepared to make up the shortfall.

Date report prepared: 30<sup>th</sup> November 2020

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**10 November 2020**

**Agenda Item 10**

**RESIDENTIAL DEVELOPMENT ON SITE OF THE FORMER SILVERDALE COLLIERY**  
**Reference 17/00258/207C2**

Since the publication of the main agenda correspondence has been received from the developer, DWH North West, advising that their tBoard of Directors has met and they have decided to absorb the cost of the replacement facility and carry out all the necessary work. As such there will be no requirement for the Parish to fund the shortfall as previously requested to secure the replacement of the basket swing.

The developer is proposing the remove the basket swing and replace with a baby swing in addition to provision of two benches.

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## **UPDATE ON BREACHES OF PLANNING OBLIGATIONS**

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 23<sup>rd</sup> June 2020, of the progress in relation to the pursuance of breaches of planning obligation secured through the following planning permissions:

- 11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale
- 12/00701/FUL - Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access at Former Randles Ltd, 35 Higherland, Newcastle

## **RECOMMENDATION**

**That the information be received.**

### 11/00284/FUL - Erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale

Non-compliance with obligation requiring payment of financial contributions, as follows, have been reported to Committee

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

In addition the S106 agreement secured a financial viability review mechanism should development not be substantially commenced by a certain date, which might lead to a contribution to affordable housing off site.

Evidence of substantial commencement was not received by the Local Planning Authority and on this basis it is concluded that the trigger is not achieved.

The District Valuer has conducted a financial viability appraisal to determine whether the development could support policy compliant planning obligations or any level of contributions towards off-site affordable housing provision. The report received concluded that the development would not be viable to contribute further payment for off-site affordable housing provision and this conclusion is accepted by your Officer. On this basis it is the payments set out above that are required.

Confirmation of the final payment (which requires indexation and the addition of interest due to late payment) is still awaited and upon receipt of that information, the developer will be informed and the outstanding contributions will be sought within a reasonable time frame. If payments aren't made without good cause the matter will be passed to the Council's Legal Section to pursue non-payment through the appropriate process.

### 12/00701/FUL - Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access at Former Randles Ltd, 35 Higherland, Newcastle

A financial contribution of £36,017 (index linked) towards the Newcastle (urban) Transport and Development Strategy (NTADS) is required to have been paid prior to the commencement of the development. The ground floor of the building has been operating as a Tesco food store for a

considerable amount of time. The County Council and the Borough Council have requested the outstanding amount which will need to have index linking applied, and in the event of payment still not being made further action may need to be taken.

Efforts have been made to contact the owner but no response has been received. The matter has been passed to the County Council's legal/ monitoring section to progress. An update from the County Council on any progress is still awaited.

Date report prepared: 29<sup>th</sup> October 2020

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**10<sup>th</sup> November 2020**

**Agenda Item 11**

**Update on Breaches of Planning Obligations**

Since the publication of the main agenda the County Council has advised, in respect of the Former Randles Ltd, planning application - 12/00701/FUL, that they will not be pursuing the payment of the financial contribution of £36,017 (index linked) towards the Newcastle (urban) Transport and Development Strategy (NTADS).

The County Council have emphasised that the decision should not be taken as setting a precedent.

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Planning Committee 10<sup>th</sup> November 2020

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

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

The last report was brought to the Planning Committee at its meeting on the 18<sup>th</sup> August 2020. 5 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

**RECOMMENDATION**

**That the information be received.**

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Residential Development on site of the Former Silverdale Colliery</p> <p>Non-compliance with condition B8 of outline planning permission 06/00337/OUT which requires the provision of 2 Locally Equipped Areas for Play (LEAPs)</p> <p>17/00258/207C2</p>	25.04.17	<p>Following refusal of a planning permission to vary a condition of the permission which would have removed the requirement to provide a second LEAP on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.</p> <p>Details of a revised play area were subsequently received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018.</p> <p>A site visit was undertaken some time ago which established that all the approved equipment has been provided within the second LEAP but not the benches. Subsequently installation of the benches by the developer was being pursued.</p> <p>More recently at its meeting of 21<sup>st</sup> July, following representations regarding issues of anti-social behaviour within the play area, Committee resolved to reduce the number of benches that they require to be installed from six to two. In addition Committee resolved to request that the money saved should be put towards replacement of the basket swing.</p> <p>The Developer has been advised of the Committee's decision and requested that the two benches are installed as soon as possible in locations already approved. This information has been passed to the Parish Council also. The Developer and Parish Council have been asked to agree what equipment should be installed in place of the basket swing and seek approval of the Local Planning Authority prior to installation. Discussions are ongoing about the funding of the costs involved in the removal of the basket swing and its replacement.</p>	Monitor site for installation of two benches.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Initially regarding unauthorised use of land for the siting of a mobile home.</p> <p>Now non-compliance with the occupancy condition attached to the mobile home</p> <p>14/00036/207C3</p>	<p>5.1.16 &amp; 11.10.18</p>	<p>A personal planning permission (reference N14847) was granted for the siting of a mobile home on this Green Belt site due to the personal circumstances of the applicant at that time. The same restrictions were imposed on a subsequent planning permission (reference N21428) for a larger mobile home. Subsequent attempts by the original applicant to vary or remove the conditions were unsuccessful.</p> <p>It was established that the occupation of the mobile home as a dwellinghouse ceased and on 5<sup>th</sup> January 2016 Planning Committee resolved that enforcement action should be taken. An Enforcement Notice (EN) was subsequently served which, because no appeal was lodged, came into force on 13<sup>th</sup> July 2016.</p> <p>The breach of planning control referred to in the EN was that without planning permission the material change of use of the Land for the storage of a mobile home had occurred. Subsequent visits to the site established that the Notice had not been complied with.</p> <p>On 4<sup>th</sup> January 2017 Planning Committee refused an application (16/00969/FUL) to vary the condition on permission N21428 so that it could be occupied by others. A subsequent appeal was dismissed on 5<sup>th</sup> January 2018. Shortly afterwards the applicant/appellant took ownership of the site and it was later established that the mobile home was being occupied. The breach of planning control referred to in the EN was no longer taking place therefore.</p> <p>A further EN was served on 9<sup>th</sup> November 2018 regarding the occupation of the mobile home in breach of condition 1 of planning permission N21248.</p> <p>An appeal has been lodged, a 'start letter' issued and the Council's statement of case was submitted by 22<sup>nd</sup> April 2020. More recently the Inspectorate has confirmed that having set the hearing date for 6<sup>th</sup> October 2020, the hearing had been. The Council is waiting for confirmation of a new date for the hearing which is expected to be in February 2021.</p>	<p>Adhere to the appeal timetable when known and await the final arrangements for the Hearing</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Breach of condition 3 of planning permission 14/00610/FUL.</p> <p>18/00251/207C2</p>	<p>7.11.18</p>	<p>Planning application 14/00610/FUL, for the retention of water reservoir, formation of hardstandings and repairs to the existing track was permitted on the 3<sup>rd</sup> December 2014 with 13 conditions. Condition 3 required all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas to cease by 1<sup>st</sup> June 2015.</p> <p>A subsequent application was permitted (reference 15/00521/FUL) extending the period set within the condition a further nine months from the decision.</p> <p>In September 2018 complaints were received that soil was being removed from the site in breach of the condition. Following correspondence from the Council that activity ceased, however further allegations were then received on 2<sup>nd</sup> November.</p> <p>Whilst the removal of the soil had been infrequent when such operations and activities at the site occur they result in a significant and detrimental harm to the residential and there is reason to consider that the breach could happen again. As such it was resolved to take enforcement action.</p> <p>An Enforcement Notice (EN) was served on 22<sup>nd</sup> November requiring the cessation of the removal of soil seven days after the notice took effect. An appeal was lodged but was subsequently withdrawn and the EN has now taken effect.</p> <p>Monitoring has been undertaken and no breaches of the EN have been detected. In addition the indication from the landowner is that the soil is to be utilised in the completion of the track which is referred to in the other report on this agenda (Land At Doddlespool).</p> <p>Whilst the EN will remain in place, given that there is no evidence to suggest that a breach is likely it is intended to close the case. A further report will be brought to Committee if and when a breach is suspected.</p>	<p>CASE CLOSED</p>

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

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land to the West of Newcastle Road (A53), Blackbrook 20/00079/207C2</p>	<p>18.8.2020</p>	<p>Following receipt of information in May this year that a breach of planning control had taken place, investigations were carried out which established that an unauthorised change of use of the land to a gypsy caravan site had been carried out.</p> <p>An injunction was served on the site to prevent any intensification of the use.</p> <p>At about the same time as the breach commenced a planning application was received for that use (20/00368/FUL) which was subsequently reported to Planning Committee on 18<sup>th</sup> August 2020. The application was refused and Committee resolved to take and institute all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association with its use as a residential caravan site and restoration to a grassed paddock within 12 months.</p> <p>Consideration is currently being given as to the action to be taken.</p>	<p>Initiate appropriate enforcement action</p>

## Report on Open Enforcement Cases

### Purpose of the Report

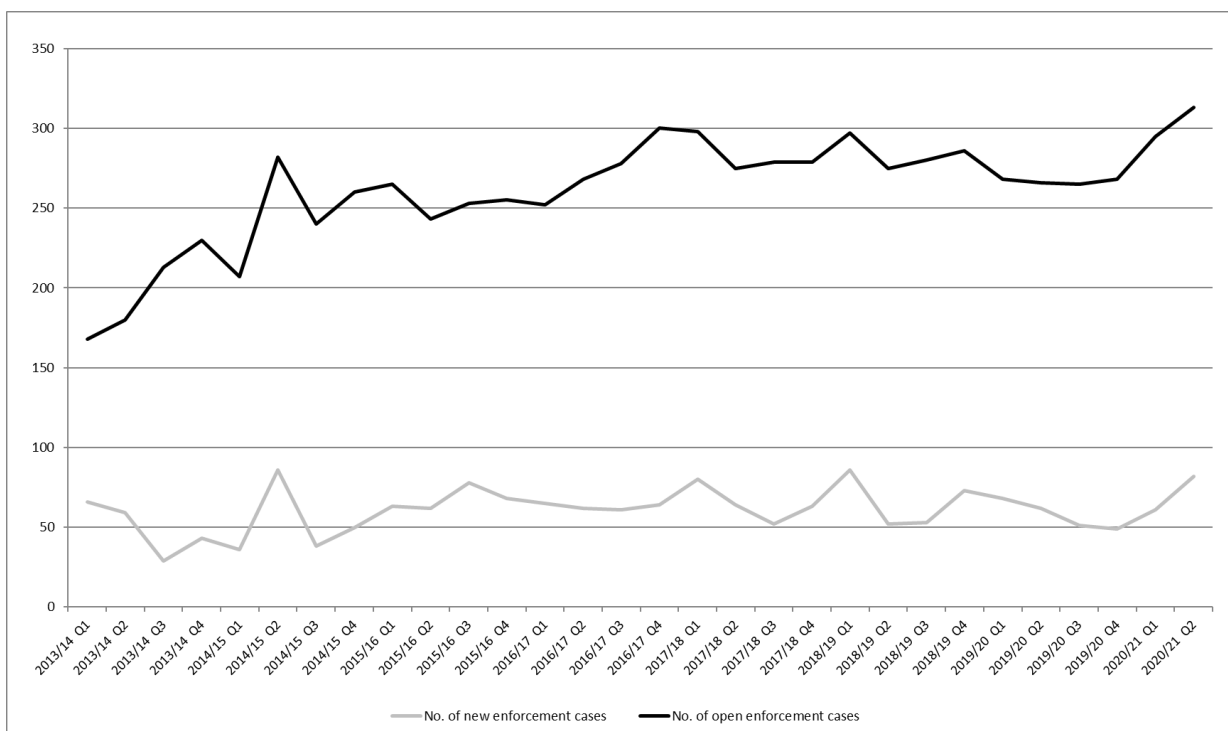
To inform members of the current situation regarding the enforcement caseload.

### Recommendations

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

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

In the last quarter (June - September 2020) a further 82 new cases have been reported, more than the previous quarter (61). The current number of open cases is 313. The number of open cases has increased in this quarter given that in the last quarter it was 295, which in part can be attributed to staffing shortages within the team. Such figures are illustrated in the graph below.



A number of the cases have associated pending planning applications that are awaiting determination (13 as at 26 October 2020).

### Date report prepared

26 October 2020

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**APPEAL BY MR & MRS ROBOTHAM AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR A SINGLE DWELLING AT 12 CHAPEL LANE, MOW COP**

<b><u>Application Number</u></b>	<b>19/00766/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 19<sup>th</sup> August 2019 under delegated authority</b>
<b><u>Appeal Decision</u></b>	<b>Allowed</b>
<b><u>Date of Decision</u></b>	<b>22<sup>nd</sup> September 2020</b>

**Appeal Decision**

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

The Inspector considered that the development would reflect the residential character of development and would make effective use of the land without significant effect on the character and appearance of the local townscape.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00766/OUT>

**Recommendation**

That the appeal decision be noted.

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## **Register of Locally Important Buildings and Structures in Newcastle-under-Lyme – 2020 Review**

Report to Planning Committee 10<sup>th</sup> November 2020

### **Purpose of the Report**

To approve the updated Register of Locally Important Buildings and Structures following the 2020 review.

### **Recommendation**

**That Members agree to the proposed additions to the Register, as set out Section 2 of this report.**

### **Reason**

As previously resolved, to review the Register.

## **1.0 Background**

- 1.1 A report was considered in 2010 to compile a list of locally important buildings and structures in the Borough. Members resolved to accept that list and call it a Register of Locally Important Buildings and Structures. Members also resolved to review the Register (subject to resources), plot the location of the buildings and structures on a publicly available plan and agreed that the membership of the Assessors' Panel that would consider all future nominations should be determined by the Conservation Advisory Working Party. The current Register can be viewed on [www.newcastle-staffs.gov.uk/localregister](http://www.newcastle-staffs.gov.uk/localregister)
- 1.2 A Supplementary Planning Document (SPD) was adopted in March 2012 for the Register of Locally Important Buildings and Structures which sets out the procedure by which buildings and structures are added to the Register, including the scoring system. A score of 7 out of 10 will enable the building to be added to the list.

## **2.0 Alterations to the Register**

- 2.1 A review of the Register has been undertaken and the proposed additions to the Register following consideration of the nominations by the Assessors' Panel are set out below. 12 nominations were considered by the Panel in the 2020 review. 4 buildings and structures are now proposed to be added to the Register. These are as follows:-
- 1 Offley Arms, Madeley**
  - 2 Onneley Village Hall, Onneley**
  - 3 The Meadows Primary School, Madeley**
  - 4 Pattens, former Coop building 38-40 High Street, Wolstanton**
- 2.2 There are currently 130 entries for buildings and structures on the Register and if the above 4 entries are added to the list, this will make a total of 134 entries. The

information in this report will be included as an information item at the next Conservation Advisory Working Party meeting.

### **3.0 Buildings & Structures scoring below the required amount**

3.1 During the review, some nominated buildings and structures fell short of the required number of points to warrant inclusion on the Register. Buildings and structures will be reconsidered at the next review if significant and appropriate additional information is provided to enable a better assessment to be made of the building. Many nominations just include the address of the building or indicate that it is historic with no proper assessment or background information.

### **4.0 Next Steps**

4.1 The nominators and owners of the buildings and structures which are to be added to the Register will be notified and a period of time given for them to send in any representations for consideration by the Council at the next review.

4.2 The buildings and structures will be added to the Council's Geographical Information System (GIS) and the amended Register will be put on the Council's website.

4.3 The Register will continue to be regularly updated and reviewed as resources permit.

### **5.0 Background Papers**

[Historic England - Local Heritage Listing \(Advise Note 7\)](#) published May 2016

[Register of Locally Important Buildings and Structures Supplementary Planning Document 2012](#)

## **JUMBO SKIPS LTD, PLOT D, HOWLE CLOSE**

**JUMBO SKIPS LTD**

**SCC REFERENCE N.20/03/2014 W (NULBC REF 20/00823/CPO)**

This is a consultation by Staffordshire County Council on an application for the use of the site for a skip hire and recycling facility handling up to 100,000 tonnes of waste per annum. Two steel framed sheds are proposed for storage of plant and machinery and for processing of non-hazardous waste, with a separate open area to the south for processing of inert waste.

The site is currently undeveloped. It is a former marl pit, then domestic and commercial waste site which was reclaimed some time ago.

The site is within the Newcastle and Kidsgrove Urban Neighbourhood as identified on the Local Development Framework Proposals Map, and is the subject of saved Policy 39 of the Local Plan.

**For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the County Council by no later than 11<sup>th</sup> November.**

### **RECOMMENDATION**

**That the County Council be informed that this Council raises NO OBJECTIONS to the proposed development subject to appropriate conditions that the County Council deem necessary including those recommended by Newcastle Borough Council's Environmental Health Division.**

### **Reason for Recommendation**

Although the application is not for traditional employment uses in the strictest sense (Class B uses), it would provide employment opportunities and given the nature of the site there is no loss of good quality employment land involved. The County Council will have to decide whether the information submitted with the application is sufficient, and appropriate conditions should be imposed to protect residential amenity.

### **Key Issues**

The Borough Council has been consulted on this waste application by the County Council. The application is for the use of the site for a skip hire and recycling facility handling up to 100,000 tonnes of waste per annum consisting of the sorting, processing and storage of general mixed waste and various forms of inert waste such as soil and fines, crushed brick and concrete. Two steel framed sheds are proposed for storage of plant and machinery and for processing of non-hazardous waste, with a separate open area to the south for processing of inert waste. A weighbridge office building is also proposed.

The main issues for the Borough Council to consider are the principle of the development, whether there would be any adverse impact on visual amenity, highway safety or the environment.

### **Principle**

NLP Policy E9 (2) states that on certain sites such as the Rowhurst Industrial estate where planning permission has already been granted for employment development, it is the Borough Council's policy that permission will be renewed, broadly in the same terms as currently given, unless new factors or other material considerations such as the need for access by non-car modes indicate otherwise; The Policy indicates that in the case of Rowhurst any viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4 & 5 and that a nature conservation study will be required.

An Ecological Appraisal has been included as part of this application which makes a number of recommendations in respect of site clearance and construction works. The County Council will consider whether this is sufficient.

No mention has been made in the submission of the Etruria Marl position. It is your Officer's understanding that based upon the specific history of this site that this would not be relevant however it is something that the County will look into as the Minerals Planning Authority. Other consents have been

allowed on the industrial estate without requiring it to be demonstrated that there are no viable Etruria Marl reserves that would be prejudiced by such development.

Insofar as NLP Policy E9 is concerned the only permissions granted to date for this particular piece of land are for outdoor storage (in June 1990) and for a Driving Test Centre in 2005. The proposed use does not fall within Class B (as set out in the Use Classes Order). NLP Policy E11 does indicate that development, other than that within Class B that would lead to the loss of good quality business and general industrial land will be resisted where this would limit the range and quality of sites available. In this case the proposed use would generate 20 jobs and, notwithstanding that it is not a Class B use, it is a use that is acceptable in this location in principle.

#### Impact on visual amenity

The site is within an established industrial estate but is close to a site where residential development has previously been permitted and is subject to a further application for residential development on this agenda (20/00463/FUL).

The site is to be bounded by palisade fencing ranging from 1.8m to 2.1m in height which will be powder coated green in the more visually prominent positions, and galvanised for the other stretches of boundary.

The proposal also includes the construction of two storage sheds one with a floor area of approximately 450m<sup>2</sup> and up to 6m in height and the other slightly smaller at 250m<sup>2</sup> floor area and up to 5.5m in height. Both are sited close to Watermills Road. The external storage area is located to the south of the buildings, which will to some extent provide some screening. Additional screening is achieved by the existing woodland planting along the north and east boundaries which will be supplemented by additional tree planting

Given the mixed commercial nature of the area the appearance of the proposed development will be in keeping.

#### Impact on highway safety

The application is accompanied by a Transport Assessment and during the course of the application an Addendum has been submitted which takes into consideration the vehicular movements associated with the residential development proposed in 20/00463/FUL. The Assessment and addendum concludes that Watermills Road and its junction with Audley Road can accommodate the traffic generated by this proposed development and that generated by the proposed residential development without resulting any highway safety concerns.

#### Environmental impacts

One of the proposed buildings is to be used for the processing of non-hazardous waste, with inert waste being processed in an open area to the south of the sheds. There is the potential for the proposed use to generate environmental issues including noise, odour, pests, dust and mud on the highway.

Measures are proposed to mitigate the impacts that the site has on neighbouring properties which are being considered in details by the Council's Environmental Health Division who have been consulted directly by the County Council as Planning Authority.

Subject to the appropriate mitigation measures as recommended by the Environmental Health Division being implement it is not considered that the proposal would have any significant environmental impacts.

## **APPENDIX**

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy E9: Renewal of Planning Permissions for Employment Development  
Policy E11: Development of Employment Land for Other Uses  
Policy T16: Development - General Parking Requirements

#### [Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026](#)

Policy 1.1 General Principles  
Policy 1.3 Construction, demolition and excavation waste  
Policy 2.1: Landfill diversion targets  
Policy 2.3 Broad Locations  
Policy 3.1 General Requirements for New and Enhanced Facilities  
Policy 4.1 Sustainable Design  
Policy 4.2 Protection of Environmental Quality

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

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

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

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

#### Relevant Planning History

12/0082/CPO -  
Proposed skip hire and recycling centre – Withdrawn

05/00793/CD – Construction of a driving test centre on this site incorporating a single building with car, motorcycle and LGV manoeuvring areas and associated parking - Subject of Planning Committee resolution (November 2005) that the Planning Authority had no objections to the application subject to certain conditions and requirements being met. Permission subsequently granted (Crown Development)

N19874 – The erection of light industrial buildings Class B1 on a wider site including this one – Permitted with this particular site identified as being for open storage only

N3824 – The construction of a tipping site for domestic refuse and colliery spoil – Permitted

### **Views of consultees**

It is the responsibility of the County Council to carry out consultations on this application.

#### Applicant's Submission

The application is supported by the following documents: -

- Transport Assessment and Addendum
- Noise impact Assessment
- Noise and Vibration Management Plan
- Odour Management Plan
- Dust Management Plan
- Phase 2 Contamination Investigation Report
- Flood Risk Assessment
- Waste Development Statement
- Ecological Appraisal

These documents can be viewed on the County Council's website searching under reference [N.20/03/2014 W](#)

**Background Papers**

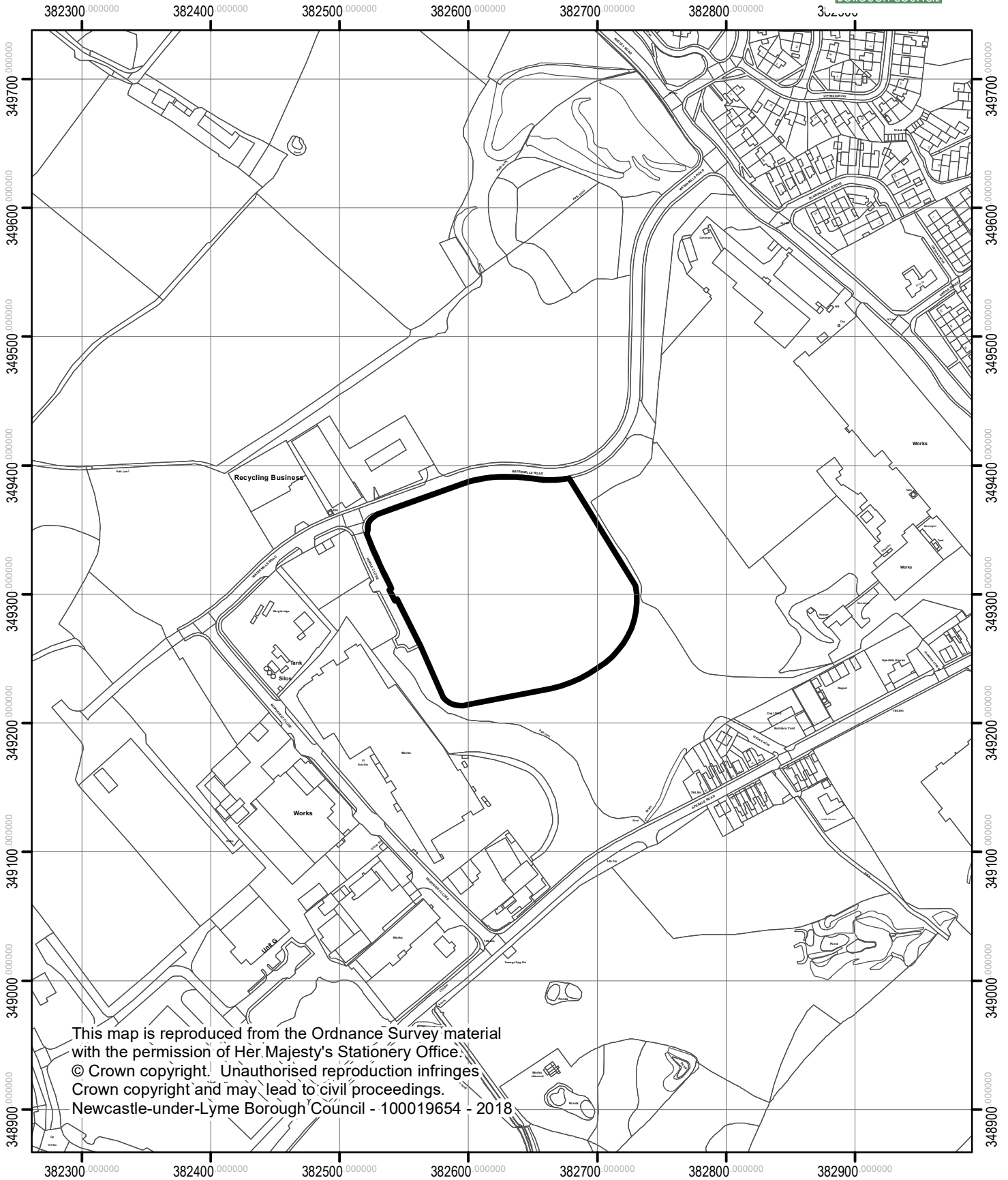
Planning Policy documents referred to  
Planning files referred to

**Date Report Prepared**

6<sup>th</sup> November 2020



# Jumbo Skips Limited, Plot D Howle Close, Newcastle-under-Lyme



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