

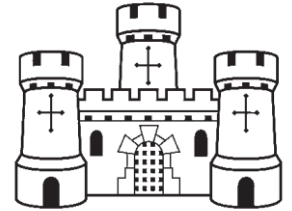
# Public Document Pack

**Date of meeting** Tuesday, 8th November, 2022

**Time** 7.00 pm

**Venue** Queen Elizabeth II & 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(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF PEPPER STREET, KEELE. SEDDON HOMES. 22/00094/FUL** (Pages 7 - 14)
- 5 APPLICATION FOR OTHER DEVELOPMENT - LAND AT STATION ROAD, ONNELEY. MR J FINNEY. 22/00245/FUL** (Pages 15 - 28)  
This item contains a supplementary report at page 25
- 6 LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MR CHRIS ANDREWS. 20/00972/DOB** (Pages 29 - 34)
- 7 URGENT BUSINESS** (Pages 35 - 36)  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Following agreement with the Vice-Chair, this item is considered urgent as a request was made at the previous meeting, to bring an update on this breach to every meeting of the Planning Committee until it is resolved.

**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.

**Planning Committee - 11/10/22**

Watch the meeting [here](#)

The Committee did not agree with the officer's recommendation to permit this application and following a lengthy debate, voted in favour of refusal.

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

The site is not a sustainable location for further residential development by virtue of the limited public transport available, the best and most versatile agricultural land that would be lost and the harm to the character and appearance of the countryside. These harms weigh heavily against the development outweighing the contribution to housing supply that the scheme would make. The development would therefore be contrary to Policies CSP1, CSP4 and SP3 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies N17 and N21 of the Newcastle-under-Lyme Local Plan 2011, Policies HG1 and NE1 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan and the aims and objectives of the National Planning Policy Framework (2021), including paragraph 174b.

[Watch the debate here](#)

**4. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CROSS STREET, CHESTERTON. DURATA DEVELOPMENT LTD. 22/00012/REM**

*The Chair did not vote on this application*

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

- (i) Link to outline planning permission and conditions;
- (ii) Approved plans;
- (iii) Facing and roofing materials;
- (iv) Boundary treatments;
- (v) Hard and soft and landscaping, including semi-mature tree planting and associated method statement and management proposals;
- (vi) Waste storage and collection arrangements;
- (vii) Provision of access and parking arrangements;
- (viii) The relocation of existing bus stop on Church Street and the relocation of existing street lighting and telegraph pole columns;
- (ix) Approval does not constitute the LPA's approval of other conditions of the outline planning permission, these needing to be subject of separate application.

[Watch the debate here](#)

**5. APPLICATION FOR MAJOR DEVELOPMENT - PARK HILL FARM, PARK LANE. MRS PAT PIMLOTT. 22/00214/FUL**

During this application the Chair moved an extension of the meeting until 10.30pm. This was unanimously agreed.

*Amended recommendation proposed by Councillor Fear and seconded by Councillor Panter.*

Following a lengthy debate, Members felt that there was insufficient information to determine the application and voted in favour of a deferral.

**Resolved:** That the application be deferred to enable additional information to be provided regarding the location and measurements of passing bays on Park Lane

[Watch the debate here](#)

6. **APPLICATION FOR OTHER DEVELOPMENT - LAND NORTH WEST OF BOWER END FARM, MADELEY. HIGH SPEED TWO (HS2) LIMITED. 22/00747/SCH17**

**Resolved:** That the Schedule 17 application be permitted subject to the undermentioned condition:

- (i) Carried out in accordance with the approved plans.

[Watch the debate here](#)

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

**Resolved:** (i) That the information be received  
(i) That a further update report be brought to Committee in 2 meetings time.

[Watch the debate here](#)

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

**Resolved:** (i) That the information be received  
(ii) That a further update report be brought to Committee in 2 meetings time.

[Watch the debate here](#)

9. **LAND NORTH OF PEPPER STREET, KEELE. SEDDON HOMES LIMITED. 22/00533/DOB**

Members agreed that the applicant be advised that this would be the last extension of time that would be granted on this application.

**Resolved:** That the application to modify the S106 agreement, by extending the period of time within which the developer must substantially commence development before the need for a revised viability report is triggered to 6<sup>th</sup> March 2023, be approved.

[Watch the debate here](#)

10. **TREE PRESERVATION ORDER - 32 THE VILLAGE, KEELE. TPO218**

***Planning Committee - 11/10/22***

**Resolved:** That Tree Preservation Order No 218 (2022), Land at 32 The Village Keele be confirmed as made and that the owners of the site be informed accordingly.

[Watch the debate here](#)

**11. URGENT BUSINESS**

There was no Urgent Business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 10.09 pm

**LAND NORTH OF PEPPER STREET, KEELE**  
**SEDDON HOMES**

**22/00094/FUL**

The application seeks the removal of condition 21 of planning permission 13/00970/OUT (Residential development, maximum of 100 dwellings) which requires that there should be no impact piling undertaken during the construction of the development.

The site was previously used for a mix of commercial purposes, however the site has now been cleared in preparation for development.

The application site falls within the Green Belt and is also within an area of landscape restoration as defined by the Local Development Framework Proposals Map. The Haying Wood within the site is protected by Tree Preservation Order No. 1.

**The 13 week period for the determination of this application expired on the 17<sup>th</sup> May, however an extension of time has been agreed until the 11<sup>th</sup> November 2022.**

**RECOMMENDATION**

**PERMIT the removal of condition 21 of planning permission 13/00970/OUT subject to the imposition of all other conditions attached to the permission that remain relevant at this time, amended as necessary.**

**Reason for recommendations**

Through the submission of a noise impact assessment and supporting information it has been demonstrated that the removal of the condition is considered to be acceptable with respect of its impact on the living conditions of nearby properties. Subject to all of the conditions of 13/00970/OUT which still remain relevant and necessary to make the development acceptable, condition 21 can be removed. The proposal is therefore compliant with the guidance and requirements of the National Planning Policy Framework.

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

Additional information has been provided in support of the application and the proposal is now 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**

The application seeks to remove condition 21 of planning permission 13/00970/OUT (Residential development, maximum of 100 dwellings) as to allow pile driving to be used in the development of the site. The reason for the condition was in order to protect the amenity of nearby local properties which are situated along Pepper Street and Quarry Bank.

The applicant has set out that the use of non-impact piling has a significant cost implications for the overall development and on that basis they wish to ensure that the development still remains viable. Therefore they have identified cost savings by the use of piling works during construction.

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 main issue for consideration in the determination of this application is whether the removal of the condition would have a significant and adverse impact on the living conditions of residential properties in the area or not?

#### The impact on the living conditions of neighbouring properties

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

The application is supported by a detailed noise impact assessment (NIA) which has been carried out by Wardell Armstrong LLP, the assessment concludes that piling could be undertaken at the site without causing a significant adverse effect at existing receptors.

The Environmental Health Division (EHD) have reviewed the submitted NIA and sought further clarity on details relating to airborne noise and ground borne vibration levels. This information has now been submitted and EHD have confirmed that the details are acceptable and subsequently recommend condition 21 can be removed. However, the Construction Method Statement (CMS), secured by condition 19 will now need to be updated to reflect the use of impact piling. Therefore, notwithstanding the already agreed CMS, condition 19 will be worded in a manner that requires updated CMS information to be submitted for approval. It should also be noted that the hours of use when the pile driver could be used would be limited to between 08:00 to 18:00 On Monday to Fridays and between 8:00 and 13:00 on Saturdays, as set out in the previously approved CMS.

In the absence of any objections from EHD and subject to the imposition of all other conditions attached to planning permission 13/00970/OUT that remain relevant at this time, amended as necessary, it is considered that the living conditions enjoyed by neighbouring properties will be maintained, as required by 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 noted that access to all dwellings will be level and compliant with Part M of Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

## **APPENDIX**

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy 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 S3: Development in the Green Belt  
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy E11: Development of Employment Land for Other Uses  
Policy T16: Development - General Parking Requirements  
Policy T18: Development – Servicing Requirements  
Policy C4: Open Space in New Housing Areas  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local Species  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N21: Area of Landscape Restoration

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

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

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

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

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

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

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

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

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

#### [Relevant Planning History](#)

|              |                |  |
|--------------|----------------|--|
| 13/00970/OUT | Permitted 2014 | Residential development (maximum of 100 dwellings)   |
| 18/00262/REM | Permitted 2018 | Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings   |
| 20/00431/DOB | Permitted 2020 | Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to planning permission ref 13/00970/OUT |

|              |                    |   |
|--------------|--------------------|---|
| 21/00780/DOB | Permitted 2020     | Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 2 April 2015 (13/00970/OUT), the Deed of Variation dated 17 December 2019 and S106A decision dated 20 August 2020, reference 20.00431.DOB (S106A Decision)  |
| 21/00952/FUL | Permitted 2021     | Application for variation of condition 2 of planning permission 18/00262/REM to allow substitution of house types   |
| 22/00533/DOB | Not yet determined | Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 2 April 2015 (13/00970/OUT) and the Deed of Variation dated 17 December 2019 (ref. 21/00780/DOB) as varied by the S106A decision dated 20 August 2020 (ref. 20/00431/DOB) and further varied by way of the S106A decision dated 17th September 2021 (21/00780/DOB). |

#### Views of Consultees

**The Environmental Health Division** recommend that the condition be discharged on condition that the approval is based on the submitted information. They also strongly encourage the developer to adopt best practices and to give consideration to signing up to the Considerate Contractors Scheme given the sensitivities and public concern regarding development of this site expressed pre and post approval.

**The Environment Agency** raise no objections to the proposal

**Keele Parish Council** object to the removal of the condition as they consider it is necessary to protect the amenity of residents.

#### Representations

**Two** objections letters have been received from local residents who raise concerns to the removal of the condition as they consider this will result a negative impact to their residential amenity.

#### Applicant/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/22/00094/FUL>

#### Background Papers

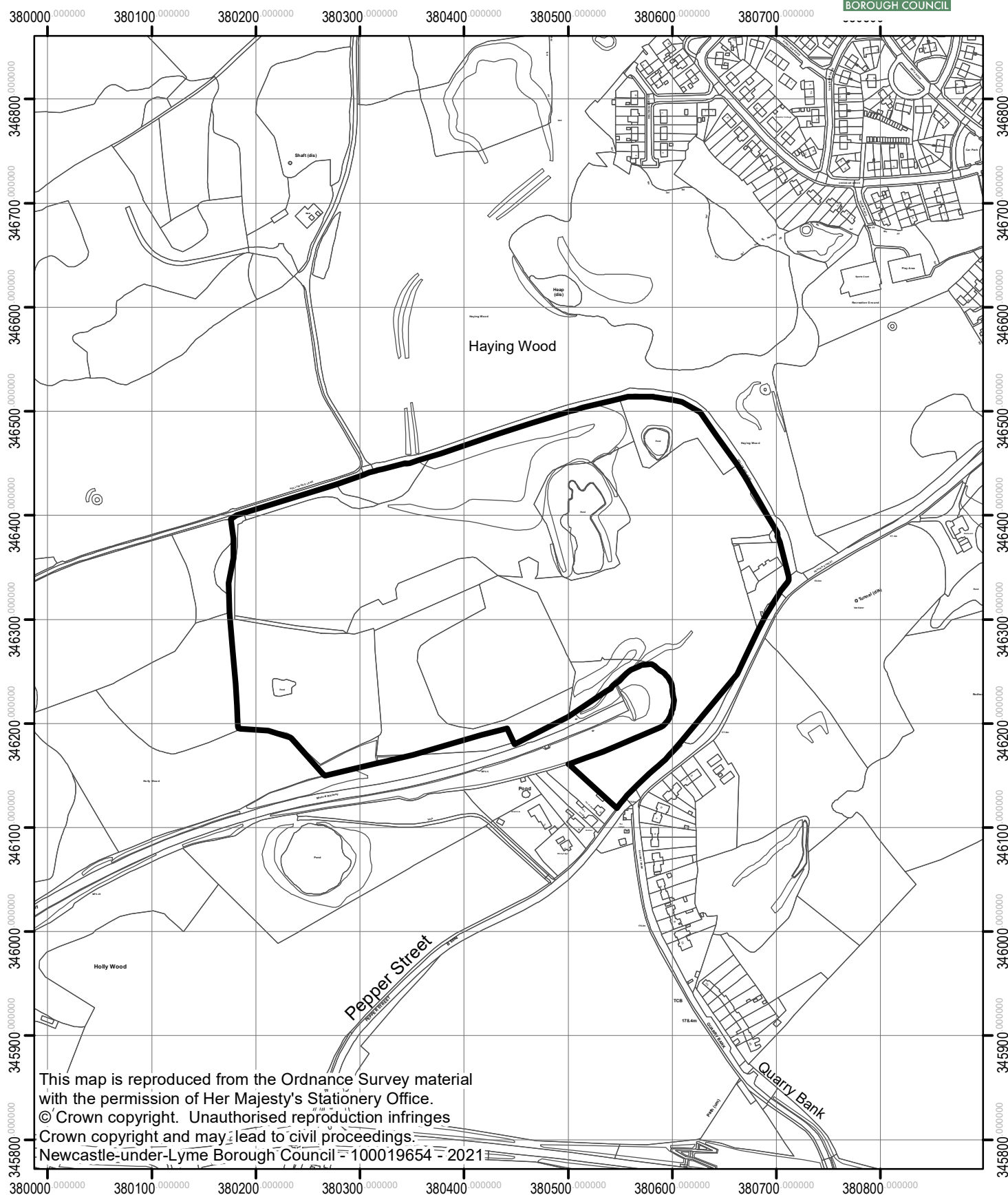
Planning File  
Development Plan

#### Date report prepared

26<sup>th</sup> October 2022

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**22/00094/FUL**  
**Land North Of Pepper Street**  
**Keele**



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**LAND AT STATION ROAD, ONNELEY**  
**MR J FINNEY**

**22/00245/FUL**

The application seeks full planning permission for the change of use of an agricultural field to a Holiday Lodge Site. The site is located within the rural area of the Borough and falls within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map.

The application has been called in to Committee by Councillors Gary White and Simon White on the grounds that the application site is in an unsustainable location and also due to highways and amenity concerns.

**The 8 week period for the determination of this application expired on the 30<sup>th</sup> March 2022 however an extension of time has been agreed until 11<sup>th</sup> November 2022.**

## **RECOMMENDATION**

**Refuse for the following reasons:**

- 1. The traffic generated by the proposed development would be likely to result in an increase in highway danger owing to use of the existing A525 / Station Road Priority Junction, which affords restricted visibility to the right for drivers emerging from Station Road onto the A525. The proposal therefore fails to meet the requirements of paragraph 111 of the NPPF and TRA1 of the Neighbourhood Plan.**
- 2. Insufficient information has been submitted with the application to demonstrate that adverse environmental impacts relating to noise, pollution and antisocial behaviour will not occur as a result of the development. The proposal could therefore lead to an adverse impact to the residential amenity of nearby properties which is contrary to requirements of part (f) of paragraph 130 of the National Planning Policy Framework.**

## **Reason for Recommendation**

Whilst the location of the proposed campsite represents a suitable location for a new rural business relating to tourism within the Borough, the proposal would result in an increased risk to highway safety and would negatively impact the residential amenity of nearby properties. The appropriate course of action is therefore to refuse the application.

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

Officers have discussed the main concerns with the applicant, however there are fundamental objections to the development, which cannot be resolved in an acceptable period of time and therefore, the appropriate course of action is therefore to refuse planning permission.

## **Key Issues**

Full planning permission is sought planning permission for the change of use of an agricultural field to a Holiday Lodge Site. The proposal would include 12 holiday lodges, each of would measure 20ft x 42ft and would be large enough to provide space for 6 occupants. Access to the site would be directly from Station Road. The site is located within the rural area of the Borough and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map.

The proposal does not proposed the removal of any trees from the site and therefore key issues in the determination of this application are considered to be:

- Whether or not the principle of development is acceptable
- Design and visual impact
- The impact on residential amenity
- Parking and Highway safety
- Other Matters
- Reducing Inequalities

#### **If the principle of development acceptable?**

The application site is located in a rural location, which falls outside of any recognised settlement boundaries. Saved Policy C17 of the Local Plan requires that certain considerations be given to new camping and caravan sites within the Borough, these considerations include the visual impact of proposals, the impact on residential amenity, the impact on highway safety and the need for such facilities in the area.

Paragraph 84 of the NPPF supports the creation and expansion of rural businesses.

The application site is located in a rural location and would require most users of the site to rely on a private vehicle to access the site, although unsustainable in that respect, paragraph 85 of the NPPF notes that:

*'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'*

The application site is only accessible by vehicles from Station Road, which is an unlit narrow road and there are no bus stops in the area which could be utilised by visitors.

It is acknowledged that holiday lodge sites will normally always require a rural location, and that whilst there is a lack of services and facilities in the nearby area, the proposal does also bring with it the economic benefits which will help to enhance the economic viability of the surrounding area. Research completed by officers demonstrates that there is no other camping or holiday lodge provision within the nearby area and whilst there is a camping site at Doddington (Milldale Scout Campsite) which is 8.3km from Onneley, this site is for tent pitch camping and not holiday lodges. It can therefore be concluded that there is a lack of holiday lodge provision within the local area which the proposal would help to address if approved.

Given the above it is considered, on balance, that the principle of the proposal is acceptable but there are other material considerations which will also need consideration.

#### Design and visual impact

Paragraph 126 of 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. Furthermore, paragraph 130 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of



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

Policy DES1 of the Neighbourhood Plan states that new development complement the local context and should avoid the appearance of overdevelopment and over urbanization, taking account of the rural character of the area.

Saved policy N18 of the Local Plan states that within Areas of Active Landscape Conservation as shown on the Proposals Map the Council will support, subject to other plan policies, proposals that will help to conserve the high quality and distinctive character of the area's landscape. Development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

The proposal would comprise of 12 holiday lodges, each of would measure 20ft x 42ft and would single storey in design. No details of the external appearance of the holiday lodges have been provided with the application however, this aspect of the proposal could be controlled through the use of a condition. The application site is a small open agricultural field that runs adjacent to Station Road which is located to the south west and south east. The siting of 12 holiday lodges with associated parking would result in a clear visual change to the application site and this would result in some localised visual harm in respect that proposal would partially remove the open nature of this area of countryside. The application site is however in close proximity to a number of existing residential dwelling which will help to ensure that any holiday lodges on the site would be seen in context with the cluster of nearby buildings rather than appearing as an isolated feature in the wider landscape.

The site also benefits from a good level of screening along its boundaries which is made up of a mixture of existing mature trees and hedgerows which will help to soften the visual impacts of the proposal on the wider area. The proposed site plan submitted in support of the application also proposes a row of new trees close to the sites north western boundary which will further help to soften visual impacts of the proposal. Whilst some views of the holiday lodges would be seen from Station Road through gaps in the surrounding vegetation, it is not considered that the visual harm associated with the proposed development would be significant.

Is the development acceptable in respect of its impact upon residential amenity?

The Framework states within paragraph 130 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Supplementary Planning Guidance (SPG) Space Around Dwellings (2004) provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

A number of objections have been received by local residents which raise concerns that the proposal would result in an adverse impact to residential amenity. Concerns have also been raised by The Councils Environmental Health Team who note that noise complaints have been received from other rural holiday sites within in the Borough.

Whilst each site must be based on its own merits and constraints, the proposal could see the introduction of up to 52 people (possibly with pets) in what is currently a quiet rural location. It is recognised that people using holiday accommodation often bring their families and dogs with them, and during daytime hour's a certain level of noise could be expected from children playing outside and from dogs barking. During periods of good weather users of the site would be likely to sit outside until late into the evening and there would be nuisance associated from the noise of conversation but also nuisance from odour and smoke from cooking and bbq's. There is also the potential for noise nuisance from TV's and sound systems. Additional concerns have

also been raised by the EH team relating to noise and light nuisance from vehicles movements to and from the site, which could potentially occur early in the morning or late in the evening.

No details have been submitted in support of the application to demonstrate how noise and pollution issues will be addressed, and as the site does not appear to be warden controlled, it would be difficult for any issues relating to noise or anti-social behaviour to be managed quickly, even with a noise management plan in place. The property titled 'Graceland' which is located to the north of the application site would likely be the most affected by the proposed development due to its close proximity, however other properties nearby would still likely be impacted to a significant degree.

The applicant has not demonstrated how noise and environmental impacts which would lead to an adverse impact on residential amenity from noise, pollution and antisocial behaviour are to be mitigated, therefore it is considered that the application should be refused.

#### Parking and Highway Safety

At paragraph 111 the NPPF indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph TRA1 of the Neighbourhood Plan states that development must not cause any severe adverse impact on capacity or road safety.

The holiday lodge site proposed would have a total of 12 lodges, each of which would have allocated parking for 2 vehicles, the site is accessible directly from Station Road which is an unclassified 4-metre-wide rural road with no footway provision. A detailed Transport Statement has been submitted in support of the application which concludes that the proposal is unlikely to have any significant impact on traffic safety or traffic levels along the local access road and that the necessary required visibility splay distances can easily be met.

The Highways Authority have been consulted on the application and have raised objections to the proposal on the basis that the plans failed to demonstrate visibility splays onto Station Road from the access point and that the traffic generated by the proposal would be likely to result in an increase in highway danger owing to use of the existing A525 / Station Road Priority Junction. The Highways Authority raised a further objection regarding the unsustainable location of the application site.

In response to these objections, the agent of the application has proposed the introduction of a 30mph speed limit on the A525 through Onneley in combination with some alterations to improve visibility at the junction of Station Road with the A525. Amended details of the visibility splays on Station Road for the access to the site have also been provided.

The proposed changes to the A525 would need to be subject to a Traffic Regulation Order, which is a separate form of consent to planning permission and would need to be determined by the Highways Authority. Whilst the Highways Authority note that the principle of the proposed changes to the A525 are acceptable, insufficient details have been provided by the applicant at this stage as to allow the Highway Authority to come to conclusion on whether the Traffic Regulation Order could be successfully implemented or not. The agent of the application has suggested a Grampian condition is used to link the outcome of the Traffic Regulation Order application to any planning permission granted, however without the formal confirmation from the Highways Authority that the Traffic Regulation Order would be approved, the Local Planning Authority cannot therefore issue a permission subject to a Grampian condition as there would be a risk that the permission could not be implemented.

Given the above the application must be refused on the basis that there is a risk to highway safety which cannot be fully addressed until a Traffic Regulation Order has been submitted to and approved by the HA.

The Highways Authorities comments with regards to the sustainability of the site are noted,

however as set out earlier in this report, it must be acknowledged that holiday sites will normally always require a rural location which is recognised by paragraph 85 of the NPPF. On this basis, the unsustainability of the site is not considered to be a reason in itself to refuse the application.

### Other Matters

Several objection letters received from local residents have raised concerns relating to drainage and flooding issues around Onneley, however the application site falls within flood zone 1 and there is no evidence that the site itself is at any particular risk of flooding. In addition to the above, given the nature of the proposal, it is not considered that the drainage implications of the development would be significant or harmful.

Concerns have also been raised about the lack of details relating to waste storage and management and electrical vehicle charging points, however it is considered that these matters could be addressed through the use of appropriate conditions if the application were to be permitted.

Concerns relating to incorrect information submitted in support of the application are noted, however it is considered that the details provided in support of the application have been sufficient enough to allow an accurate assessment of the proposal to take place, a site visit has also been completed by the case officer.

One objection letter received notes the proposal would harm Green Belt land, however the site falls outside of any land designated as being within the Green Belt and so this concern is not relevant to the proposal.

A concern has also been raised in one objection letter that the proposal would have an adverse impact on local wildlife. It must be recognised that the application site is comprised of an open agricultural field which could be used for grazing animals at any time of the year, and given that there are no works to the surrounding trees is being proposed as part of the proposal it is not considered that the application could reasonably be refused on ecological grounds.

### Reducing Inequalities

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

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

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

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

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

- Eliminate unlawful discrimination

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

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

## APPENDIX

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

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

|              |   |
|--------------|---|
| Policy 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           |

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

|             |   |
|-------------|---|
| Policy C17: | Camping and Caravan Sites   |
| Policy H1:  | Residential Development: Sustainable Location and Protection of the Countryside |
| Policy T16: | Development – General Parking Requirements                                      |
| Policy N12: | Development and the Protection of Trees   |
| Policy N18: | Areas of Landscape Conservation   |

#### [Madeley Neighbourhood Plan \(NP\) 2022](#)

|              |                        |
|--------------|------------------------|
| Policy DES1: | Design                 |
| Policy NE1:  | Natural Environment    |
| Policy TRA1: | Critical Road Junction |

### **Other Material Considerations**

National Planning Policy

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

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

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

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

#### [Relevant Planning History](#)

16/00029/FUL - Change of use of land to graze and exercise horses on and erection of stable block and improvements to field access – permitted

19/00035/FUL - Erection of two detached dwellings – refused

19/00700/FUL - Erection of two detached dwellings (resubmission of 19/00035/FUL) – refused

#### [Views of Consultees](#)

The **Highways Authority** initially objected to the proposal on the grounds that proposed development would be likely to result in an increase in highway danger owing to use of the existing A525 / Station Road Priority Junction, which affords restricted visibility to the right for drivers emerging from Station Road onto A525. They Highways Authority also raised objections to the unsustainable location of the application site. Following the submission of additional information which included plans to alter sections of the A525 using a Traffic Regulation Order, the Highways Authority have stated that whilst there is no objection in principle to the TRO, there is currently insufficient information to determine whether the Traffic Regulation Order could be successfully implemented and therefore recommend that the application is refused.

The **Environmental Health Division** object to the proposal on the basis that the details submitted in support of the application have not demonstrated that nuisance from noise, light and air pollution can be satisfactorily addressed at the site. It is considered by the EH team that the introduction of potentially up to 52 people and their dogs will be noticeable and will cause a reasonably foreseeable adverse impact on the established noise climate which local residents will have become accustomed to. They conclude that the applicant cannot demonstrate that adverse noise and environmental impacts from pollution and antisocial behaviour will not occur and accordingly they formally object to this application and recommends refusal.

**Waste Services** have provided the following comments:

- The indicative layout makes no reference to a bin storage area for the presentation of waste/recycling generated on the site.
- The storage will need to be provided on the basis of 180ltrs refuse per unit per fortnight. The layout of the site would also need to take account of the need for access, and safe turning (away from parked cars and areas pedestrians may be crossing), for a 26tonne collection freighter. This store and turning area should be provided within the site. A store at the entrance to the site will not be acceptable as it is unsafe to stop a collection vehicle on a single width carriageway while collection operations take place

The views of the **Landscape Development Section, Madeley Parish Council and Shropshire County Council** have been sought however no representations have been received from these consultees within the statutory period of public consultation and it is therefore assumed that they have no comments on the application.

#### Representations

24 letters of objections have been received by 18 different residents which raise the following concerns:

- Unsustainable location with lack of local services
- Lack of need for the type of development
- Noise and light pollution
- Loss of privacy
- Anti-social behaviour
- Waste generated by the site
- The traffic survey was completed during the lockdown period when there were fewer cars on the road
- Visual harm and contrast with local properties
- Overdevelopment of the site
- Lack of information submitted with the application
- Misleading or incorrect information provided in the submitted plans and supporting documents
- Highway Safety
- Lack of public transport
- Lack of electrical car charging points
- Drainage and flooding
- Utilities
- Traffic will also worsen in the area due to HS2
- Green Belt land needs protecting
- Impact on wildlife

#### Applicant/agent's submission

The planning application is supported by the requisite application form, plans, a transport statement and a supporting statement.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00245/FUL>

Background Papers

Planning File  
Planning Documents referred to

Date Report Prepared

25<sup>th</sup> October 2022

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8<sup>th</sup> November 2022**

**Agenda Item 5**

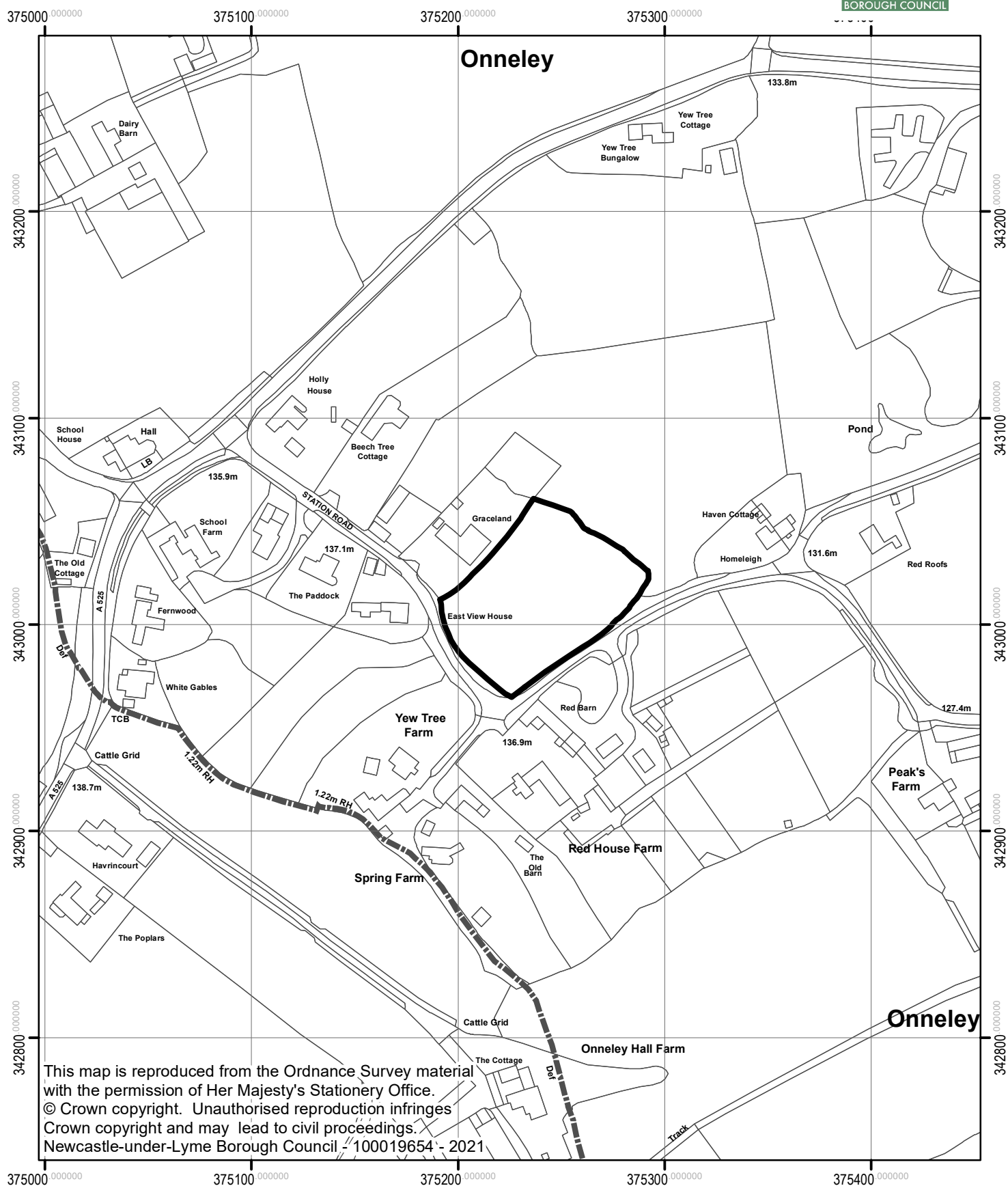
**Application Ref. 22/00245/FUL**

**Land at Station Road, Onneley**

Since the publication of the main agenda report the applicant has **WITHDRAWN** the application.

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# 22/00245/FUL Land At Station Road Onneley



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**LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH**  
**MR CHRIS ANDREWS**

**20/00972/DOB**

The application is for the modification of a planning obligation made under Section 106 relating to outline planning permission 17/00514/OUT for residential development of up to 35 dwellings.

The completed S106 agreement secured 25% Affordable Housing onsite, a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley.

The applicant wishes to modify the terms of the secured S106 Agreement following part of the site, which formed part of the outline planning application, being sold since the decision. The applicant has also advised that the scheme cannot support the secured level of S106 Obligations.

Members will recall that a previous report came before the 9<sup>th</sup> November 2021 planning committee.

**RECOMMENDATION**

**That the application to modify the S106 agreement, to change the red edge site boundary and to secure a financial contribution of £80,726 towards secondary school places at Madeley High School, Madeley, a contribution of £80,000 towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to education places, off site public open space and/ or affordable housing, if the development is not substantially commenced within 18 months from the date of the decision of the reserved matters application, reference 21/00593/REM, and the payment of such a contribution if then found financially viable, be approved.**

**Reason for Recommendation**

That substantial commencement can be extended from 12 months to 18 months to allow the delivery of the development, accounting for delays in completing a S106 agreement following the 9<sup>th</sup> November 2021 planning committee.

**Key Issues**

1.1 A report came before the 9<sup>th</sup> November 2021 planning committee whereby members resolved to support the modification of the Section 106 Obligations secured under the original outline planning permission, reference 17/00514/OUT, for residential development of up to 35 dwellings. The resolution of the planning committee was to accept the modification of the S106 agreement, to change the red edge site boundary and to secure a financial contribution of £83,110 towards secondary school places at Madeley High School, Madeley, a contribution of £80,000 towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to education places, off site public open space and/ or affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if then found financially viable..

1.2 Since the 9<sup>th</sup> November planning committee a draft S106 agreement has been in circulation for a number of months but there have been delays due to a number of factors and the applicant has written to the local planning authority setting out their concerns about the implications of these delays. In particular, they have indicated that they will no longer be able to achieve substantial commencement of the development by the 11<sup>th</sup> January 2023 (12 months from the date of the decision of the reserved matters application, reference 21/00593/REM).

1.3 Substantial commencement is defined in the draft S106 agreement as the completion to damp proof course level of no fewer than six dwellings and the construction to base course level only of the access road within the development.

1.4 The draft S106 agreement appears to be agreed by all parties and the land title matters have been progressed. However, there is now less than 3 months for the applicant to achieve substantial commencement of the scheme and they are seeking an extension to the period required to achieve substantial commencement before a review of the schemes financial viability is triggered.

1.5 The applicant wishes to change the timeframe by which substantial commencement should be achieved from 12 months to 18 months. This would require substantial commencement to be achieved by the 11<sup>th</sup> July 2023.

1.6 Members will be aware that the Council sought independent financial advice from Butters John Bee (BJB) in January 2021 and it was concluded that the development could not support the policy compliant contributions of the original S106 agreement dated the 10<sup>th</sup> August 2018. Notwithstanding this advice, the applicant re-evaluated their own financial viability appraisal and made the commercial decision to offer a sum of £80,000 towards public open space and £80,726 towards secondary school places.

1.7 It is unlikely that the financial viability of the scheme has improved due to economic circumstances nationally. However, without independent advice there is no certainty.

1.8 The reason why your officers have consistently recommended a period for substantial commencement to be achieved is on the basis that market conditions, and thus viability, can change and to protect the Councils interests in terms of policy compliant S106 Obligations it is considered reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced. In this instance a period of 12 months of the grant of the permission was suggested on the basis that the development is for 34 dwellings only and the site does not require significant earthworks.

1.9 The applicant advises that a reappraisal would result in significant delays and costs incurred by all parties, whilst also putting the delivery of the scheme in jeopardy. They have also advised that they have a commitment to deliver this scheme and that a further 6 months would allow them sufficient time to achieve this.

1.10 The delays to date have been due to a number of factors and on this basis, whilst also trying to ensure that a development is delivered on the site in a prompt manner, your officers accept that an 18 month period for substantial commencement to be achieved is acceptable in this instance. Whilst the delay is disappointing, it is important to get the development commenced and completed as well as securing developer contributions to support the delivery of local infrastructure.

## **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 CSP5    Open Space/Sport/Recreation  
Policy CSP6    Affordable Housing  
Policy CSP10   Planning Obligations

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

Policy C4        Open Space in New Housing Areas  
Policy IM1:      Provision of Essential Supporting Infrastructure and Community Facilities

### **Other Material Considerations**

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

[Planning Practice Guidance](#) (PPG) (March 2019)

[Supplementary Planning Documents/Guidance](#)

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

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

[Views of Consultees](#)

None

[Representations](#)

None

[Applicant/agent's submission](#)

The application documents are available for inspection via the following link  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00972/DOB>

### **Background Papers**

Planning File.  
Planning Documents referred to.

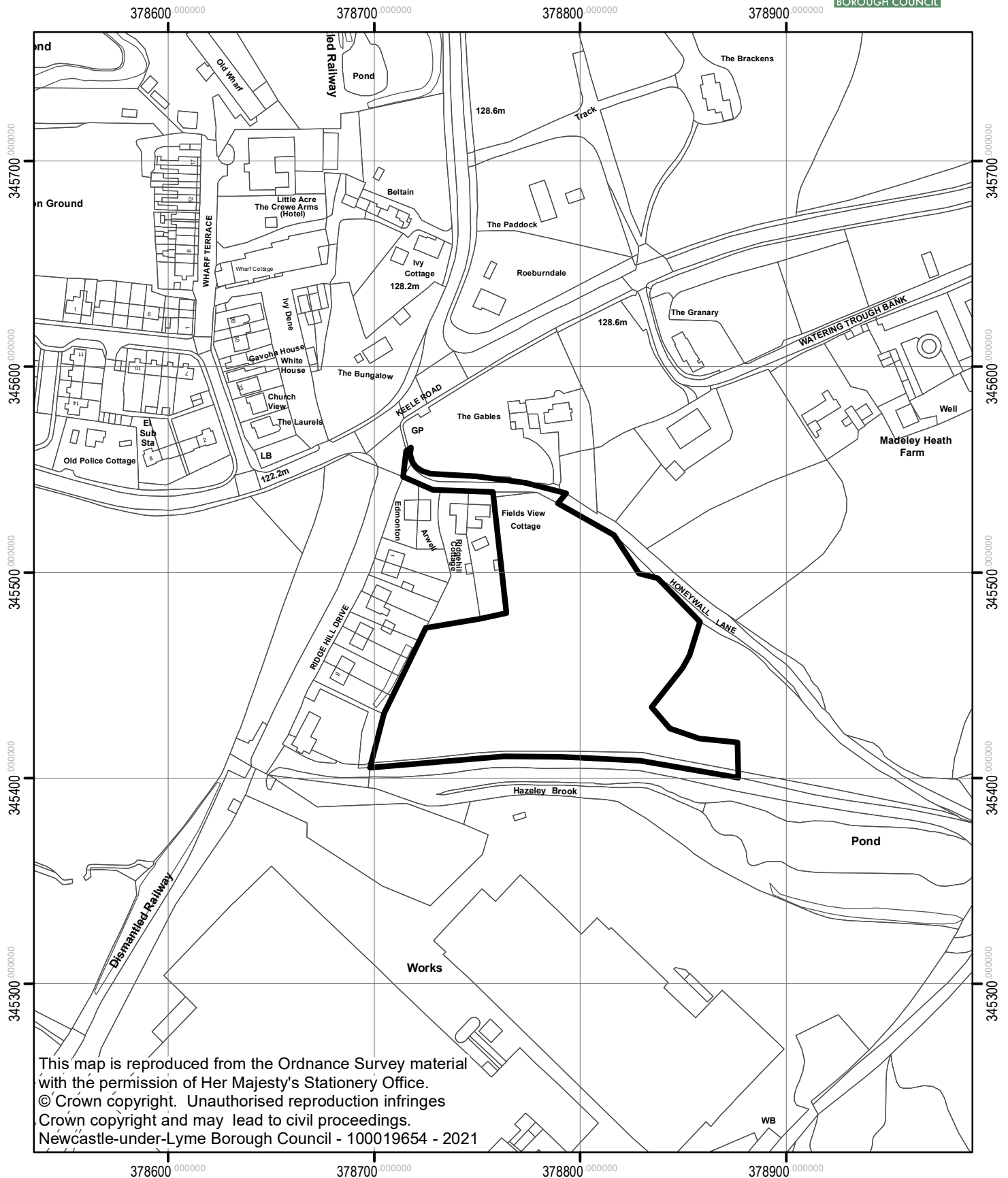
### **Date Report Prepared**

25<sup>th</sup> October 2022

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20/00972/DOB  
Land south of Honeywall Lane



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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 11<sup>th</sup> October 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: 4 November 2022

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