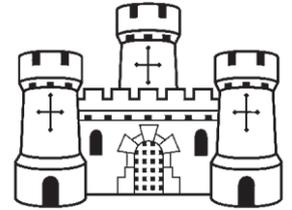


Public Document Pack

Date of meeting Tuesday, 16th August, 2022
Time 7.00 pm
Venue Garden & Astley Rooms - Castle House, Barracks Road,
Newcastle, Staffs. ST5 1BL
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 held on 19 July 2022.
- 4 APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, NEWCASTLE UNDER LYME, ADOBE MANCHESTER LIMITED, 22/00548/FUL (Pages 7 - 12)
- 5 APPLICATION FOR OTHER DEVELOPMENT - OLD HALL, POOLSIDE, MADELEY, MR GARY WHITE, 22/00550/FUL and 22/00551/LBC (Pages 13 - 22)
- 6 APPLICATION FOR OTHER DEVELOPMENT - 1 COPPER CLOSE, STOKE-ON-TRENT. MR AND MRS HOPPER. 22/00594/FUL (Pages 23 - 28)
- 7 UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE (Pages 29 - 30)
- 8 5 BOGGS COTTAGE, KEELE, reference 14/00036/207C3 (Pages 31 - 32)
- 9 LAND AT DODDLEPOOL, BETLEY reference 17/00186/207C2 (Pages 33 - 34)
- 10 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraphs 1,2 and 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

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 Northcott (Chair), Bryan, Crisp (Vice-Chair), Fear, Gorton, Holland, Hutchison, D Jones, S Jones, Moffat, G Williams and J Williams

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 :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 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:	Beeston	S Tagg
	Fox-Hewitt	Panter
	Dymond	Skelding
	Edginton-Plunkett	Sweeney
	Grocott	J Tagg
	Heesom	

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)

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

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

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

Agenda Item 3

Planning Committee - 19/07/22

PLANNING COMMITTEE

Tuesday, 19th July, 2022
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

Councillors:	Crisp	Holland	G Williams
	Bryan	Hutchison	J Williams
	Fear	S Jones	
	Gorton	Moffat	

Apologies: Councillor(s) D Jones

Substitutes:

Officers:	Rachel Killeen	Development Management Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Jeff Upton	Interim Head of Planning
	Louise Wallace	Urban Design/Conservation Officer

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

Resolved: That the minutes of the meeting held on 21 June, 2022 be agreed as a correct record.

3. **APPLICATION FOR MAJOR DEVELOPMENT - MORSTON HOUSE, THE MIDWAY, NEWCASTLE-UNDER-LYME. THE DIRECTOR - WUKPG. 22/00300/FUL**

Amended recommendation proposed by Councillor Holland and seconded by Councillor Fear.

There were many reservations regarding this application regarding the proposed changing to a five storey building and the visual impact that it would have on the town centre.

It was felt that the building, in terms of its size and massing would have an overbearing impact on St Giles Church and also on the Conservation Area.

Questions were also raised regarding waste management collections and also the short stay area for deliveries. In such a large building, occupied by many students there could potentially be several deliveries throughout the day. In addition, there were concerns regarding insufficient parking and the lack of parking provision for the disabled.

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

- (i) By reason of its excessive height, scale and massing and its inappropriate design, the upward extension of the building would be overly prominent in views within and into the Newcastle Town Centre Conservation Area resulting in substantial harm to its character and appearance. The public benefits of the development would not outweigh the substantial harm and the development would therefore be contrary to Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies B9, B10 and B14 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document, and the aims and objectives of the National Planning Policy Framework (2021).
- (ii) The proposed development, by reason of its excessive height, scale and massing and its inappropriate design, would result in overdevelopment of the site which would be harmful to the character and appearance of the area at this important gateway into the town centre. As such the development is contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 and the requirements and policies of the National Planning Policy Framework 2021, in particular paragraphs 126 and 130.
- (iii) The lack of car parking provision within the site for the use of people with disabilities would have an adverse impact on the residential amenity of those occupiers, and as such the development is contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 and the requirements and policies of the National Planning Policy Framework 2021.

[Watch the debate here](#)

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CHEMICAL LANE, TUNSTALL. RAVENSDALE PROP. SERVICES LTD & HARWORTH ESTATES INVEST LTD. 22/00353/FUL

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

- (i) Variation of condition 2 to list the revised plans,
- (ii) Variation of Condition 15 to refer to revised drainage details, and
- (iii) Any other conditions attached to planning permission 20/01047/FUL that remain relevant at this time.

[Watch the debate here](#)

5. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - MAER VILLAGE HALL, MAER, (REF: 22/23001/HBG) AND ST JAMES CHURCH HALL, AUDLEY (22/23002/HBG)

Resolved: That the following grants be approved:-

- (i) £ 3,423 Historic Building Grant be given towards external stonework repairs and roof repairs to Maer Village Hall.
- (ii) £ 5,000 Historic Building Grant to be given towards roof repairs and window repairs at St James Church Hall, Audley.

[Watch the debate here](#)

6. URGENT BUSINESS

5 Boggs Cottages, Keele. 14/00036/207C3

This had been brought as an urgent item following the postponement of the appeal due to be held on 12 July and a new date set

At a previous meeting, a request had been made to update members on the outcome of the appeal hearing on 12 July.

Unfortunately, due to the appellant suffering ill health, the hearing was postponed and the Planning Inspectorate had set a new date of 31 January, 2023.

Members were advised that officers would be responding to the offer, seeking an earlier date.

The Chair was disappointed with the new date offer and asked that the Council's Chief Executive in conjunction with the Interim Head of Planning write to the Planning Inspectorate expressing profound disappointment at the way in which the Authority had been treated.

Councillor Fear, the Portfolio Holder for Strategic Planning felt it would be worthwhile to include Members representations. Officers had had a lot of time wasted by this and there had been 5 postponements of this and the proposed new date was insulting.

Resolved: That a letter be sent, expressing disappointment, to the Planning

Planning Committee - 19/07/22

Inspectorate and that it be signed by the Chief Executive, Interim Head of Planning, the Chair of the Planning Committee and the Portfolio Holder for Strategic Planning.

[Watch the debate here](#)

**Councillor Paul Northcott
Chair**

Meeting concluded at 8.43 pm

ONE LONDON ROAD, NEWCASTLE UNDER LYME
ABODE MANCHESTER LIMITED

22/00548/FUL

This application seeks full permission for the variation of condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan and elevations of Block 5.

The site formerly operated as a Ford Bristol Motors car sales dealership and servicing provider, with access directly onto London Road, as well as rear access from Lyme Valley Road.

The site does not have any particular policy designation other than being within the Urban Area of Newcastle as defined on the Local Development Proposals Map. The site lies adjacent to Lyme Valley Parkway which is designated as Green Belt.

The redevelopment of the site for 499 studio apartments arranged into a series of 5 individual blocks has already commenced with Block 1, 2, and 3 being completed. The construction of Block 4 has commenced, whilst the construction of Block 5 is at an advanced stage of construction.

The 13 week period for the determination of this application expires on 28th September 2022.

RECOMMENDATION

A) Subject to the applicant entering into a deed of variation planning obligation by 17th September that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 1 to list the revised plans**
- 2. Any other conditions attached to planning permission 20/01047/FUL that remain relevant at this time.**

B) Should the above Deed of Variation to the original Section 106 agreement not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The proposed changes would maintain the design and appearance of the scheme and the development represents a sustainable form of development that accords with the development plan for the area and 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 complies with the provisions of the development plan for the area and National Planning Policy Framework.

Key Issues

This application seeks to vary condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan and elevations of Block 5 which along with other planning permissions granted the construction of or 499 studio apartments.

Condition 1 related to the list of approved drawings and documents that the permitted development must be carried out in accordance with.

This application seeks to vary this condition as a result of the changes to the floor plans, roof plan and elevations of Block 5.

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.

Condition 1

Condition 1 as worded in the decision notice states

16-1789-01 Rev A Location Plan
PL (0)57 Rev A Site Plan
PL (0)100 Rev A Block 1 Ground, first and Second Floor Plans
PL (0)110 Rev A Block 1 Roof Plan
PL (0)106 Rev A Block 1 Elevations
PL (0)03 Rev A Block 2 Ground and First Floor Plans
PL (0)04 Block 2 Second and Third Floor Plans
PL (0)33 Block 2 Roof Plan
PL (0)15 Rev A Block 2 Elevations
PL (0)03 Rev A Block 3 Ground and First Floor Plans
PL (0)04 Block 3 Second and Third Floor Plans
PL (0)30 Block 3 Roof Plan
PL (0)15 Rev A Block 3 Elevations
Driveway alteration detail plan for no. 136 London Road
Extent of new TRO 1464-F04B
Residents Parking Layout Plan
16-1789-16 (Block 4, proposed 1st floor & ground floor plans)
16-1789-17 (Block 4, proposed 2nd & 3rd floor plans)
16-1789-18 (Block 4, proposed roof plan)
16-1789-19 (Block 4, proposed elevations)
16-1789-20 (Block 5, proposed ground & first floor plans)
16-1789-21 (Block 5, proposed 2nd & 3rd floor plans)
16-1789-22 (Block 5, proposed roof plans)
16-1789-23 (Block 5, proposed elevations)
16-1789-024 Rev A (General Sections)
16-1789-025 Rev A (General Sections)
16-1789-026 Rev A (General Sections)
1464-F04 (Proposed extent of new TRO's, dated September 16)
1464-SP02 (Swept Path Analysis)
580-001 Rev B (Landscape Master Plan)
CDK4818/R00/008 rev P0
1464-02
1464-F04 rev A

The reason given for the condition within the decision notice was:

R2: For the avoidance of doubt and in the interests of proper planning.

The condition which the applicant is seeking to vary is that which lists the approved drawings. No changes are being sought to the number of the units within the development. The principle of the development and parking or highway safety matters are therefore not for reconsideration.

The main amendments are to the elevations of Block 5 and comprise changes to the size and position of window and doors, together with the lift overrun.

The amendments to the fenestration and lift overrun are very minor and would have no discernible impact on the design and appearance of the elevations or the character and appearance of the area.

In this regard, it is considered that the changes to elevations of the building are appropriate for this location and use and do not have an adverse impact on the immediate or wider locality.

As such, the changes to the elevations are acceptable and in accordance with local and national planning policy.

Is a planning obligation required?

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

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP10: Planning Obligations

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

None Relevant

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

16/01106/FUL Redevelopment of the site for 499 apartments (comprising of student Accommodation) permitted 30 Oct 2017

20/00557/FUL Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) permitted 24 Feb 2021

Views of Consultees

None Received

Representations

None Received

Applicant's/Agent's submission

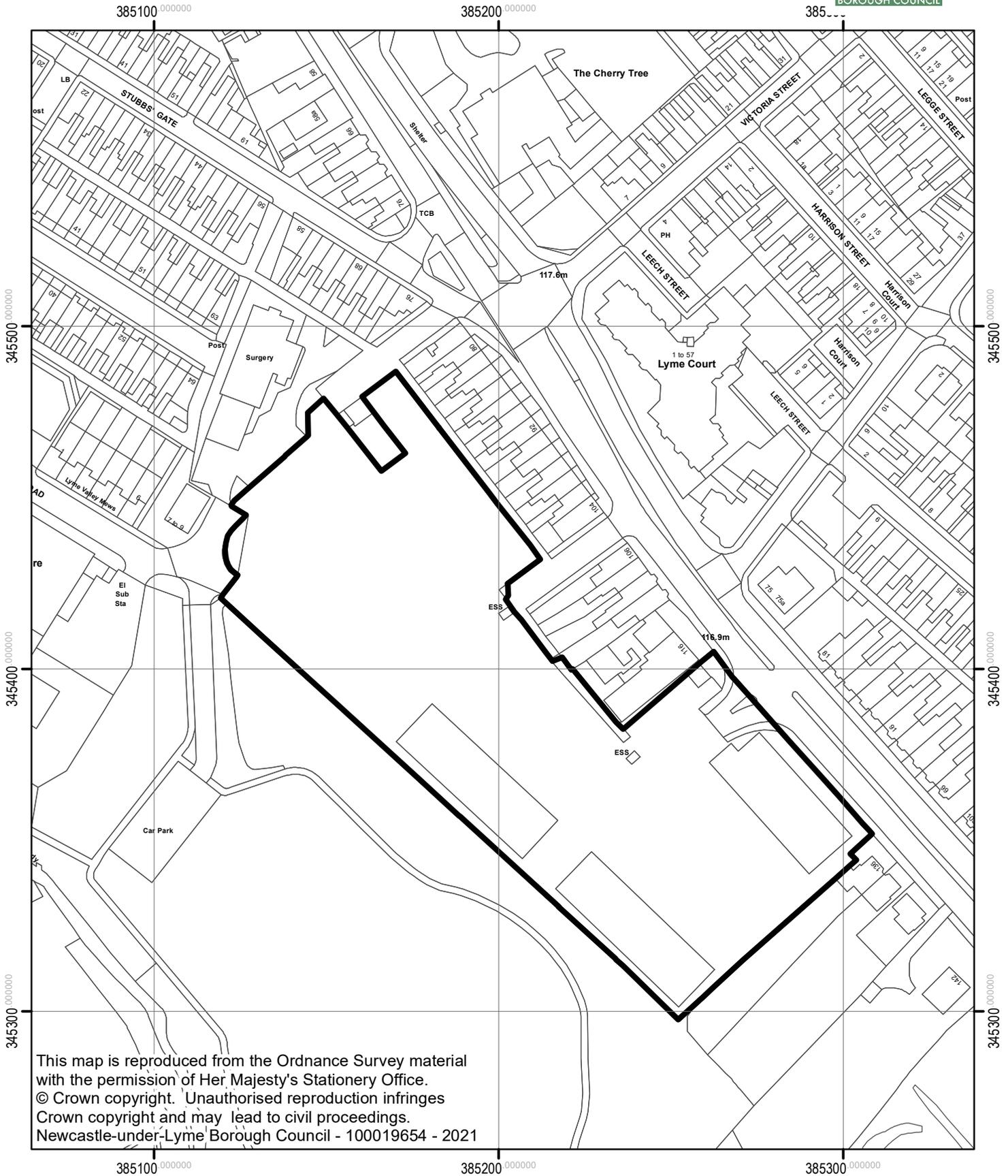
All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00548/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd August 2022



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OLD HALL, POOLSIDE, MADELEY
MR GARY WHITE

22/00550/FUL and 22/00551/LBC

The report considers two applications for the following:

- Full planning permission to replace the existing orangery roof with a new wood and rubberised coating together with one aluminium powder coated skylight in the centre (22/00550/FUL); and
- Listed building consent for the alterations to the Grade II Listed Building in relation to the same works listed above (22/00551/LBC).

The application site is located within the Village Envelope of Madeley and is also within the Madeley Conservation Area, as indicated on the Local Development Framework Proposals Map.

The Old Hall is a Grade II* Listed Building.

The 8 week period for determination of both the planning application and the listed building consent expires on 17th August, however an extension of time has been agreed until the 19th August.

RECOMMENDATIONS

A) With respect to the planning application 22/00550/FUL

Permit the application with the following conditions;

- 1. Time limit**
- 2. Approved plans**
- 3. Materials to be in accordance with the submitted information**

B) With respect to the application for listed building consent 22/00551/LBC

Permit the application with the following conditions;

- 1. Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials to be in accordance with the submitted information**

Reason for Recommendations

It is considered that the alterations to the building and installation of one replacement roof lantern on The Old Hall would maintain and enhance the significance of both the Listed Building and its setting within the Madeley Conservation Area.

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

The proposals are considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and as such no amendments have been sought.

Key Issues

The Old Hall is a Grade II* Listed Building and these applications seek planning permission and listed building consent for repairs and alterations to the roof of the existing conservatory and the replacement of the current 3 rooflights with one aluminium roof lantern.

The application site is within the village envelope of Madeley, in the rural area of the borough, and is also situated within the Madeley Conservation Area, as indicated on the Local Development Framework Proposals Map.

It is appropriate to consider the application for listed building consent first.

22/00551/LBC - Listed building consent for the replacement of the existing orangery roof with a new wood and rubberised coating together with one aluminium powder coated skylight in the centre

When making a decision on an application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

Policy B6 of the Local Plan states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features.

The NPPF, at paragraph 197, states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

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

Paragraph 202 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposal involves alterations to the roof of an existing orangery extension on the south elevation of the building. The Old Hall is a Grade II* listed building that is also located within the Madeley Conservation Area.

The Design and Access statement details that the orangery was built circa 1977 and is constructed of reclaimed cast iron window frames which sit on a brick base. The current roof is made of wood and covered with felt which is then covered in stone clippings for fire protection. The three skylights are raised and made of UPVC with opaque plastic covers. The statement also states that the current roof and skylights are leaking and cannot be permanently repaired due to the age of the installation and the felt and UPVC joins being at the end of their useful life.

Historic England were consulted on the proposals, but their consultation response has indicated that they do not wish to offer any advice on the proposed development and, instead, recommend that officers should consider the views of the Councils' specialist Conservation and Archaeological advisers.

The Conservation Officer notes that in its existing form the roof structure and lanterns are not entirely appropriate, with particular reference to the 3 roof lights which appear unsightly and clumsy. The officer raises no objections to the proposed alterations and notes that the works would have a limited impact on the building and would cause no harm to the historic part of the building.

The Conservation Advisory Working Party (CAWP) raise no objections but request for the roof materials to be historically appropriate, such as lead, and also query whether the roof lantern could be turned 90 degrees so that the widest part would front onto the south elevation.

The materials used in the construction of the roof are like for like based on the existing structure and so whilst there may be other material choices available, it is not considered that those proposed would cause any harm to the significance of the listed building. The question regarding the re-orientation of the roof lantern was put to the applicant, however, it was confirmed that structural constraints would prevent the siting of the roof lantern in this manner.

The proposed alterations would not only repair the existing roof structure, ensuring that the longevity of the heritage asset is protected, they would also result in an enhanced appearance by replacing the three 'clumsy' roof lights with one single roof lantern. The materials and form of the proposed changes are considered to be acceptable, and amount to 'less than substantial harm' to the listed building. As such it is necessary to weigh such harm against the public benefits of the proposal.

Currently the declining state of repair of the orangery roof would expose the building to the elements, potentially resulting in harm to the historic part of the Grade II* listed building in the long term. The existing rooflights could also be said to detract from the character and significance of the building, and so the replacement roof light proposed would contribute to enhancing the appearance of the building. The less than substantial harm that has been identified is therefore outweighed by public benefits including the maintenance and enhancement of this Grade II* listed building.

Subject to control over the details through the use of conditions the proposed development is considered to accord with the NPPF and the local planning policies and guidance set out above.

22/00550/FUL - Full planning permission to replace the existing Orangery roof with a new wood and rubberised coating together with one aluminium powder coated skylight in the centre

The sole issue in the consideration of this application is the impact of the proposal on the character and appearance of the Listed Building and Conservation Area.

In respect of the alterations to the listed building there are no further matters to address additional to those set out above. Consideration is, however, required in relation to the design of the proposal and its impact on the character and appearance of the Madeley Conservation Area.

Policies B9, B10 and B13 of the Local Plan focus on the requirement to preserve and/or enhance the special significance of a Conservation Area through careful consideration of appropriate design.

Policy DES1 of the Madeley Neighbourhood Plan stipulates that new development must, amongst other things, use high quality, durable materials, to complement the site and surrounding context. Policy DES2 states that development proposals must preserve or enhance the character or appearance of the Madeley Conservation Area.

The Old Hall occupies a prominent position within the Conservation Area, and is certainly considered as one of the main focal buildings within the area. The Madeley Conservation Area Appraisal highlights the building as being visually striking in the centre of the village, but it does have later additions and alterations, including the 1970s orangery extension subject to this application.

Given the siting of the orangery, it is not readily visible from wider public vantage points within the Conservation Area. The changes proposed are minimal, and in some aspects enhance the appearance of the orangery extension, particularly the replacement of the existing three UPVC rooflights with one aluminium skylight. Therefore, the proposal would successfully maintain and enhance the significance of both the Conservation Area and this Grade II* listed building.

The development therefore complies with the relevant policies of both the Core Spatial Strategy and the Local Plan as well as the policies of the Madeley Neighbourhood Plan and the Framework.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who

are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

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

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

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

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

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

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

APPENDIX

Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

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

Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy B6: Extension or Alteration of Listed Buildings
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

[Madeley Neighbourhood Development Plan 2018-2037](#)

Policy DES1: Design
Policy DES2: Development in the Madeley Conservation Area

Policies and Proposals in the approved Development Plan relevant to the decision on the application for Listed Building Consent:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 \(adopted 2009\) \(CSS\)](#)

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

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

Policy B6: Extension or Alteration of Listed Buildings

Other Material Considerations include:

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

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

[Supplementary Planning Documents \(SPDs\)](#)

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

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

Relevant Planning History

07/00965/LBC	Internal and external alterations	Permitted
09/00681/FUL & 09/00682/LBC	Conversion and extension of outbuilding into living accommodation	Refused
10/00416/FUL&	Conversion and extension of outbuilding into living	Permitted

10/00417/LBC	accommodation	
13/00439/LBC	Conversion and extension of outbuilding into living accommodation	Permitted
15/00764/LBC	Reinstatement of staircase from first floor to Attic to create a bedroom and shower room with associated partition walls and removal of part of the victorian beam	Permitted
15/01028/LBC	Reinstatement of staircase from first floor to Attic to create a bedroom and shower room with associated partition walls and removal of part of the victorian beam	Permitted
16/00252/LBC	Removal of two cross braced trusses	Permitted
18/00620/LBC	The gable end window in the bedroom loft window, in the gable above the main side entrance is to have one pane removed and converted to an opening window to match the loft window at the front	Permitted
21/00206/LBC	To replace the soft wood French doors on the rear of the property from the kitchen to the patio area with Oak Bi-folding doors.	Permitted

Views of Consultees

The Council's **Urban Design and Conservation Officer** raises no objections to the proposals due to the limited impact on the buildings with no harm caused to the historic part of the building. The officer notes that the existing roof structure is not entirely appropriate, and the lightweight aluminium lantern proposed will be a more sensitive approach than the 3, rather clumsy roof lights in place currently.

The **Conservation Advisor Working Party** raised no objections to the proposal providing that the renewal of the roof was undertaken in appropriate materials such as lead and had longevity. Members did question the need for the rooflight at all, and if so, it should be positioned the other way around.

Historic England do not wish to offer any advice on the proposals and, instead, have recommended that the views of the Council's specialist Conservation and Archaeological advisers are sought.

Comments were also invited from **Madeley Parish Council** but in the absence of any comments from them by the due date of the 18th July it must be assumed that they have no observations to make upon the application.

Representations

None received.

Applicant's/Agent's submission

The applications are accompanied by a Design and Access Statement.

The document is available for inspection online via the following links:

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/22/00550/FUL>

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/22/00551/LBC>

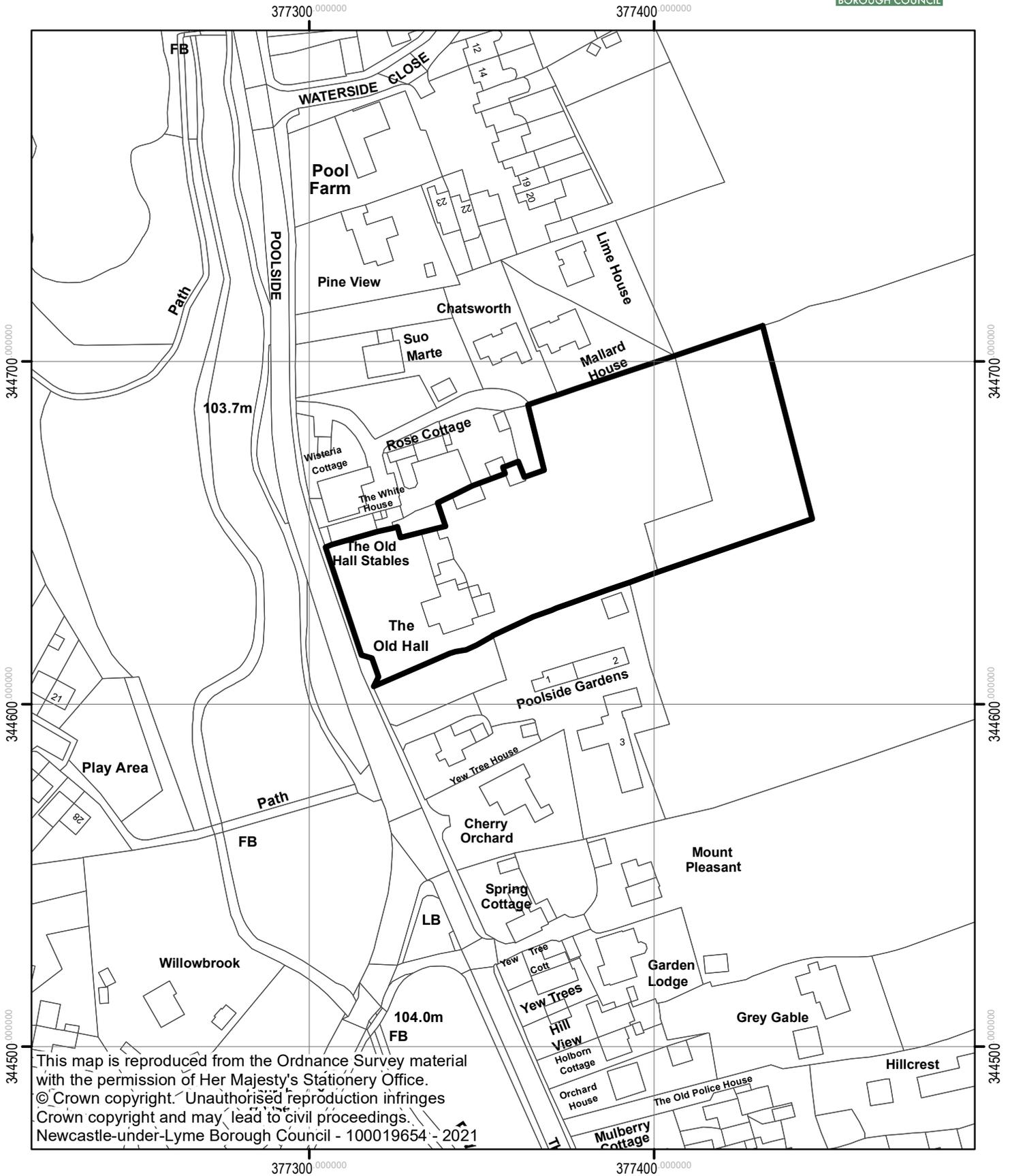
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st August 2022

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1 COPPER CLOSE, STOKE-ON-TRENT
MR AND MRS HOPPER

22/00594/FUL

This application seeks the variation of condition 2 of planning permission reference 20/00894/FUL to substitute approved plans with amended plans in order to change the design of a proposed two storey side extension.

The property is a detached dwelling located within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The statutory 8 week determination period expires on the 6th September.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

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

Reason for Recommendation

The proposed extension is considered to represent a proportionate addition to the dwelling that would not have any adverse impact on the character or appearance of the original building or the integrity of the street scene and surrounding area. There would also be no detrimental impact on the residential amenity of neighbouring properties. The proposals accord with Policy H18 of the Newcastle under Lyme Local Plan 2011, Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the guidance and requirements of the National Planning Policy Framework 2021.

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

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

KEY ISSUES

This application seeks the variation of condition 2 of planning permission reference 20/00894/FUL to substitute approved plans with amended plans in order to change the design of a proposed two storey side extension.

The property is a detached dwelling located within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

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

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

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

- The design of the proposals and the impact upon the character and appearance of the area
- The impact upon neighbouring properties in terms of amenity
- The impact on parking and highway safety

- Reducing Inequalities

The design of the proposals and the impact upon the character and appearance of the area

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

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

Planning permission was granted on the 14th December 2020 for a two storey side and rear extension under application reference 20/00894/FUL. This variation of condition application now seeks to alter the design of the approved extension.

The proposed side extension is to be lowered from a height of 8.35m to 6.86m and the first floor section of the proposal will be set back further from the front elevation of the main dwelling which will result in the loss of a first floor en-suite bathroom. In addition to the above, the small two storey rear section of the previously approved scheme is to be omitted but new traditionally styled pitched roof dormer windows will be added to both the front and rear facing sections of the side extension.

The proposed alterations will allow the proposal to be seen as a subordinate addition to the host property and it is still considered that the proposal is acceptable with regards to its design and visual impact. It should also be noted that neighbouring dwellings surrounding the application site vary in their scale and design, with many having implemented various alterations, which will ensure the proposal would not be out of character with the appearance of the wider locality.

On the basis of the above, it is considered that the proposed development accords with Policy H18 of the Local Plan, Policy CSP1 of the CSS and the aims and objectives of the NPPF.

The impact upon neighbouring properties in terms of amenity

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

Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The relationship between the proposed development and neighbouring dwellings is compliant with the advice of the SPG. In conclusion there is no significant adverse impact to neighbouring living conditions. No objections to the proposal have been received from neighbouring properties.

On the basis of the above the proposed development would accord with the guidance and requirements of the NPPF.

The impact on parking and highway safety

Paragraph 111 of the Framework 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 on the road network would be severe.

The proposed extension would result in the same number of bedrooms as the extension that was approved under the existing planning permission for a two storey extension.

Alterations to the existing driveway are proposed but these do not raise any significant concerns.

Therefore, as there would be off street car parking spaces for at least 3 vehicles, the property would provide sufficient off street parking in accordance with the standards outlined in Policy T16 of the Local Plan, and is unlikely to result in any adverse parking and/or highway safety implications.

The proposal complies with Policy T16 of the Local Plan as well as the provisions of the NPPF.

Reducing Inequalities

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

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

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

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

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

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

APPENDIX

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

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

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

Policy H18: The design of residential extensions, where subject to planning control
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

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

Relevant Planning History

10/00278/OUT - 12 dwellings Permitted

14/00235/REM - Erection of 12 dwellings, 10 semi detached and 2 detached dwellings Permitted

20/00894/FUL – Two storey side extension – Permitted

Consultees

Kidsgrove Town Council have not responded to date but the statutory publicity period does not expire until the 14th August 2022.

Representations

None received to date but the statutory publicity period does not expire until the 14th August 2022.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00594/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27th July 2022

22/00594/FUL
1 Copper Close,
Stoke-on-Trent,
ST7 4EJ



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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 1st February 2022, of the progress in relation to the pursuance of breaches of planning obligation secured through planning permission reference 11/00284/FUL for the erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale.

RECOMMENDATION

That the information be received.

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

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

As this case may proceed further, officers are mindful of the need for the Council to protect its position should the case proceed to Court. Accordingly, precise details of what action may be taken are not provided at this time. Officers will provide an update at the meeting with regard to how the Council's case has been advanced if appropriate.

Date report prepared: 29th July 2022

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 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.

Following the resolution of the planning committee of the 19th July, a letter was sent to the Planning Inspectorate (PINS) from the Chief Executive, Planning Portfolio Holder and Chair of Planning Committee, expressing deep concerns regarding the handling of the appeal.

A response was received from PINS offering a date in early September. Feedback on this from the appellant's agent suggests an alternate date, again in early September, and confirmation of a settled position is currently being sought from PINS. Any update received in advance will be reported verbally to the Committee meeting.

Date report prepared:

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

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

RECOMMENDATION

That the information be received.

Latest Information

As previously reported, works to the track were largely complete and there was enough appropriate material on the land to complete the works. In addition the landowner was preparing the land for reseeded to enable completion of the approved landscaping works.

No recent complaints have been received and as part of the monitoring process a site visit is scheduled in the coming weeks.

Date Report Prepared – 1st August

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