

Public Document Pack

Date of meeting Thursday, 27th May, 2021
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD AND NORTH WEST OF LOWER ROAD, HOOK GATE. VERVE SHREWSBURY LTD. 21/00327/FUL** (Pages 7 - 16)
- 5 APPLICATION FOR MINOR DEVELOPMENT - ASHES FARM, 103 HIGH STREET, HARRISEAHEAD. MR NIGEL PORTER. 21/00343/FUL** (Pages 17 - 26)
This item includes a supplementary report.
- 6 APPLICATION FOR OTHER DEVELOPMENT - LAND OFF LOWFIELD DRIVE, STOKE-ON-TRENT. EE LIMITED. 21/00377/TDET** (Pages 27 - 32)
- 7 APPLICATION FOR OTHER DEVELOPMENT - LAND AT CHEMICAL LANE, STOKE-ON-TRENT. EE LIMITED. 21/00379/TDET** (Pages 33 - 40)
This item includes a supplementary report.
- 8 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 41 - 42)

9 TREE PRESERVATION ORDER - LAND AT 39 SANDY LANE, (Pages 43 - 46)
NEWCASTLE. TPO212

10 TREE PRESERVATION ORDER - LAND AT CROFT FARM, (Pages 47 - 50)
STONE ROAD, HILL CHORLTON - TPO 214

11 URGENT BUSINESS

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

Members: Councillors Andrew Fear (Chair), Marion Reddish (Vice-Chair), 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.

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

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

PLANNING COMMITTEE

Tuesday, 27th April, 2021
Time of Commencement: 7.00 pm

Present:	Councillor Andrew Fear (Chair)		
Councillors:	Marion Reddish John Williams Paul Northcott	Gillian Williams Silvia Burgess Jennifer Cooper	Helena Maxfield Mark Holland Kenneth Owen
Officers:	Rachel Killeen Elaine Moulton Geoff Durham Shawn Fleet Dorian Weller	Senior Planning Officer Development Management Team Manager Mayor's Secretary / Member Support Officer Head of Planning and Development ICT Officer	

Note: In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted by video conferencing 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

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 30 March, 2021 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT KEELE UNIVERSITY, KEELE ROAD, KEELE. MR KARL BROWN, HLM ARCHITECTS. 21/00222/FUL

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

- (i) Variation of condition two to list the revised plans.
- (ii) Any other conditions attached to planning permission 20/00162/REM that remain relevant at this time.

5. **APPLICATION FOR MINOR DEVELOPMENT - 22 KING STREET, CROSS HEATH . MR K NIJJAR. 21/00067/FUL**

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

- (i) Time Limit Condition
- (ii) Approved plans
- (iii) Approved Materials
- (iv) Boundary treatments
- (v) Hardstandings
- (vi) Submission of Landscaping Details
- (vii) Submission of Tree Protection Plan
- (viii) A minimum access width of 5m
- (ix) A gravel retaining strip to the parking area of 22 King Street
- (x) Access, parking and turning
- (xi) Provision and retention of Visibility Splays
- (xii) Provision of gravel retaining strip
- (xiii) Restriction of gates or obstructions to vehicle access
- (xiv) Submission of an Environmental Construction Plan
- (xv) Construction Hours
- (xvi) Provision of electrical charging point for vehicles

6. **APPLICATION FOR MINOR DEVELOPMENT - HOPE COTTAGE, LEYCETT LANE. MR & MRS J BULLOCK. 21/00193/FUL**

Councillor Ian Wilkes spoke on this application.

Resolved: That the application be refused for the following reasons:

- (i) The development represents inappropriate development in the Green Belt, and there are no very special circumstances that would outweigh the harm caused by virtue of the development's inappropriateness and associated harm to the openness of the Green Belt. The development is contrary to Policy S3 of the Local Plan and the aims and objectives of the National Planning Policy Framework (2019).
- (ii) The proposed development, because of its isolated location away from a higher level of services, employment and public transport links, would mean that residents would be dependent on the use of private motor vehicles. The development of this site would not materially enhance or maintain the viability of a rural community in a significant way and is considered to be an unsustainable form of development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2019).

7. **APPLICATION FOR MINOR DEVELOPMENT - SCOT HAY FARM, LEYCETT ROAD. MR DENNIS MARK HOLFORD. 21/00005/FUL**

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

- (i) Time limit condition
- (ii) Approved plans
- (iii) Approved materials
- (iv) Removal of caravan with 2 years of any permission
- (v) Construction hours

8. **APPLICATION FOR MINOR DEVELOPMENT - LAND AT DODDLESPOOL, MAIN ROAD, BETLEY. MR. MARK OULTON. 21/00286/FUL**

Councillor Gary White spoke on this application.

Resolved: That the variation of Condition 6 of planning permission reference 18/00299/FUL be permitted so that it reads as follows:

The importation of all material associated with the construction and completion of the track shall cease by the 1st November 2021.

In addition condition 5 should be varied as follows:

No more than a further 6000 tonnes of appropriate and relevant inert material shall be imported onto the site from the date of this permission.

and subject to the imposition of all other conditions attached to planning permission 18/00299/FUL that remain relevant at this time.

In addition an advisory note should be forwarded to the applicant advising that the Planning committee would not favourably consider any further extension of the time period within which the importation of all material associated with the construction and completion of the track can take place.

9. **APPLICATION FOR OTHER DEVELOPMENT - OLD HALL, POOLSIDE, MADELEY. MR GARY WHITE. 21/00206/LBC**

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

- (i) Time limit condition.
- (ii) Development to be carried out in accordance with the approved plans and submitted details.

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

Resolved: (i) That the information be received.
(ii) That a further update be brought to Planning Committee on 27 May, 2021.

11. **LAND AT DODDLESPOOL, BETLEY. 17/00186/207C2**

Resolved: (i) That the report noted
(ii) That a report providing a further update be brought to Planning Committee on 22nd June.

The Committee also agreed that a letter be prepared to send to the EA expressing concerns about the tardiness of the action that they have taken in respect of the unauthorised importation of waste, to be signed by the Chair and the Portfolio Holder for Planning and Growth.

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

Resolved: That the information be received.

13. FIVE YEAR HOUSING LAND SUPPLY STATEMENT FOR THE BOROUGH OF NEWCASTLE-UNDER-LYME FROM 1 APRIL 2020 TO 31 MARCH 2025

Resolved: (i) That the content of the 5 year Housing Supply Statement be noted and agreed that it represented the current position of the Council.

(ii) That the significance of the 5 year supply position for Development Management decision making be noted.

14. URGENT BUSINESS

There was no Urgent Business.

Chair

Meeting concluded at 8.40 pm

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

21/00327/FUL

This application seeks to vary conditions 5, 6, 9, 17, 18 and 19 of planning permission 17/01001/FUL which granted consent for the erection of 22 houses and bungalows with associated access roads and drainage. The application seeks to remove the 'prior to commencement of development' aspect of each condition.

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

The 13 week period for the determination of this application expires on 29th June 2021.

RECOMMENDATION

PERMIT the variation of conditions 5, 6, 9, 17, 18 and 19 of 17/01001/FUL so that they read as follows:

5. Prior to commencement of above ground works full and precise details of acoustic screening of a minimum height of 1.8 metres and a minimum mass of 20kg/m² to be installed in the locations indicated on the Proposed Barrier Plan received on 11th April 2018 shall be submitted to the Local Planning Authority for its prior approval in writing. Thereafter, the approved details shall be installed in full prior to the relevant plot becoming occupied and shall thereafter be permanently maintained.

6. Prior to installation, full and precise details of the window glazing systems and mechanical ventilation arrangements for plots 1, 2, 11, 19, 21 and 22 shall be submitted to the Local Planning Authority for prior approval. Mechanical ventilation shall enable background purge and summer time cooling with windows shut. Noise from the ventilation system when in operation shall not exceed NR30. It shall be demonstrated that the glazing and ventilation system will achieve a maximum of 35dB(A)Leq, 16 hour 7am to 11pm in living areas and 30dB(A)Leq 8 hour and a maximum of 45dB(A)LAMax between 11pm and 7am.

9. No dwelling shall be occupied until full details of the surfacing materials and the means of surface water drainage for the private driveway, parking and turning areas for that dwelling, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

17. Prior to first occupation, full and precise details of the recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the development and the collection arrangements for the same have been forwarded to the Local Planning Authority for approval.

Thereafter, the storage arrangements shall be carried out in accordance with the approved scheme.

18. Prior to commencement of above ground works full and precise details of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

19. Prior to commencement of above ground works full and precise details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

And subject to any other conditions attached to planning permission 17/01001/FUL that remain relevant at this time.

Reason for Recommendation

There is no justification for requiring the submission of details prior to the commencement of development. The previous permission was granted following the entering into of a Section 106 agreement and therefore a Deed of Variation is now required. Subject to this and the imposition of any conditions of 17/01001/FUL that remain relevant at this time, the proposal is considered to be acceptable.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

This application seeks to vary conditions 5, 6, 9, 17, 18 and 19 of planning permission 17/01001/FUL which granted consent for the erection of 22 houses and bungalows with associated access roads and drainage. The application seeks to remove the 'prior to commencement of development' aspect of each condition.

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

The Planning Practice Guidance states that care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. This includes conditions stating that 'no development shall take place until...' or 'prior to any works starting on site...' Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.

Conditions 5 & 6

Condition 5 as worded in the decision notice states as follows:

Prior to the commencement of development, full and precise details of acoustic screening of a minimum height of 1.8 metres and a minimum mass of 20kg/m² to be installed in the locations indicated on the Proposed Barrier Plan received on 11th April 2018 shall be submitted to the Local Planning Authority for its prior approval in writing. Thereafter, the approved details shall be installed in full prior to the relevant plot becoming occupied and shall thereafter be permanently maintained.

Condition 6 states as follows:

Prior to the commencement of development of plots 1, 2, 11, 19, 21 and 22, full and precise details of the window glazing systems and mechanical ventilation arrangements shall be submitted to the Local Planning Authority for prior approval. Mechanical ventilation shall enable background purge and summer time cooling with windows shut. Noise from the ventilation system when in operation shall not exceed NR30. It shall be demonstrated that the glazing and ventilation system will achieve a maximum of 35dB(A)Leq, 16 hour 7am to 11pm in living areas and 30dB(A)Leq 8 hour and a maximum of 45dB(A)LAMax between 11pm and 7am.

The reason given for both conditions within the decision notice was:

In the interests of residential amenity and to accord with the aims and objectives of the National Planning Policy Framework (2018).

The applicant has requested that in Condition 5 the wording 'Prior to commencement of development...' is revised to "Prior to commencement of above ground works..." and that in Condition 6 the wording "Prior to the commencement of development of plots 1, 2, 11, 19, 21 and 22, full and precise details of the window glazing systems and mechanical ventilation arrangements shall be submitted to..." is revised to "Prior to installation, full and precise details of the window glazing systems and mechanical ventilation arrangements for plots 1, 2, 11, 19, 21 and 22 shall be submitted to ..."

A Noise Assessment submitted with the original application identified the need for a 1.8metre high acoustic screen of a minimum mass of 20kg/m² to ensure that appropriate noise levels are achieved in the rear garden areas which have line of site to Eccleshall Road. It also recommended for plots 1, 2,11,19,21 and 22 that windows will need to be upgraded to a minimum acoustic specification and that because these windows will need to be kept shut in order to achieve appropriate internal noise levels, mechanical ventilation would be required.

No comments have been received from the Environmental Health Division regarding the proposed amendments but it is not considered necessary for details of either the acoustic screening or the window glazing systems and mechanical ventilation arrangements to be submitted prior to the commencement of development. Provided that the details of the acoustic screen are agreed in sufficient time to enable it to be installed prior to occupation of the dwellings and that details of the window glazing and the ventilation arrangements are agreed prior to installation, it is considered that an appropriate level of residential amenity for the occupiers of the dwellings would be ensured.

Therefore, the wording proposed by the applicant for Conditions 5 and 6 is considered appropriate.

Condition 9

Condition 9 states as follows:

No development shall commence until full details of the surfacing materials and the means of surface water drainage for the private driveway, parking and turning areas, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and be completed prior to the first occupation of the development.

The reason given for the condition was as follows:

In the interests of highway safety and to comply with the aims and objectives of the National Planning Policy Framework (2018).

The applicant has requested that the wording 'No development shall commence...' is revised to "Prior to commencement of drainage works..."

The Highway Authority has no objections to the proposed variation and it is not considered necessary for details of either the surfacing materials or the means of surface water drainage for the private driveways, parking and turning areas to be provided prior to the commencement of development. Provided that the details are agreed and the driveways, parking and turning areas are provided prior to occupation of each dwelling, then it is considered that there would be no adverse impact on highway safety.

Therefore, it is considered appropriate to vary the wording of Condition 9 as follows:

No individual dwelling shall be occupied until full details of the surfacing materials and the means of surface water drainage for the private driveway, parking and turning areas for that dwelling, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Condition 17

Condition 17 states as follows;

No development shall commence until full and precise details of the recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the development and the collection arrangements for the same have been forwarded to the Local Planning Authority for approval.

Thereafter, the storage arrangements shall be carried out in accordance with the approved scheme.

The reason given for the condition was as follows:

In the interests of visual amenity and residential amenity in accordance with the requirements of Policy CSP1 of Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 - 2026 and the aims and objectives of the National Planning Policy Framework (2018).

The applicant has requested that the wording is revised from “No development shall commence...” to “Prior to first occupation...”

Although no comments have been received from the Environmental Health Division, it is not considered necessary for the details of the storage of recyclable materials and refuse to be provided prior to the commencement of development. Provided that the details are agreed so that the storage arrangements can be put in place prior to occupation of the dwellings, then it is considered that there would be no adverse impact on either visual amenity or residential amenity.

Therefore, the wording proposed by the applicant for Condition 17 is considered appropriate.

Condition 18 states as follows:

No development shall commence until full and precise details of the external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Condition 19 states as follows:

No development shall commence until full and precise details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The reason given for Conditions 18 and 19 was as follows:

In the interests of amenity to comply with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2018).

The applicant has requested that the wording of Conditions 18 and 19 is revised from “No development shall commence...” to “Prior to commencement of above ground works...”

There is no justification for requiring the details of external facing materials and boundary treatments to be submitted prior to the commencement of development. Therefore, the wording proposed by the applicant for Conditions 18 and 19 is considered appropriate.

Is a planning obligation required?

In law the consequence of the granting of an application to vary conditions of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (17/01001/FUL in this case). That previous permission was granted on the 26th October 2018 following the completion of a Section 106 agreement which secured contributions towards public open space and education and a review mechanism of the scheme's ability to make more policy compliant contributions if the development is not substantially commenced within 12 months. In some cases, the applicant is required to enter into a Deed of Variation to the original Section 106 agreement to ensure that the Council's interests are protected. In this instance however, there is a clause within the Section 106 which states that in the event that the Council shall at any time grant a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. On this basis, no planning obligation is now required.

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 N18: Areas of Active Landscape Conservation
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

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

Policy LNPP1: Urban Design and Environment
Policy LNPT1: Sustainable Transport

Other Material Considerations include:

National Planning Policy

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

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

Relevant Planning History

17/01001/FUL	Erection of 22 houses and bungalows with associated access roads and drainage	Approved
15/00448/OUT	Erection of up to 16 dwellings	Approved

Views of Consultees

The **Highway Authority** has no objections.

Loggerheads Parish Council states that all conditions should be retained as per original intention.

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

Staffordshire County Council as the **Lead Local Flood Authority** has no objections.

The **Waste Management Section** states that collection services have changed since the planning permission was given, and all new properties need to be able to accommodate external storage space for the containers now in use.

No comments have been received from the **Environmental Health Division** by the due date and therefore it must be assumed that they have no comments to make.

Representations

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

- The supporting information references expediency of onsite activities as being the justification for the removal of the conditions. This is no justification.
- If no condition is in place regarding acoustic screening, the developer may make no effort to reduce construction noise.
- The land is saturated and so surface drainage on the site will be challenging and expensive. The developer should give clarity on their solution prior to commencement of work to ensure that the drainage is capable of overcoming a major foreseeable complication.
- The planning authority should be informed of the facing materials prior to commencement so they have time for due consideration.
- The hedges are critical to the aesthetics of the development and the wildlife and carbon dioxide reduction. The condition should be retained to ensure that the hedges are retained and not destroyed to save time and money. Details of boundary provisions should be known before work starts so that people have the opportunity to engage with the planning department.

Applicant's/Agent's submission

The application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/0327/FUL>

Background papers

Planning files referred to

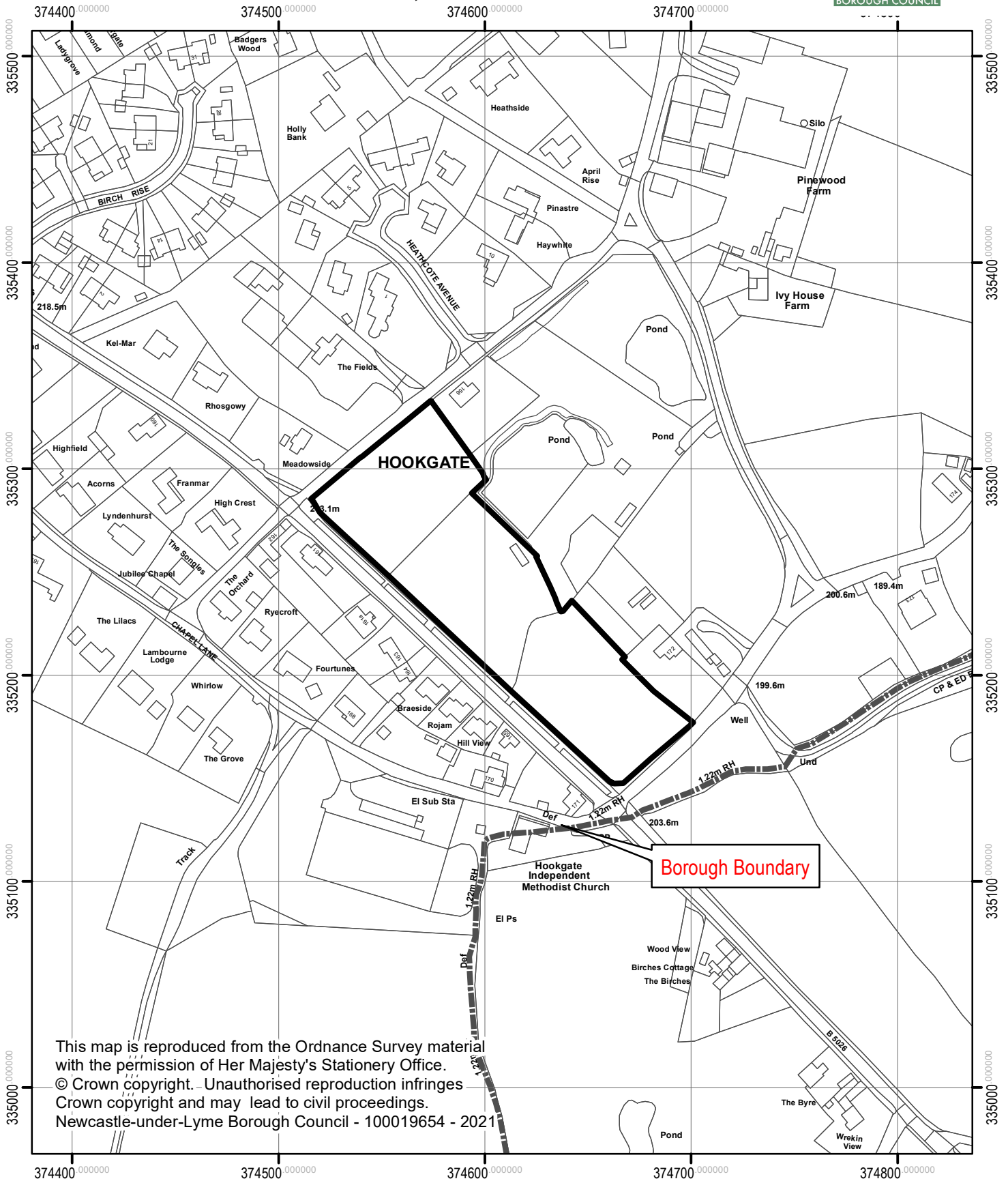
Planning Documents referred to

Date report prepared

12 May 2021

This page is intentionally left blank

**Land To The North East Of Eccleshall Road,
South East Of Pinewood Road
And North West Of Lower Road, Hook Gate**



This page is intentionally left blank

ASHES FARM, 103 HIGH STREET, HARRISEAHEAD
MR NIGEL PORTER

21/00343/FUL

The application seeks full planning permission for the conversion and change of use of former farm buildings to two residential dwellings, the demolition of an existing building and its replacement with two detached domestic garages.

The site is located on the edge of the urban area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map. The application site is also recognised as being an historic farmstead.

The 8 week determination period expires on the 24th May and the applicant has agreed an extension of time to the statutory determination period to the 4th June 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Level 1 photographic survey of the buildings to be converted**
- 4. Materials**
- 5. Window, door, timber cladding and guttering details**
- 6. Boundary treatments**
- 7. Hardstandings**
- 8. Soft landscaping**
- 9. Provision of parking and turning areas**
- 10. Surfacing of access driveway**
- 11. Tree protection**
- 12. Bat and bird boxes**
- 13. Land contamination**
- 14. Construction hours**
- 15. Electric vehicle charging provision, and**
- 16. Waste storage and collection arrangements**

Reason for Recommendation

The conversion of the existing redundant buildings represents a sustainable form of development that would be appropriate development within the Green Belt. Whilst the detached garages still represent inappropriate development within the Green Belt, they have been reduced in size to address the previous reason for refusal and they would replace a much larger building. For this reason it is concluded that the very special circumstances required have been identified. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of existing and future occupiers or cause highway safety implications. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

The application is a resubmission and it is accepted that the applicant has addressed the previous concerns and the subsequent reason for refusal. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

KEY ISSUES

The application is for the conversion and change of use of former farm buildings to two residential dwellings, the demolition of an existing building and its replacement with two detached domestic garages. It is a resubmission following a similar development that came before the planning committee on the 2nd March 2021, reference 20/01065/FUL. The application was subsequently refused on the grounds that the proposed garages were considered to represent inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt by virtue of the scale, form and height. It was identified that there were no very special circumstances that would outweigh the harm caused to the openness of the Green Belt.

The site is located on the edge of the urban area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map.

Access to the application site is off an existing access point off High Street which serves the three existing buildings and two residential dwellings.

Public Footpath No.69 Kidsgrove runs beyond the western boundary of the application site and the County Council Rights of Way Officer and an objector have raised concerns about the location of a proposed post and rail fencing, as well as the indigenous hedge, marked on the plans, which they consider would obstruct the right of way. However, the application remains the same as the previous application and the impacts remain the same. The applicant will be advised that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

The principle of the conversion of the buildings to living accommodation in this location, the access arrangements, the impact on neighbouring residential amenity, were also considered in the determination of the previous application and found to be acceptable and these matters are not considered further. However, since the previous application it has been established that the buildings are listed on the historic farmsteads register held by Staffordshire County Council. Furthermore, the height and form of the garages have now been amended and the main issues for consideration in the determination of this application are:-

1. Is the proposal appropriate development within the Green Belt?
2. Design and impact on the character and quality of the landscape and the Heritage Asset, and
3. Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

1. Is the proposal appropriate development within the Green Belt?

Paragraph 133 of the NPPF details that "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF further indicates in paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, buildings for agriculture and forestry, the provision of appropriate facilities for outdoor sport and outdoor recreation, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Paragraph 146 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the exceptions listed is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The application site consists of three redundant former farm buildings that previously formed part of Ashes Farm.

The proposed development seeks to convert two of the existing buildings into living accommodation and the demolition of a third building.

The existing buildings for conversion consist of an old stone barn with a clay tile roof located to the west of the site and a brick barn with a curved roof located to the south of the site.

The application is supported by structural survey information which sets out that the buildings can be converted with minimal works. No extensions are proposed to either of the buildings. On this basis, the proposed conversion of the buildings constitute appropriate development within the Green Belt. However, the two proposed detached garages, whilst being reduced in size, still do not meet any of the exceptions listed at paragraphs 145 & 146 of the NPPF and they therefore represent inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

Design and impact on the character and quality of the 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.

The design of the proposed development and the impact on the landscape were considered acceptable during the consideration of the previous application, subject to conditions which secure appropriate materials; window, door and guttering details; boundary treatments; hardstandings and soft landscaping.

The two detached garages have been reduced in scale, as set out in more detail below, which further improves the design of the development, the impact on the landscape and the relationship with the existing buildings to be converted.

Since the previous application the Council's conservation officer has advised that the barns are on the historic farmsteads register held by Staffordshire County and represent non-designated heritage assets, in line with paragraph 197 of the NPPF and merit consideration.

In this instance it remains the case that the conversion to residential is supported and a condition which secures a Level 1 photographic survey by an appropriately qualified archaeologist, which is then lodged in the Staffordshire HER, before any work to convert is undertaken, is necessary. A condition regarding the timber cladding set out by the conservation officer is also supported.

Subject to conditions which secure the acceptable appearance of the buildings it is considered that the design and appearance of the proposed development is still acceptable and accords with Policy N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

Do the required very special circumstances exist (to justify inappropriate development)?

As the two proposed detached garages are considered to represent inappropriate development in the Green Belt, very special circumstances are required that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

Paragraph 144 of the NPPF sets out that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The two proposed detached garages represent inappropriate development within the Green Belt and the previous application was refused on the grounds that the proposed garages would be harmful to

the openness of the Green Belt by virtue of the scale, form and height and that there were no very special circumstances that would outweigh the harm caused to the openness of the Green Belt.

The garages now proposed each have a height of 4.63 metres and a volume of 151 cubic metres, compared to the garages previously proposed which each had a height of 6.97 metres and a volume of 220 cubic metres.

The proposed garages have been reduced in scale so that they would cumulatively have a volume that is significantly smaller than the barn to be demolished. This also improves the relationship of the garages within the site and their general appearance. Therefore, the proposed garages would have less of an impact on the openness of the Green Belt than the previous scheme and would be significantly smaller than the existing barn to be demolished. This is considered to be the very special circumstances required to justify the development in accordance with the guidance and requirements of the NPPF

APPENDIX

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

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

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

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration
Policy B8: Other Buildings of Historic or Architectural Interest

Other Material Considerations

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

20/01065/FUL Conversion and change of use of former farm buildings to 2 residential dwellings, demolition of additional building and replacement with 2 domestic garages, creation of residential curtilages and connection to foul drains Refused

Consultation Responses

The **Urban Design and Conservation Officer** advises that the barns are on the historic farmsteads register held by Staffordshire County and represent non-designated heritage assets, in line with paragraph 197 of the NPPF and merit consideration. There is inevitably some harm caused to any assets to undergo residential conversion from an agricultural use but the retention of these extremely characterful buildings which represent farming practice for many hundreds of years in the locality is to be welcomed. These are good vernacular examples and appear to have been little altered. On this basis it is required that they undergo a Level 1 photographic survey by an appropriately qualified archaeologist, which is then lodged in the Staffordshire HER, before any work to convert is undertaken.

It is also advised that the scheme is well considered and the removal of the modern large barn in the centre is welcomed, giving the appropriate space for the other two buildings. The Dutch barn is especially interesting and the intention to have an internal gallery to experience the full height is positive. The timber cladding to the front elevation should be set back with a decent reveal to further enhance this feature of the barn. There are no objections to the garages.

The **Highways Authority** raises no objections but request a condition that secures dimensions of the double garage of 6m by 6m and the driveway shall be surfaced in a bound material for a minimum distance of 5m rear of the public highway. A condition which secures the proposed parking and turning areas within the site is also requested.

The **Environmental Health Division** objects to the application on the grounds that a contaminated land assessment of the site and buildings has not been submitted with the planning application. However, they state that if the Local Planning Authority is minded to grant permission then conditions which secure site investigations and remediation can overcome the concerns. Conditions which secure the following matters are also advised;

- Construction hours,
- Electric vehicle charging provision, and
- Waste storage and collection arrangements.

The **Landscape Development Section** raises no objections subject to tree protection in accordance with BS5837:2012 being implemented as necessary for the trees on the adjacent site during the construction phase.

The **County Council Public Rights of Way Officer** advises that the application does not recognise the existence of Public Footpath No.69 Kidsgrove, which runs through the western section of the proposed application site. The attention of the applicant should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

They also advise that a proposed post and rail fencing, as well as the indigenous hedge, marked on the plans would obstruct the right of way.

Comments were also invited from **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

One **objection** has been received on the grounds that the plans indicate that the proposed development encroaches onto the path and greenbelt field and does not match the fenced area forming the existing boundary edge with regard to the South East elevation of the Dutch barn, also no mention of how the path (No 69 Kidsgrove) would be effected by the works or for how long. They also request that a site management plan, if approved, should include firm definition regarding timescale, site working normal working hours and days (Mon-Fri), deliveries and noise/dust controls due to the proximity of local residents.

Applicants/agents submission

The requisite plans and application forms have been submitted and a detailed planning statement, heritage statement, structural survey and ecological impact assessment have been submitted which identifies a number of key points for consideration in the determination of the application.

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00343/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th May 2021

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
27th May 2021

Agenda Item 5

Application Ref. 21/00343/FUL

Ashes Farm, 103 High Street, Harriseahead

Since the publication of the main agenda report the comments of the **Conservation Advisory Working Party (CAWP)** have been received.

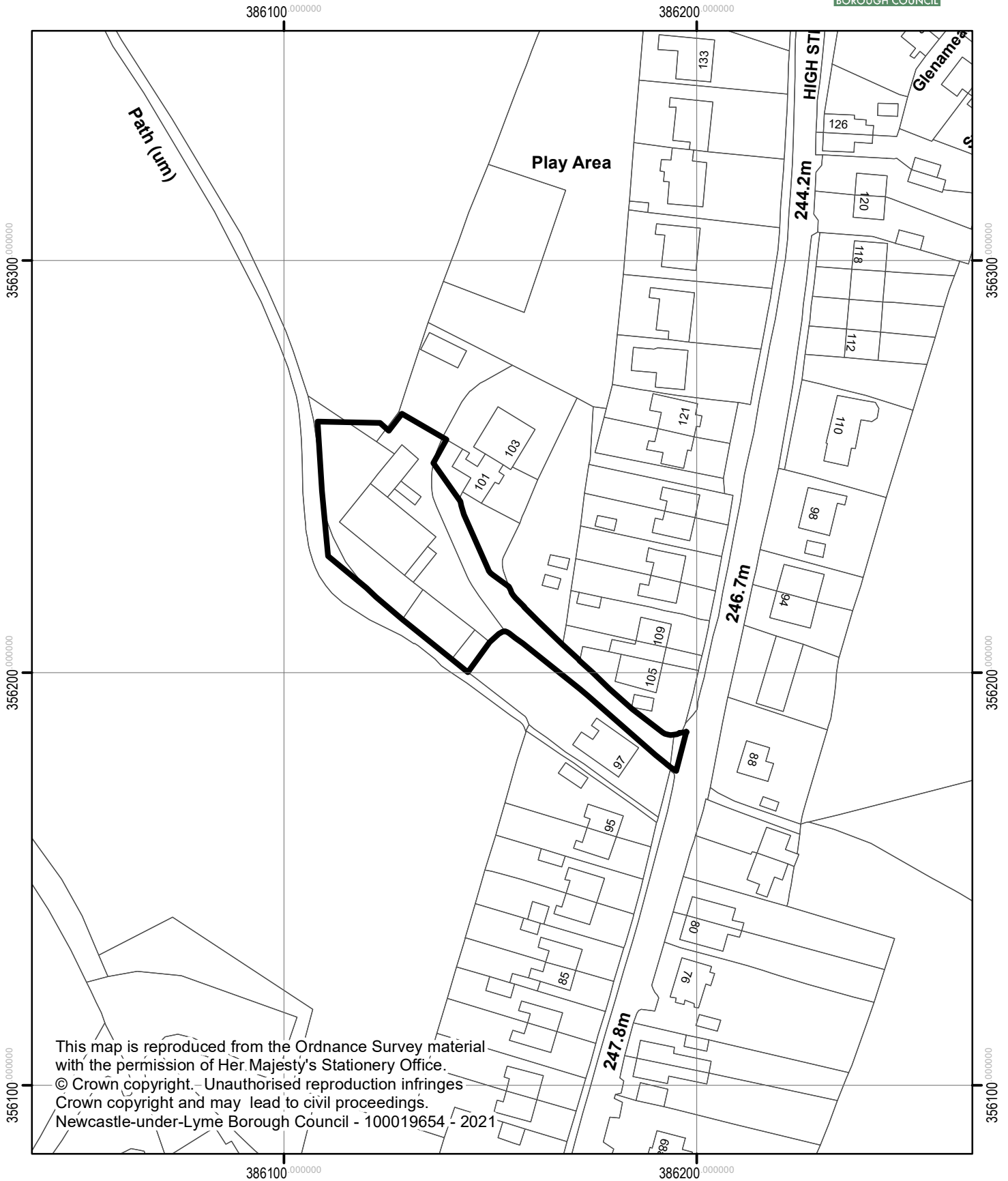
CAWP advises that they fully support this characterful and thoughtful approach to the barn conversions, especially to the Dutch barn. However, they expressed some concerns over the balance of windows in the front elevation of the Dutch barn and felt that the rainwater goods and downspouts should have been included on the drawings. They were also keen to ensure that the cladding is set back to create a deep reveal on the brick piers on the front elevation to make the design even more successful.

Officer Comments

The comments of CAWP are acknowledged and the recommended conditions, as set out in the main agenda report, cover the points raised.

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

This page is intentionally left blank



This page is intentionally left blank

LAND OFF LOWFIELD DRIVE, STOKE-ON-TRENT
EE LIMITED

21/00377/TDET

The proposal is for the installation of a 20m high monopole, with three shrouded antennas and two dishes, associated equipment and retaining wall at land off Lowfield Drive.

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

Unless a decision on this application is communicated to the developer by the 3 June 2021 the development will be able to proceed as proposed.

RECOMMENDATIONS

(a) That prior approval is required, and

(b) That such prior approval is GRANTED

Reason for Recommendation

Given the amount of equipment proposed which would be clearly visible within the street scene, prior approval is required. It is not considered that the proposed pole and associated equipment would have a significant adverse impact on the visual amenity of the area. In the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network, prior approval should be granted.

KEY ISSUES

The application is for a determination as to whether prior approval is required for the installation of a 20m high monopole, 3 no. shrouded antennas, 2 no. 0.3m dishes, 3 no. ground-based equipment cabinets and a retaining wall at land off Lowfield Drive. The purpose of this site is to provide improved mobile phone coverage for individuals utilising the rail services along this section of the West Coast Main Line, local residents, and the emergency services.

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

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

Is prior approval required?

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

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

Should prior approval be granted?

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

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

The proposal comprises a simple, functional slim-line monopole, coloured fir green. The application states that to be fit for purpose, the antennas must have a clear line of sight, so the site has been designed with the headframe peaking just over the canopy of the trees. The site is on land off Lowfield Drive which has an industrial setting between the railway line and the A500. There is an embankment immediately to the west of the site which slopes up approximately 8 metres to the A500. There are lamp posts within the streetscene and there are existing trees on the embankment which provide a good level of screening from the road and the retail park further to the west. Given the industrial context, it is not considered that the proposal would appear as an incongruous feature in the streetscene.

In line with the requirements of NPPF, there are no existing telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area of railway line. Similarly, there are no buildings which are suitable and available that the operator could utilise to operate and host their equipment.

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

APPENDIX

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

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

Policy CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns

Policy T20: Telecommunications Development – Required Information

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

None

Views of Consultees

The **Highway Authority** has no objections to this proposal.

Highways England states that the proposal will require both Technical and Construction Approval to be confirmed before commencement. The pole may be within the fall-distance of the southbound A500 on-slip road and, although currently screened by trees and vegetation, could potentially reach the live carriageway in the event of a failure and fall in that direction. The site is at, or near to, the point at which the Etruria Valley Link Road (EVLRL) works (widened footway) tie-into the existing Lowfield Drive and the applicant should be advised to liaise with Stoke on Trent City Council's appointed scheme Designer/Contractor and Staffordshire County Council in terms of the proposed site construction plus any future access restrictions or traffic management.

Representations

None

Applicant/agent's submission

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

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00377/TDET>

Background Papers

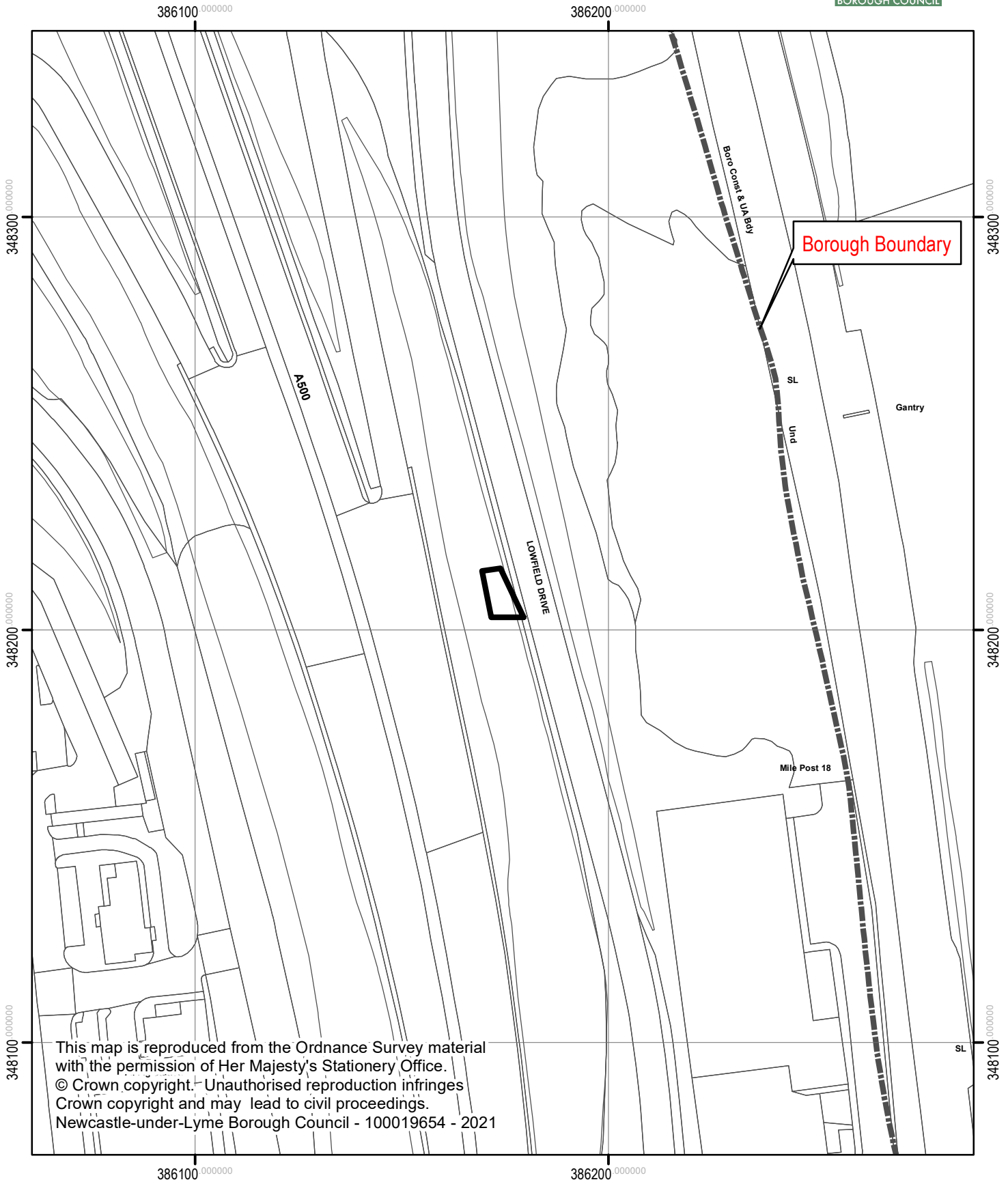
Planning File referred to

Planning Documents referred to

Date report prepared

11 May 2021

Land off Lowfield Drive



This page is intentionally left blank

LAND AT CHEMICAL LANE, STOKE-ON-TRENT
EE LIMITED

21/00379/TDET

The proposal is for the installation of a 20m street pole, with three shrouded antennas and two dishes, ground-based equipment cabinets and ancillary development at land at Chemical Lane, Stoke-on-Trent.

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

Unless a decision on this application is communicated to the developer by the 3 June 2021 the development will be able to proceed as proposed.

RECOMMENDATIONS

(a) That prior approval is required, and

(b) That such prior approval is GRANTED

Reason for Recommendation

Given the amount of equipment proposed which would be clearly visible within the street scene, prior approval is required. Whilst the proposed 'Phase 5' street pole would 20m tall, it is not considered that it would have a significant adverse impact on the visual amenity of the area. In the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network, prior approval should be granted.

KEY ISSUES

The application is for a determination as to whether prior approval is required for the installation of a 20m high 'Phase 5' street pole, 3 no. shrouded antennas, 2 no. 0.3m dishes, 3 no. ground-based equipment cabinets and ancillary development thereto at land at Chemical Lane, Stoke-on-Trent. The purpose of this site is to provide improved mobile phone coverage for individuals utilising rail services along this section of the West Coast Main Line track as it passes through the north of Longbridge Hayes, Stoke-on-Trent towards Kidsgrove Railway Station and passes beneath Reginald Mitchell Way. It will also provide improved services for the surrounding area and the emergency services.

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

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

Is prior approval required?

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

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

Should prior approval be granted?

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions

should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

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

The proposed site location has been chosen in order to, as much as possible, 'overlook' any vegetation that lines the railway. There are existing tall trees situated in close proximity to the north of the site that would provide a degree of natural backdrop against which the proposal would be viewed against. This ensures that the proposed development would not be viewed as being visually incongruous within the streetscape setting to any significant degree.

The size and design has been chosen in order to minimise the visual impact of the proposal. The height of the mast has been calculated as the lowest capable of providing the required coverage.

In terms of siting, existing trees provide a good level of screening from the surrounding area. The lamp post lighting, railway line and nearby industrial setting do provide a strong industrial context against which the proposal would be viewed within. As a result, the proposed installation has been sited nearby to existing vertical elements of street furniture that have similar lines and will therefore not appear as an incongruent feature in this setting. The materials and colouring have been specified to merge with the local street scene and the site has been selected in a position where it would be viewed within the context of the infrastructure to which it would serve.

The proposed equipment cabinets and meter cabinet do not require planning permission, as they can be installed under the operators permitted development rights. The operator's equipment cabinets are similar to those of other statutory undertakers which are common place in urban areas including BT Openreach. Their limited height and scale will ensure that these cabinets will not be detrimental to the visual amenity of the area and will be finished in fir green.

In line with the requirements of NPPF, there are no existing telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area of railway line. Similarly, there are no buildings which are suitable and available that the operator could utilise to operate and host their equipment.

The design of the monopole has been carefully considered. It is a simple, functional slim-line monopole, with the main column being split in to two sections. The lower section is wider than the upper section in order to safely support the antennas at the top of the column. The mast will be coloured fir green, which has been well established as the best colour for minimising impact upon urban streetscapes where there is surrounding vegetation against which the pole could be viewed against.

It is accepted that the height of the proposed installation is taller than other pieces of surrounding linear structures, but this in itself is not a valid reason to conclude that it is not appropriate at a specific location. Indeed, Inspectors at appeal have noted that by their very nature to be effective masts are required to be taller than surrounding structures.

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

APPENDIX

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

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

Policy CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns

Policy T20: Telecommunications Development – Required Information

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

None Relevant.

Views of Consultees

The **Highway Authority** has no objections to this proposal subject to the imposition of a condition relating to development being sited in accordance with the proposed plans.

The **Environmental Health Division** has no objections to this proposal.

Network Rail have not provided comments at the time of writing the report, however the consultation period runs up until 25.05.2021. If comments are received after the report is published these will be noted within a supplementary report.

Representations

None.

Applicant/agent's submission

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

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00379/TDET>

Background Papers

Planning File referred to

Planning Documents referred to

Date report prepared - 11 May 2021

This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
27th May 2021

Agenda Item 7

Application Ref. 21/00379/TDET

Land at Chemical Lane, Stoke-On-Trent

Since the publication of the main agenda report, the comments of the **Network Rail** have been received. They advise that the applicant will need to submit documentation to the council and then to Network Rail to show that the proposed telecoms installation conforms to the Network Rail standard (and as outlined in the NPPF) to ensure that the proposal does not impact the safe operation of the railway including GSM-R as a permanent arrangement. It is considered that this information could be secured via a pre-commencement condition. Additionally they also provide information regarding a basic asset protection agreement.

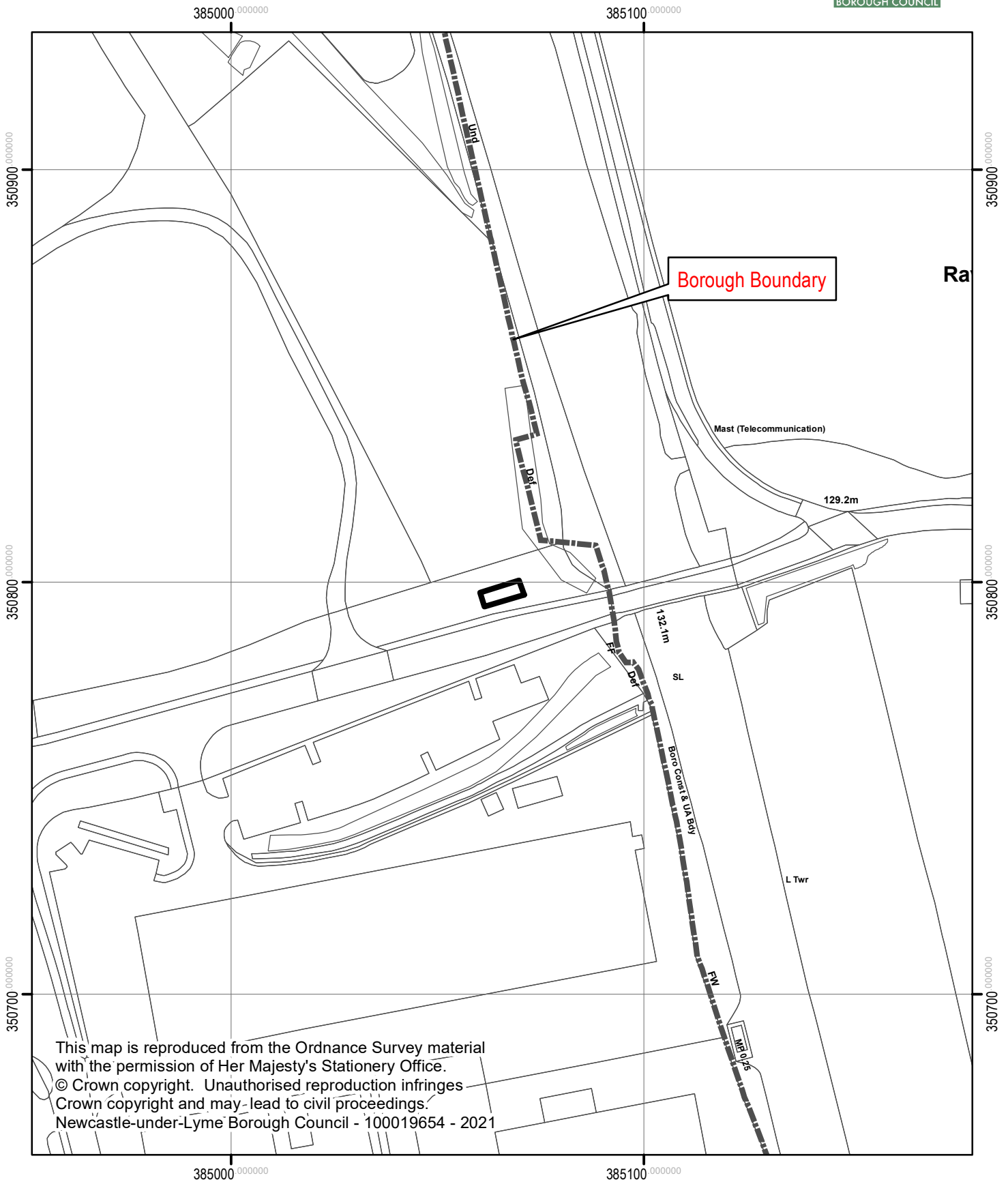
Officer Comments

The concerns raised by Network Rail are not matters than can be taken into consideration in this prior notification application. In addition it is not possible to impose conditions on any approval that may be given. The applicant should, however, be informed of these comments.

The RECOMMENDATION remains as set out in the main agenda report with the addition of the inclusion of an advisory note drawing Network Rail,s comments to the applicant's attention.

This page is intentionally left blank

Land at Chemical Lane



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2021

This page is intentionally left blank

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

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

RECOMMENDATION

That the information be received.

Correspondence has recently been received from the Planning Inspectorate advising that the hearing, scheduled to take place on 14th June, has been postponed until the hearing can be held physically. The letter advises that the Inspector regrets that the decision will disappoint the Council and local residents.

The Inspectorate advise that the appellant stated on the appeal form that “this appeal involves the family home and raises issues of need, alternative sites, personal circumstances and needs of the children. These are issues that can only be properly examined by means of an oral hearing”. The appellant’s statement of case reiterates that his and his family’s personal circumstances amount to a material consideration. That being so, the Inspectorate advise that the Inspector will need to ensure that the appellant himself can participate in the hearing otherwise, the appeal decision would be at risk of challenge on natural justice grounds.

The Inspectorate advises in the correspondence that to ensure fairness, it is not sufficient in this case that the appellant’s agent, Council officers and local residents could participate in a virtual hearing. The appellant would also need to be able to do so and confer with his agent at the same time. Since Mr Brown would be unable to properly involve his client in a virtual hearing, the Inspectorate consider that it would not be safe for the Inspector to proceed.

Date report prepared: 17th May 2021

This page is intentionally left blank

Confirmation of Tree Preservation Order

LAND AT 39 SANDY LANE, NEWCASTLE.

Tree Preservation Order No 212 (2021)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Order protects a lime tree situated at the front of 39 Sandy Lane, Newcastle. The Order was made to safeguard the longer term visual amenity that the tree provides after a tree status enquiry was received which gave rise to concern that it might be felled.

The Order was made using delegated powers on 9th October 2021. Approval is sought for the Order to be confirmed as made.

The 6 month period of the Provisional Order expired on 9th April 2021.

RECOMMENDATION

That Provisional Tree Preservation Order number 212, Land at 39 Sandy Lane, Newcastle is confirmed as made and the owners of the property be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the tree is best secured by the making of a Tree Preservation Order. Your officers consider that the tree is generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and provide public amenity value due to its form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the tree and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to safely and appropriately manage it.

Representations

No representations have been received.

Issues

The tree is situated adjacent to the drive on the frontage of the property. It is a mature lime tree and clearly visible from Sandy Lane. The tree is a significant feature to the locality and provides an important contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A tree status enquiry was received by the council from the owner of the property stating the intention to remove the tree due to its location, vehicle access when entering and leaving the property and root growth causing uneven drive surface.

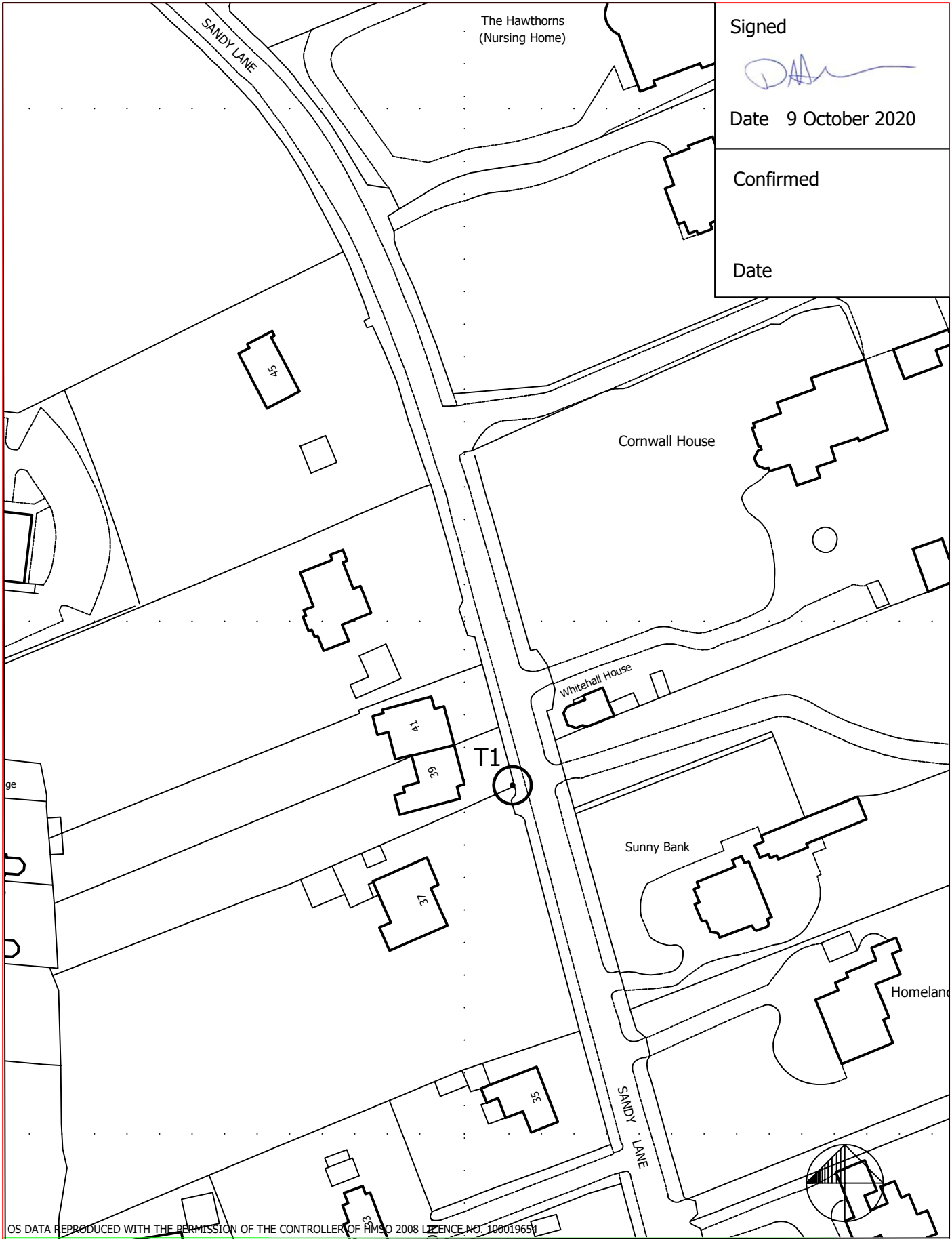
Your officers inspected the tree and carried out a tree assessment. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years, and worthy of an Order. It is considered that the reasons given for the proposed tree removal are insufficient to justify it being felled and that relatively minor works would be required to remedy the situation. The tree is behind the property wall and does not obstruct highway visibility splays or significantly impinge on the drive, and deformation of the drive is minor and can be repaired.

The Provisional Order was made and served on 9th October 2020 in order to protect the long term well-being of the tree.

The making of the Order will not prevent the owner from carrying out good management of the tree, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to safely manage it.

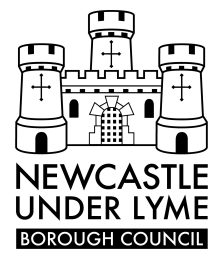
Date report prepared

12 May 2021



OS DATA REPRODUCED WITH THE PERMISSION OF THE CONTROLLER OF HMSO 2008 LICENCE NO. 100019654

Signed 
Date 9 October 2020
Confirmed
Date



DAVE ADAMS,
EXECUTIVE DIRECTOR
OPERATIONAL SERVICES
CASTLE HOUSE,
BARRACKS ROAD,
NEWCASTLE,
STAFFORDSHIRE. ST5 1BL

TITLE:
39 Sandy Lane, Newcastle

DESCRIPTION:
Tree Preservation Order Number 212

SCALE:
1:1000 @ A4

DATE:
October 2020

DRAWN BY:
P.S.

DRAWING NO.
TPO 212

This page is intentionally left blank

Confirmation of Tree Preservation Order

LAND AT CROFT FARM, STONE ROAD, HILL CHORLTON.

Tree Preservation Order No.214 (2021)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Order protects a group of three trees within the grounds of Croft Farm, Stone Road, Hill Chorlton.

The Order was made to safeguard the longer term visual amenity that the trees provide following submission of a reserved matters planning application which proposed that two of the group be felled. The outline planning permission had proposed that all three of the trees be retained.

The Order was made using delegated powers on 26th February 2021. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 26th August 2021

RECOMMENDATION

That Tree Preservation Order No 214 (2021), Land at Croft Farm, Stone Road, Hill Chorlton be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely and appropriately manage them.

Representations

Two representations have been received supporting the TPO.

Issues

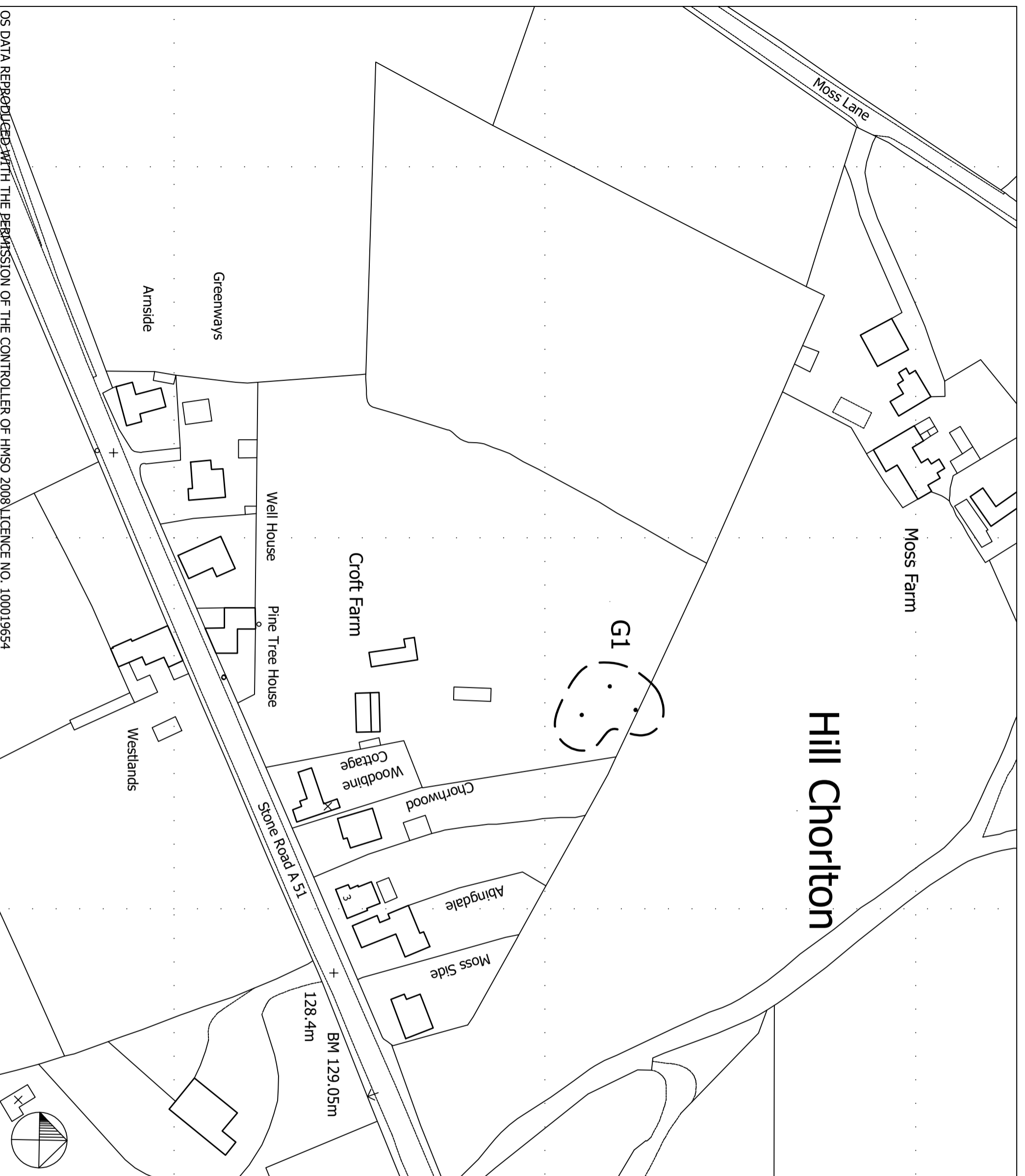
The trees are a group of one oak and two Scots pine trees. They are mature trees located in the north eastern corner of the property. They are the only substantial trees in the immediate area and are visible from Stone Road, Sandy Lane and Moss Lane, and will be visible from the roads within the site when it is developed. They are an important feature to

the locality and provide a significant contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A planning appeal was allowed for the demolition of existing buildings, 1 replacement farmhouse and erection of 11 bungalows on the site in 2019, reference 18/00507/OUT. This included for the retention of the three trees. The subsequent application for reserved matters, reference 21/00069/REM, showed the two pine trees to be removed. This led to concern that the trees could be felled. Your officers carried out an assessment of the trees and found them worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 26th February 2021 in order to protect the long term well-being of the trees.

Date report prepared

12 May 2021

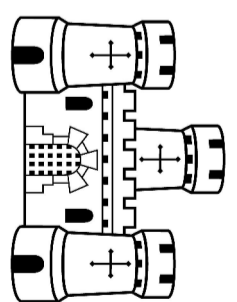


Signed


Date 26 February 2021

Confirmed

Date



NEWCASTLE UNDER LYME
BOROUGH COUNCIL

DAVE ADAMS,
 EXECUTIVE DIRECTOR
 OPERATIONAL SERVICES
 CIVIC OFFICES,
 MERRIAL STREET,
 NEWCASTLE,
 STAFFORDSHIRE. ST5 2AG

TITLE:
 Croft Farm, Stone Road, Hill Chorlton

DESCRIPTION:
 Tree Preservation Order Number 214

DRAWN BY:
 P.S.

SCALE:
 1:1000 @ A3

DATE:
 February 2021

DRAWING NO.
 TPO 214

This page is intentionally left blank